

## **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.

### **PUBLIC-PRIVATE PARTNERSHIPS**

The Board may utilize a public-private partnership delivery method. Public-private partnerships shall comply with [KRS 65.028](#) and other applicable state laws and regulations.

### **ITEMS BID/PURCHASED**

Except in cases of emergency, all "like" items purchased exceeding \$40,000 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>

### **FEDERAL AWARDS/CONFLICT OF INTEREST**

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.<sup>5</sup>

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### **FEDERAL AWARDS/CONFLICT OF INTEREST (CONTINUED)**

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. In determining whether an activity constitutes an impermissible acceptance of a gratuity or item of monetary value, the definition of “gratuity” (covering anything of more than fifty dollars [\$50] value) set forth in [KRS 45A.445](#) shall apply. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

### **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 shall be exempted from bidding.

Boards may exempt insurance if they choose.

Perishable items, as indicated in state law, 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>

### **PURCHASES OF \$40,000 OR LESS**

Purchases of \$40,000 or less shall follow the District’s small purchase procedures.

### **PRESENTATION**

Principals 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.

### **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 CHECKS**

The Superintendent shall require an adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity to 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 and to provide clear CA/N check in keeping with [KRS 160.380](#).<sup>3</sup>

The program and user instructions are on the Kentucky Online Gateway (KOG): <https://kog.chfs.ky.gov/home/>.

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**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>2 C.F.R. 200.318

[KRS 45A.445](#); [KRS 65.027](#); [KRS 65.208](#); [KRS 160.151](#)

[KRS 162.070](#); [KRS 164A.575](#); [KRS 176.080](#)

[200 KAR 005:355](#); [702 KAR 003:135](#)

[OAG 77-518](#); [OAG 77-548](#); [OAG 79-501](#)

[OAG 82-170](#); [OAG 82-407](#)

Kentucky Educational Technology Systems (KETS)

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