

PROCUREMENT COMPETITION REQUIREMENTS

- 1.0 To advance fiscal responsibility and to promote open and fair competition for District expenditures, the following requirements shall apply for the competitive procurement of all goods and services unless otherwise exempted in District Policy.
 - 1.1 Procurement of goods and services with a total amount of \$5,000 or less is at the discretion of the purchaser to determine the best and appropriate method for purchase, unless a District contract has been established for the good or service.
 - 1.2 Procurement of goods or services with a total amount greater than \$5,000 requires a bid.
 - 1.3 For amounts exceeding \$5,000 but \$25,000 or less an informal bid procedure may be followed and proposals may be received via email or other written means provided that at least three (3) proposals are obtained.
 - 1.4 Procurement of goods or services with a total amount greater than \$25,000 requires a minimum of three (3) written or electronically submitted proposals that may be solicited by formal bids, multi-step formal bids, life-cycle cost bids, requests for proposal and competitive negotiations. The request for proposals for the desired good or service or combination of both shall be developed and/or approved by An Assistant Buyer, Buyer(s), Senior Buyer(s), Bond Contract Administrator or Purchasing Manager prior to submission of the request to the vendors. Purchases shall not be divided for the purposes of circumventing the above specified procedures.
 - 1.5 Procurement of any good or service that may extend beyond one fiscal year must be administered by a Purchasing staff in a manner that is compliant with TABOR.
 - 1.6 Formal solicitation processes shall be conducted by Purchasing staff in cooperation with requesting department(s).
- 2.0 **Invitation for Bids and Requests for Proposals.**
 - 2.1 Invitation for Bids (IFBs) shall be awarded to the lowest responsive, responsible bidder. The District shall consider a variety of factors in identifying the lowest responsive, responsible bidder, including but not limited to cost, quality, durability, warranty and other specified criteria when appropriate.
 - 2.2 Request for Proposals (RFPs) will be awarded on overall value and per criteria and specifications listed in the RFP. Notwithstanding the foregoing, the District reserves the right to reject any or all bids for any reason permissible by law and deemed to be in the best interest of the District as determined at the sole discretion of the District.
- 3.0 **Exemptions.** The following items are exempted from the District's competitive bidding requirements (these exemptions do not apply if using grant funds):
 - 3.1 Purchases made cooperatively with other units of government, including the State of Colorado and local governments, and National Cooperatives. The District, when deemed appropriate by the Chief Financial or Purchasing Manager, may extend its awards to other governmental agencies.
 - 3.2 Purchases and/or sales between the District and federal, state or other governmental agencies.

- 3.3 Supplies, equipment or services which are necessary for District operations and which the Chief Financial Officer reasonably determines may be timely obtained only from a single source. Sole source, single source or emergency purchases are subject to the approval of the Purchasing Manager, Chief Financial Officer, the Chief Officer of the requesting department and the Chief Information Technology Officer for IT related purchases. Requests must be submitted on appropriate form(s) that document in writing the justification for the sole source, single source or emergency purchase.
 - 3.4 Publications (including yearbooks) and proprietary instructional materials. Proprietary instructional materials requests must use Procurement Deviation Justification (PDJ) form.
 - 3.5 Items or products purchased by the District for resale to the public.
 - 3.6 Water, sewer, gas and electric utilities.
 - 3.7 Professional services per Colorado statute 22-32-109(1)(b), except that purchases including architectural, engineering, auditing, legal, medical, environmental, management information, and educational consulting services in an amount exceeding \$5,000 in one fiscal year shall require approval by the Chief Financial Officer or designee.
 - 3.8 Graduation materials.
 - 3.9 Class rings and student photographs.
 - 3.10 Maintenance contracts for proprietary equipment, provided a complete and signed Procurement Deviation Justification form is submitted prior to the execution of the contract.
 - 3.11 Placements made by the Director of Special Education.
 - 3.12 Venues for events hosted off-site.
 - 3.13 Purchases of goods or services funded entirely by a grant or donor, if the grant or donor specifies the goods or services to be purchased.
 - 3.14 Services provided in-house (trades).
- 4.0 **Emergency Waiver.** In the event of emergency, or to protect assets of the District, the Chief Financial Officer may waive the requirements of this policy. If the requirements of this policy are waived the Chief Financial Officer shall take reasonable steps to ensure that the purchase or contract made pursuant to such waiver specifies price, terms, and product specifications which are competitive in the circumstances in which the emergency purchase is made. If the total value of the transaction exceeds \$100,000, the Chief Financial Officer shall notify the Superintendent as to the circumstances of the policy waiver as soon as reasonably possible.
- 4.1 An emergency is defined as an unexpected condition that may create an immediate and serious need for service, construction or purchases that cannot be met through normal competitive procurement methods, and the lack of which would seriously threaten the function of the District, the preservation or protection of property, or the health and safety of any person.
 - 4.2 A request for waiver of policy due to emergency must be submitted on the Procurement Deviation Justification (PDJ) form and contain a written explanation of the nature of the emergency and the reason for invoking the emergency purchasing procedure. If an emergency occurs outside of normal business hours, the form(s) must be completed on the next business day.

- 5.0 **Capital Construction/Facilities Maintenance.** The following bidding requirements shall apply for the procurement of all construction, capital projects, bond-related construction, as well as facilities maintenance-related purchases, unless otherwise exempted in District Policy. Capital construction is defined as any new construction regardless of cost and remodeling or renovation projects. Purchases that are not capital construction, capital projects, bond-related construction, or facilities maintenance are subject to the bid thresholds outlined in Section 1 of this policy. Each individual project meeting the criteria in this Section 5 must follow the applicable bidding requirements below.
- 5.1 Procurement of all capital construction, capital projects, bond-related construction, as well as facilities maintenance-related purchases, with a total amount of \$15,000 or less is at the discretion of the purchaser to determine the best and appropriate method for purchase, unless a District contract has been established for the good or services. No competition is required; however, informal quotes may be obtained as deemed necessary.
- 5.2 Procurement of all capital construction, capital projects, bond-related construction, as well as facilities maintenance-related purchases, with a total amount greater than \$15,000 but less than \$50,000 an informal bid procedure may be followed and proposals may be received via email or other written means provided that at least three (3) proposals are obtained. Informal proposals may be obtained by a District Project Manager, Assistant Buyer, Buyer(s), Senior Buyer(s), Bond Contracts Administrator, or Purchasing Manager. If a District Project Manager obtains proposals on their own for the specified dollar range, they will be responsible for sharing these proposals with Purchasing for review and approval prior to any work being awarded. Full proposal backup including time and material breakdown and complete vendor responses must be provided to Purchasing.
- 5.3 Procurement of all capital construction, capital projects, bond-related construction, as well as, facilities maintenance-related purchases, with a total amount OF \$50,000 or more requires a minimum of three (3) written or electronically submitted proposals that may be solicited by formal bids, multi-step formal bids, life-cycle cost bids, request for proposals, and competitive negotiations. The formal solicitation of the desired good and/or service shall be developed and/or approved by a District Bond Contracts Administrator, Assistant Buyer(s), Buyer(s), Senior Buyer(s) or Purchasing Manager prior to the submission of the request to the vendors. Bid, performance and/or payment bonds are required in circumstances where total projects are \$50,000 or more.
- 6.0 **General Waiver.** Subject to prior approval by the Superintendent, these bidding procedures may be waived for any reason which the Superintendent deems to be in the best interests of the District and consistent with law.

CROSS REFERENCES:

Code: 3310

Code: 4130

2 C.F.R. §§ 200.37, 200.88, 200.320