

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

3323
Policy No

BOARD OF EDUCATION POLICY

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Purchasing

I. Policy Statement

The Board of Education recognizes the importance of highly competitive bidding to maximize efficient and effective purchasing at the best value to meet the operational and educational needs of Prince George's County Public Schools (PGCPS) and encourages active participation from all segments of the business community, thereby attracting best pricing, high quality, timely delivery, and innovative solutions.

II. Purpose

The purpose of this Policy is to identify standards and approvals necessary to ensure that funds provided to PGCPS for materials, supplies, equipment, services, contract administration, and contractual services are expended and handled most effectively, prudently, and efficiently, and that school administrators and office supervisors obtain goods, equipment, and services essential for the effective operation of the school system.

III. Definitions

A. Emergency: An emergency means a sudden or unexpected happening or an unforeseen circumstance that calls for immediate action to protect public health, safety, or welfare or to procure needed supplies, equipment, or services to prevent the disruption or interference with the education programs or other operations of PGCPS.

B. Formal bids: A formal bid is an offer in response to an Invitation for Bid or a Request for Proposal, which must be submitted in a sealed envelope and in conformance with a prescribed format at a specified date and time.

1. Invitation for Bid (IFB): An IFB is a sealed bid process for the procurement of noncomplex

- goods or services that includes formal advertisement, specifications and conditions for the particular purchase, at a predetermined date and time for the public bid opening. It is typically awarded on a low-price basis.
2. Request for Proposal (RFP): An RFP is a formal solicitation of proposals usually for services. Proposals are not publicly opened. An RFP is a procurement process in which quality and price are balanced to meet the needs of PGCPS. Awards are based upon the highest evaluated proposal considering the technical and financial merits of the requirement.
- C. Lowest Responsible and Responsive Bidder/Offeror- A lowest responsible and responsive bidder means the following:
1. Lowest – lowest price
 2. Responsible means a person or entity that has the capability in all respects to fully perform all aspects of the contract with integrity and reliability that shall assure good faith performance.
 3. Responsive means a bid or proposal submitted in response to an Invitation for Bids or Request for Proposals that conforms in all material aspects of the requirements contained in the Invitation for Bid or Request for Proposals.
- D. Professional Services - Professional Services means those services provided by an individual or entity that require advanced education and training and a high level of proficiency and specialization. This term may include legal, technology and financial services by a licensed professional.
- E. Specifications (or “Purchasing description”):
1. A precise description of the physical or functional characteristics of a product, good or construction item; a description of goods and/or services; or a description of what the purchaser seeks to buy and what a bidder must be responsive to in order to be considered for award of a contract.
 2. Specifications generally fall under the following categories: design, performance, combination (design and performance), brand name or approved equal, qualified products list and samples.

IV. Standards

A. Equipment, Materials, Services or Supplies

1. When the anticipated purchase price of specific equipment, materials, services or supplies other than instructional materials/supplies is less than \$50,000, the Chief Executive Officer (“CEO”), or the CEO’s designee shall contract for its purchase at a price consistent with good quality without the need for a formal bid.

2. When the anticipated purchase price of specific equipment, materials, services or supplies other than instructional materials/supplies is equal to or more than \$50,000, the CEO or the CEO's designee shall contract for its purchase through a formal bid process consistent with the requirements of Section 5-112 of the Education Article, Annotated Code of Maryland and submit the package for approval by the Board.

3. Invitation for Bids (IFB)

If for any reason, the bid cannot be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and evaluation criteria set forth in the bid specifications and is the most favorable evaluated bid price, the recommendation shall be approved by the Board prior to awarding the contract. The CEO shall fully advise the Board as to the reasons for not awarding to the lowest responsive and responsible bidder/offeror.

4. Request for Proposals (RFP)

a. If, for any reason, the proposal cannot be awarded to the highest technical, lowest priced, responsible and responsive offeror, the award recommendation shall be approved by the Board prior to awarding the contract. The CEO shall fully advise the Board as to the reasons for not awarding to the highest technical, lowest priced, responsible and responsive offeror.

b. All contracts awarded to the lowest evaluated bid or the highest technical, lowest priced offeror shall be approved by the Director of Purchasing and reported to the Board.

c. The CEO shall report contract modifications exceeding \$50,000. Modifications do not include Construction change orders or contract options.

B. Exceptions

1. Instructional Materials or Supplies

a. When the anticipated purchase price of specific instructional materials or supplies is less than \$1,000,000, the CEO or the CEO's designee shall contract for its purchase at a price consistent with good quality without the need for a formal bid.

b. When the anticipated purchase price of specific instructional materials or supplies is equal to or more than \$1,000,000, the CEO or the CEO's designee shall contract for its purchase with the responsible bidder who provides the best value through a formal bid. The award and contract must be approved by the Board.

c. Invitations for Bids (IFB)

If, for any reason, the bid cannot be awarded to the lowest responsive qualified bidder consistent with good quality, the awarding of the contract shall be approved by the Board

of Education. The CEO shall fully advise the Board as to the reason(s) for non-award of the bid to the lowest responsive qualified bidder.

d. Request for Proposals (RFP)

- i. If for any reason, the proposal cannot be awarded to the highest technical, lowest priced, responsible and responsive offeror, the award recommendation shall be approved by the Board of Education prior to awarding the contract. The CEO shall fully advise the Board as to the reason(s) for not awarding to the highest technical, lowest priced, responsible and responsive offeror.
- ii. All contracts awarded to the lowest evaluated bidder or to the highest technical, lowest priced offeror shall be approved by the Director of Purchasing and reported to the Board.

2. Instructional and Staff Development Contracted Services

- a. Although Maryland law does not require formal bids for the purchase of instructional or staff development contracted services, the Board believes that competition for the purchase of such services above a certain dollar amount is appropriate and desirable. Accordingly, the following provisions shall apply for the purchase of instructional and staff development contracted services.
- b. When the anticipated purchase price of a specific instructional or staff development contracted service is less than \$500,000, the CEO or the CEO's designee shall contract for its purchase at a price consistent with good quality without the need for formal bid.
- c. When the anticipated purchase price of a specific instructional or staff development contracted service is equal to or more than \$500,000, the CEO or the CEO's designee shall contract for its purchase through a formal bid consistent with the requirements of Section 5-112 of the Education Article, Annotated Code of Maryland. The award and contract must be approved by the Board of Education.

d. Invitation for Bids (IFB)

If, for any reason, the bid cannot be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and evaluation criteria set forth in the bid and is the most favorable evaluated bid price, the recommendation shall be approved by the Board prior to awarding the contract. The CEO shall fully advise the Board as to the reason(s) for not awarding to the lowest responsible and responsive bidder.

e. Request for Proposals (RFP)

- 1) If, for any reason, the proposal cannot be awarded to the highest technical, lowest priced responsible and responsive offeror, the award recommendation shall be approved by the Board prior to awarding the contract. The CEO shall fully advise

the Board as to the reason(s) for not awarding to the highest technical lowest, priced responsible and responsive offeror.

- 2) All contracts awarded to the lowest evaluated bid or the highest technical, lowest priced offeror shall be approved by the Director of Purchasing and reported to the Board.

3. Professional Services

- a. When the anticipated purchase price of specific professional services is less than \$250,000, the CEO or the CEO's designee shall contract for its purchase at a price consistent with good quality without the need for formal bid.
- b. When the anticipated purchase price of specific professional services is more than \$250,000, the CEO or the CEO's designee shall contract for its purchase with the responsible bidder who provides the best value through a formal bid and approved by the Board of Education.

Bids awarded to the responsible bidder who provide the best value but also is determined to be the lowest bidder shall not require Board approval.

C. Purchasing Description

1. For any item or services to be the subject of a formal bid, the specification shall contain a sufficient purchase description of the item(s) or service(s) so that the item(s) or service(s) purchased will be what PGCPs ordered.
2. In order to secure an item or service at the best price, use considered, with the widest opportunity for bids to be submitted for material, supplies, equipment and services of high quality, the offer to purchase shall, whenever applicable, identify a standard specification known to the trade generally and to the potential vendor.

V. Implementation Responsibilities

The CEO shall establish an Administrative Procedure implementing this policy.

VI. Reference

MD Ann. Code, Educ. Art. § 5-112

MD Ann. Code, State Finance and Procurement Art. §13-109(a)

Administrative Procedure 3323 – Purchasing Guidelines

VII. History

Policy Adopted
10/28/71

Policy Amended
4/30/73

Policy Amended
10/13/77

Policy Amended
1/6/94
(Board Policy was not reprinted to incorporate amendments)

Policy Amended
3/14/96
(Board Policy was not reprinted to incorporate amendments)

Policy Amended
8/12/98
(Board Policy reprinted to incorporate 1/6/94 amendments)

Policy Amended
3/13/03

Policy Reviewed: No Revisions Required
1/14/05

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11/9/06

Policy Amended
4/29/10

Policy Amended
08/18/22