

## **Bidding Procedures**

All contractual services and purchases of supplies, materials and equipment in the amount of \$10,000.00 or more will be put to bid. This does not apply, however, to professional services or instructional services or materials. Other purchases may be made in the open market but will, when possible, be based on competitive quotations or prices.

### **Competitive selection**

All contracts and all open market orders will be awarded to the lowest responsible qualified supplier, taking into consideration the quality of materials (services) desired and their contribution to program goals.

The Board reserves the right to reject any or all bids and to accept that bid which appears to be in the best interest of the EC BOCES.

### **Pre-qualification**

With regard to materials or services for which bids are required, the Executive Director or designee will develop a procedure to pre-qualify bidders. Suppliers will be invited to have their names placed on mailing lists to receive information about pre-qualifying. When specifications are prepared, they will be mailed to all merchants and firms who have pre-qualified. Only pre-qualified bidders may submit bids.

### **Response receipt and opening**

All bids must be submitted in sealed envelopes, addressed to the Board, and plainly marked with the bid number and the time of the bid opening. Bids will be opened in public by appropriate EC BOCES officials or employees at the time specified, and all bidders will be invited to be present.

### **Awarding a Bid**

The bidder to whom an award is made will be required to submit to the EC BOCES proof of liability insurance and when appropriate, proof of workers' compensation insurance, and may be required to enter into a written contract with the EC BOCES. Any written contract must include a provision requiring a criminal background check for any person providing direct services to students under the contract, including but not limited to transportation, instruction, or food services as required by law. The contracting entity is responsible for any costs associated with the background check.

### **Requirements for Written Contract**

Any contract must include a provision that states that any of the EC BOCES' obligations for the construction and design of public works projects that are payable after the current fiscal year are contingent on money to pay the obligations being appropriated, budgeted, and otherwise made available to the district, subject to the requirements of C.R.S. 24-91-103.6.

Any written contract shall not include any of the below conditions or terms. If any of the below conditions are included in a written contract, that condition or term is considered null and void.

- Any requirement that the EC BOCES hold harmless another person or entity;
- Any requirement that the EC BOCES or contracting entity participate in binding arbitration or other extra-judicial process for dispute resolution;
- Any requirement that the EC BOCES agree to limit liability of another person or entity for bodily injury, death, or property damage;
- Any waiver, alteration, or limitation of the application of the "Student Data Transparency and Security Act" or the "Colorado Privacy Act";
- Any conflict with Colorado law or associated rules under state statute.

### **EAST CENTRAL BOCES BOARD POLICY**

Adopted: November 19, 2014

Revised: January 27, 2021

Revised: June 28, 2023

LEGAL REFS.: C.R.S. 22-1-135 (*terms and conditions in public school contract definitions*)  
C.R.S. 22-32-109 (1)(b) (*board required to adopt bidding procedures*)  
C.R.S. 24-18-201 (*public official's interest in contract*)

CROSS REFS.: BCB, Board Member Conflict of Interest  
DJB\*, Federal Procurement

NOTE: If the EC BOCES receives federal funds, the EC BOCES is required by the federal Uniform Grant Guidance (UGG) to adopt procurement procedures specific to purchases made with federal funds, in whole or in part. See, CASB sample BOCES policy DJB\*, Federal Procurement and accompanying sample EC BOCES regulation, DJB\*-R.