

Section D: Fiscal Management

DJE Bidding/Purchasing Requirements

The Board expects all purchases made by the school to be consistent with applicable laws and sound business practices. The Director will be responsible for developing and implementing administrative procedures for bidding and purchasing consistent with this policy.

Bidding/Purchasing Required by Law

- A. Maine law requires the Board to competitively bid:
 - 1. School bus and transportation contracts in excess of \$4,000;
 - 2. School building construction, alterations and repairs over \$250,000 (except contracts for professional architectural and engineering services);
 - 3. Bond anticipation notes for state-subsidized school construction projects.

Bidding Not Required by Law

- A. Threshold

When state or federal law, as applicable, does not specify the procurement method, the school's preferred method for procurement of goods, supplies, equipment or services estimated to cost over \$25,000 will be either (a) competitive bidding or (b) requests for proposals, as determined by the Director.
- B. Sole Source Procurement

The Director may forego the competitive bidding or RFP process when they determine that quality, expertise, time factors or other important considerations outweigh the possible benefits of bidding or requesting proposals. In each such case, the Board will be informed of the Director's decision and the reasons for it in advance of entering into a contract.
- C. Procurement Methods
 - 1. Competitive Bidding. Competitive bidding should be used when the goods or services to be procured can be described with enough specificity such that cost of responsive bids can be directly compared. The contract is normally awarded to the lowest responsive bid from a responsible bidder. A "responsive" bid is a bid that conforms to the bid specifications in all material respects. A "responsible" bidder is a vendor/contractor that possesses the qualifications and capacity to satisfactorily perform the contract in a timely manner.

2. Requests for Proposals. Requests for proposals should be used when the goods or services are not sufficiently definable to allow for fair comparison of competitive bids. For instance, an RFP may solicit different solutions and pricing for what the school wishes to acquire or achieve. Proposals will be evaluated based on the criteria provided in the RFP. The contract is normally awarded to the responsible vendor/contractor whose responsive proposal provides the best overall value to the school (not necessarily the proposal with the lowest cost.)
3. Cooperative Purchasing. When competitive bidding is not required by law or this policy, or when the Director has waived competitive bidding, the school may utilize cooperative purchasing to make purchases of foodstuffs, materials, equipment and supplies through the State Bureau of General Services as provided by statute. Cooperative purchasing is not a substitute for competitive bidding that is required by law.

Procedures

A. Competitive Bidding

1. Invitation to Bid. The Director or their designee, will provide an invitation to bid that describes with specificity the goods/services/project that are the subject of the bid. The invitation to bid will specify the deadline for submitting bids and the time and place of bid opening. Bid alternates will be permitted at the discretion of the Director. The invitation to bid will reserve the right of the school to reject any or all bids, and to waive technical or immaterial nonconformities in bids if in the best interest of the school, and to exercise judgment in evaluating bids.
2. Written bids. Bids must be in writing and, as specified in the invitation to bid, may be submitted via mail or email to the Director's Office as follows:
 - a. Mail. Each bid must be sealed with the outside envelope or wrapper plainly marked: "Bid, not to be opened until (insert appropriate date and time)".
 - b. Email. Each bid must be sent as an email attachment with the email subject line: "Bid, not to be opened until (insert appropriate date and time)".
3. Time of opening. Bids will be opened at the appointed time.
4. Public opening and reading. At the time and place stated in the invitation to bid which is open to the public, all bids shall be opened by the Director or, in the Director's absence or disability, by any Board member designated for the purpose by the Chair of the Board.

If any citizens who are not Board members or employees of the school or any representatives of the press are present, bids shall, at that time, either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

5. Award. In general, the Director, or as applicable, the Board, will make the award to the responsible bidder that submits the lowest responsible bid. In all cases, whether or not specified in the bid invitation, the Director, or as applicable the Board, may reject any or all bids, may waive technical or immaterial non-conformities in bids or with bid procedures if in the best interest of the school, and may exercise judgment in evaluation of bids.

Request for Proposals

- A. Format. The Director, or their designee, will provide a Request for Proposals (RFP). The RFP will specify the manner of submission of proposals.
- B. Evaluation. Proposals are to be evaluated based on criteria appropriate for the project specified in the RFP. The persons evaluating proposal submissions may exercise their judgment in determining whether a proposal is responsive and whether the vendor/contractor is responsible.
- C. Award. The contract will be awarded to the vendor whom the Director and Board deem best able to meet the requirements of the school.

Legal Reference: 20-A MRS § 8457 (1)(3)
30-A MRS § 2605 (2)(4)
Maine State Board of Education Rules for Major Capital
School Improvement Projects (Chapter 61, § 11(5))
Maine Department of Education and Maine Municipal Bond
Bank Rules for Maine School Facilities Program and School
Revolving Renovation Fund Program (Chapter 64, § 6)

Cross Reference: BCB - Board Member Conflict of Interest
DJE - Bidding/Purchasing Requirements

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