

### **Bidding**

#### **AUTHORITY**

Bidding procedures shall conform to KRS 424.260. All purchases of Kentucky Education Technology System (KETS) components shall adhere to KETS architectural standards and procedures.

#### **ITEMS BID/PURCHASED**

Except in cases of emergency, all "like" items purchased exceeding \$20,000 in a twelve (12)-month period beginning July 1 shall be purchased from an established price contract of the federal government (GSA), the State Division of Purchases, a cooperative agency bid approved by the Board or a District bid. The Superintendent/designee shall duly certify when an emergency exists that prevents the District from following this requirement and file a copy of the certificate with the Chief State School Officer.<sup>1</sup>

#### **EXCEPTIONS**

The District may purchase supplies and/or equipment outside price contracts and/or District bids if:

1. The supplies and/or equipment meet the specifications of contracts awarded by the Division of Purchases, a federal agency (GSA), a cooperative agency, or a District bid;
2. The supplies and/or equipment are available for purchase at a lower price;
3. The purchase does not exceed \$2,500; and
4. The District's finance or purchasing officer has certified compliance with the first and second requirements.

Prior to purchase of education technology components defined in the master technology plan, the Department of Education must certify that the items to be purchased meet or exceed the specifications of components of the original equipment of manufacturers currently holding Kentucky price contracts.<sup>2</sup>

#### **PREFERENCE FOR RESIDENT BIDDERS**

For all contracts funded in whole or in part by the District, the Board shall apply the reciprocal preference for resident bidders required by law. Geographical preferences relating to school nutrition service purchases may be utilized only as permitted by applicable federal law.<sup>4</sup>

#### **EXEMPTIONS**

~~Professional services may be exempted from bidding.~~

Insurance may be bid or negotiated.

Perishable meat, fish, and vegetables are not required to be bid.

NOTE: Federal regulatory requirements do not provide a bidding exception for purchase of perishables using school nutrition service funds. Such purchases must follow applicable federal regulations.<sup>5</sup>

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**Bidding****PURCHASES OF \$20,000 OR LESS**

Purchases of \$20,000 or less shall follow the District's small purchase procedures.

**PRESENTATION**

Administrators desiring purchases which must be bid must present the following to the Superintendent or designee: items desired, specifications, and names and addresses of potential vendors.

**PROFESSIONAL SERVICE CONTRACTS**

Professional service contracts may be exempt from bidding for no more than 1 year with an option to renew. All contracts for professional services shall include these items at a minimum:

- A detailed scope of the work to be performed and a desired end state or outcome expected.
- A district representative responsible for contract oversight and who is authorized to approve a work schedule for the services provided.
- Clear language on travel cost calculations and reimbursement
- A maximum expenditure for the contract before board approval is needed to continue
- A 30-day notification to cancel contract by either party

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**TABULATION**

Bids shall be opened and tabulated by the Superintendent or designated representative. The tabulations will be acted on by the Board. Notification of bidders shall comply with legal requirements.

**BACKGROUND CHECK FOR CONTRACTORS**

The Superintendent shall require that a contractor submit, at no expense to the District, to a national and state criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation in keeping with KRS 160.380. This provision shall become part of the contractual obligation of the contractor and shall be reflected in the bid specifications, or, if the contract is not subject to bid requirements, in the negotiations with the contractor.

"Contractor" shall refer to any adult who is permitted access to school grounds pursuant to a current or prospective contractual agreement with the school, school board, school district, or school-affiliated entity, at times when students are present. The term "contractor" includes an employee of a contractor.<sup>3</sup>

**REFERENCES:**

<sup>1</sup>KRS 424.260

<sup>2</sup>KRS 156.076

<sup>3</sup>KRS 160.380

<sup>4</sup>KRS 160.303; 200 KAR 005:400; KRS 45A.494

<sup>5</sup>7 C.F.R. 210.21 and 7 C.F.R. 3016.36

KRS 162.070; 702 KAR 003:135

OAG 77-518; OAG 77-548; OAG 79-501; OAG 82-170  
Kentucky Educational Technology Systems (KETS)

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