

BIDS AND QUOTATIONS

PUBLIC WORKS

The Orleans Parish School Board shall advertise and let by contract, except in cases of emergencies as provided below, all public work exceeding \$150,000 or such sum as allowed by law, including labor, materials, equipment, and administrative overhead not to exceed fifteen percent (15%). The contract shall be awarded to the lowest responsible bidder who has bid according to the contract, plans, and specifications advertised. Public works which are estimated to cost less than the contract limit may be undertaken by the School Board with its own employees.

As an evidence of good faith of the bidder, the School Board shall require bidders for construction, improvement, repair, or other work to attach to the bid submitted, a bid bond, certified check, or cashier's check for not more than five percent (5%) of the contract work to be done. The School Board may require a bid bond or certified or cashier's check of not more than five percent (5%) of the estimated price on bids taken for supplies and materials.

When any bid is accepted for construction or doing any public works, a written contract shall be entered into by the successful bidder and the School Board, and the successful bidder shall furnish a bond in an amount not less than one-half of the amount of the contract, for the faithful performance of his or her duties.

Under no circumstances shall there be a division or separation of any public work project into smaller projects, which division or separation would have the effect of avoiding the requirement that public work be advertised and let by contract to the lowest responsible bidder in accordance with statutory provisions.

The School Board shall retain the option of requiring all bids that are let out for public works be submitted electronically.

MATERIALS AND SUPPLIES

All purchases of materials or supplies exceeding the sum of \$30,000 shall be advertised and let by contract to the lowest responsible bidder who has bid according to the specifications as advertised. In addition, purchases of materials or supplies of at least \$10,000, but not more than \$30,000, shall be made by obtaining not less than three (3) telephone or facsimile quotations. A written confirmation of the accepted offer shall be obtained and made a part of the purchase file. The School Board may require a written contract or bond when purchasing the materials or supplies. If quotations are received that are lower than the quote accepted, a notation shall be entered into the file as to the reasons for rejection of the lower quotes. Provided the cost and quality of products are equal, preference shall be given for purchase of materials or equipment offered by Louisiana citizens.

Purchases cannot be divided by departments or by a school if the effect is to evade the state's public bid law. Purchases of commodities that are bought in small but recurring amounts through the year shall be bid on an annual basis.

The School Board shall retain the option of requiring all bids that are let out for materials and supplies be submitted electronically.

In lieu of formal bids, the School Board may use a *reverse auction* or *competitive online solicitation process* for the purchase of equipment, supplies, and other materials, as outlined in policy *DJE, Purchasing*.

SERVICES

Non-Competitive Service Contracts:

The following service contracts may be awarded without the necessity of competitive bidding or competitive negotiation:

1. Consulting Services and Professional Services under \$50,000;
2. Personal Services; and
3. Cooperative Endeavor Agreements.

The following professional services are exempt from the requirement of competitive bidding or competitive negotiation even if they exceed \$50,000: lawyers, doctors, architects, engineers, landscape architects and accountants.

The full duration of the project/initiative must be considered when determining the total cost of a particular service.

Competitive Service Contracts:

Consulting services and professional services of \$50,000 or more are subject to competitive negotiation via a Request for Proposal (RFP) as required by Division of Administration, OCR "Regulations for the Procurement of Personal, Professional, Consulting and Social Services."

EMERGENCIES

In cases of an emergency or extreme emergency, as defined by La. Rev. Stat. Ann. § 38:2211, when time is not sufficient to advertise for bids for public works or purchase of materials, the Board or designee is permitted by law to declare that a public emergency or extreme public emergency exists and extend a contract for more than the sums mentioned without going out to bid; however, in such cases every effort shall be made by the administration to secure competitive quotations through negotiations. State law

permits a person designated by the Board to declare the existence of an *extreme public emergency*. Notices of an *emergency* or *extreme emergency* shall be published in the Board's official journal within ten (10) calendar days of the emergency being certified by the School Board or designee.

USE OF STATE CONTRACT

The School Board may make use of valid contracts put in place by the State of Louisiana Office of State Purchasing. The School Board may also *piggyback*, or purchase materials and supplies on valid contracts of other political subdivisions, as noted in policy *DJE, Purchasing*.

CONTRACT DISPUTE RESOLUTION

The School Board is committed to using alternative methods for resolving disputes where appropriate and feasible. Used properly in appropriate circumstances, alternative dispute resolution (ADR) can provide faster, less expensive, less contentious and more productive results in addressing adversarial matters. Such alternative methods of addressing disputes may take the form of mediation or arbitration.

BID ADVERTISEMENTS

All advertisements for bids for public works shall appear in the newspaper selected as the official journal for the School Board, except in emergencies as may be declared by the Board. Any advertisement for any contract for public works, when published, shall appear once a week for three (3) different weeks in a newspaper in the locality and the first advertisement shall appear at least twenty-five (25) calendar days before the opening of bids.

Any advertisement for any contract or purchase of materials or supplies shall be published two (2) times in a newspaper in the locality, the first advertisement appearing at least fifteen (15) calendar days prior to the opening of bids.

In addition to newspaper advertisements, the School Board shall also publish advertisements and accept bids by electronic media in accordance with uniform standards promulgated by the state. In any advertisement, the first publication shall not occur on a Saturday, Sunday, or legal holiday.

If the School Board issues or causes to be issued on a public work exceeding the contract limit set by state law, any addendum modifying plans and specifications within a period of seven (7) days prior to the advertised time for opening of bids, excluding Saturdays, Sundays, and any other legal holidays, the School Board shall transmit a copy of the addendum to all prime bidders who have requested bid documents. The transmission shall be completed within twenty-four (24) hours of the issuance of the addendum, and may be delivered by either facsimile transmission (fax), e-mail, other electronic means, or by hand provided the prime bidder has supplied the fax number or

e-mail address to the School Board. In addition, a copy of the addendum shall be sent by regular mail. If the addendum cannot be transmitted by fax, e-mail, other electronic means, or hand delivered, the School Board shall be required to postpone the bid opening by at least seven (7) calendar days.

The School Board shall not issue or cause to be issued any addendum modifying plans and specifications within a period of seventy-two (72) hours prior to the advertised time for the opening of bids, excluding Saturdays, Sundays, and any other legal holidays; however, if the necessity arises to issue an addendum modifying plans and specifications within the seventy-two hour period prior to the advertised time for the opening of bids, then the opening of bids shall be extended at least seven (7), but not more than twenty-one (21) working days, without the requirement of readvertising. The addendum shall state the revised time and date for the opening of bids.

OPENING OF BIDS

All bids shall be opened in public in the presence of one or more witnesses, at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection. However, the School Board shall not accept or take any bids including receiving any hand delivered bids, on days which are recognized as holidays by the United States Postal Service. The Superintendent and/or designated administrators shall review, summarize and report bids to the School Board with recommendations for final action.

If the School Board proposes to disqualify any bidder, the School Board shall:

1. Give written notice of the proposed disqualification to such bidder, and include in the written notice all reasons for the proposed disqualification; and
2. Give such bidder, who is proposed to be disqualified, the opportunity to be heard at an informal hearing, at which such bidder is afforded the opportunity to refute the reasons for the disqualification.

EXCLUSION OF BIDS

The School Board, after the opening of bids, shall require each bidder or bidding entity to attest or submit an attestation that the sole proprietor, partner, incorporator, director, manager, officer, or other like individual who owns at least ten percent (10%) of the bidding entity, has not been convicted of, or has not entered a plea of guilty or nolo contendere (no contest) to any of the crimes or equivalent federal crimes listed in La. Rev. Stat. Ann. §38:2227.

In awarding bids or contracts, the School Board shall be authorized to reject the lowest bid from a business in which any individual with ownership interest of five percent (5%) or more has been convicted of, pled guilty or nolo contendere to any a state felony

crime or equivalent federal crime committed in the solicitation or execution of a contract or bid under the state laws governing public contracts; professional, personal, consulting, and social services procurement; or the *Louisiana Procurement Code*.

Any contract between the School Board and a person or entity entered into as a result of fraud, bribery, corruption, or other criminal acts, for which a final conviction has been obtained, shall be null and void.

Any person whose conviction causes the nullity of a contract shall be responsible for payment of all costs, attorney fees, and damages incurred in the rebidding of the contract.

DEFINITIONS

1. Competitive Negotiation - To negotiate for a contract through a Request for Proposal (RFP) process or any other competitive selection process.
2. Consulting Services - Work, other than professional or personal services, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services or improvements in programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning and feasibility studies, data processing, public relations, appraisals and advertising contracts, except for printing associated therewith.
3. Personal Service - Work rendered by an independent contractor which requires the use of creative or artistic skills, such as, but not limited to graphic artists, sculptors, musicians, photographers and writers; or which requires the use of highly technical or unique individual skills or talents, such as, but not limited to paramedics, therapists, handwriting analysts, foreign representatives, and expert witnesses for adjudications or other court proceedings.
4. Professional Service - Work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants, and claims adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training, which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill.
5. Services - The rendering, by a contractor, of time and effort, rather than the furnishing of a specific end product, other than reports which are merely incidental to the required performance of service.

Ref: La. Rev. Stat. Ann. §§9:2716, 38:2181, 38:2182, 38:2184, 38:2211, 38:2212, 38:2212.1, 38:2212.9, 38:2214, 38:2218, 38:2227, 38:2251, 38:2271, 39:1551, 39:1552, 39:1553, 39:1554, 39:1554.1, 39:1556, 39:1557, 39:1558, 39:1597, 39:1710.