

Bidding 101

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Introductions

Timothy Keeley, Speaker

-Chief School Business Official, Bensenville School District 2



BENSENVILLE
SCHOOL DISTRICT 2

Howard A. Metz, Speaker

-Attorney, Robbins Schwartz



Robbins Schwartz
One Team. Making Your Mission Ours.

Nicole Kennedy , Speaker

-Director of Purchasing, Community Unit School District 300



Ron Johnson, Moderator

-Director of Support Operations, Indian Prairie CUSD 204



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The Duty to Publicly Bid

- Section 10-20.21 of The School Code, 105 ILCS 5/10-20.21, provides school districts with the authority:
 - To award all contracts for purchase of supplies, materials or work involving expenditures in excess of **\$35,000 or a lower amount as required by board policy** to the lowest responsible bidder considering conformity with specifications, terms of delivery, quality, and serviceability,...except the following:

The Duty to Publicly Bid

- Contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important role;
- Contracts for the printing of finance committee reports and departmental reports;
- Contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness;
- Contracts for the purchase of perishable foods and beverages;

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The Duty to Publicly Bid

- Contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price;
- Contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with manufacturer or authorized service agent of that equipment where the provision of parts, maintenance or servicing can best be performed by the manufacturer or authorized service agent;
- Purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;

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The Duty to Publicly Bid

- Contracts for duplicating machines and supplies;
- Contracts for the purchase of fuel including diesel, gasoline, oil, aviation, natural gas, or propane, lubricants, or other petroleum products;
- Purchases of equipment previously owned by some entity other than the district itself;
- Contracts for repair, maintenance, remodeling, renovation or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type or extent of an existing facility;
- Contacts for goods or services procured from another governmental agency;

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- Contracts for goods or services which are economically procurable from only one source such as the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph;
- Where funds are expended in an emergency and such emergency expenditure is approved by $\frac{3}{4}$ of the members of the board;
- Contracts through a legally acceptable cooperative, Governmental Joint Purchasing Act, 30 ILCS 525/1, et seq.

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The Duty to Publicly Bid

- Contracts providing for the transportation of pupils, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder or bidders most able to provide safety and comfort for the pupils, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price. However, at no time shall a cause of action lie against a school board for awarding a pupil transportation contract per the standards set forth in this subsection (a) unless the cause of action is based on fraudulent conduct.

The Duty to Publicly Bid

- Contracts for goods, services, or management in the operation of a school's food service, including a school that participates in any of the United States Department of Agriculture's child nutrition programs if a good faith effort is made on behalf of the school district to give preference to:
 - (1) contracts that procure food that promotes the health and well-being of students, in compliance with United States Department of Agriculture nutrition standards for school meals. Contracts should also promote the production of scratch made, minimally processed foods;
 - (2) contracts that give a preference to State or regional suppliers that source local food products;
 - (3) contracts that give a preference to food suppliers that utilize producers that adopt hormone and pest management practices recommended by the United States Department of Agriculture;
 - (4) contracts that give a preference to food suppliers that value animal welfare; and
 - (5) contracts that increase opportunities for businesses owned and operated by minorities, women, or persons with disabilities.

To Bid or Not To Bid

- The following are a list of various types of contracts.
- For each example, the question is “to bid or not to bid?”

In other words, are these contracts required to be publicly bid pursuant to Section 10-20.21 of the School Code?

To Bid or Not To Bid

1. A contract for the purchase of paper goods and supplies totaling \$34,000?
2. A service contract totaling \$50,000 for the following individuals:
 - a) A CPA retained to audit the district's financial records?
 - b) A local artist retained to paint a mural in the district cafeteria?
 - c) A local painter hired to paint all the district's lockers?

To Bid or Not To Bid

3. During a large construction project, a change order totaling \$75,000?
4. A \$150,000 annual maintenance contract for the district's HVAC system?
5. A \$500,000 contract for the purchase and installation of "smart" boards in all district classrooms?
6. A \$300,000 contract for the installation of a district-wide security system?

To Bid or Not To Bid

7. A \$300,000 contract for the purchase of copying machines for the district office and resource centers?
8. A three year contract for the purchase of electricity totaling over \$100,000 per year?
9. A contract for \$500,000 to purchase a used mobile classroom?
10. A \$48,000 contract for the renovation of the stage in the district auditorium?

To Bid or Not To Bid

- 11.A \$75,000 contract for repair work to the roof which was severely damaged during a recent storm?
- 12.A \$100,000 contract for the installation of energy efficient lighting upgrades?
- 13.A \$100,00 contract to purchase furniture from a vendor selected by an out-of-state purchasing cooperative?
- 14.A contract for both regular and special education transportation services?

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Local Government Professional Services Selection Act – 50 ILCS 510-0.01

- RFP/RFQ process required for the selection of Architects, Engineers & Land Surveyors
- RFP can be solicited by posting notice on website, publication or sending notice to firms who have a current statement of qualifications with the public body
- RFP not required if the public body has a previous satisfactory relationship with the firm
- RFP not required for contracts less than \$40,000 or in emergency situations.

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Bid Timelines

MASTER BID LIST

Individual Projects			Ongoing Contracts			
<u>Project Name</u>	<u>Contract</u>	<u>B/R?</u>	<u>Project Name</u>	<u>Contract</u>	<u>Contract Expiration</u>	<u>Extension*</u>
Elevator Upgrade	7/1/2018	RFP	Class Rings	10/1/2017	9/30/2018	n/a
Linden Street Fence	7/2/2018	Bid	Athletic Unis-Fall	7/1/2017	6/30/2018	n/a
Tennis Court Repaving	7/3/2018	Bid	Athletic Unis-Spring	7/1/2017	6/30/2018	n/a
Vans (2)	7/4/2018	Bid	Xerographic Paper	7/1/2017	6/30/2018	n/a
Mini Buses (2)	7/5/2018	RFP	Foodservice Beverage	8/1/2017	7/30/2018	n/a
		RFP	Photographic Services	7/1/2015	6/30/2018	6/30/2020
		Bid	Security Services	7/1/2015	6/30/2018	6/30/2020
		Bid	Athletic Trainers	7/1/2015	6/30/2018	6/30/2020
		Bid	Landscaping	7/1/2016	6/30/2019	6/30/2021
		Bid	Field Trip Transportation	7/1/2016	6/30/2019	6/30/2021
		RFP	SpEd Transportation	7/1/2016	6/30/2019	6/30/2021
		Bid	Office Supplies	7/1/2017	6/30/2020	6/30/2022
		Bid	Yearbook Printing	7/1/2017	6/30/2020	6/30/2022
		Bid	Audit Services	7/1/2017	6/30/2020	6/30/2022

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Bid Timelines

MASTER BID LIST

FISCAL YEAR 2018-2019 BID LISTING

<u>Type</u>	<u>Project Name</u>	<u>Department</u>	<u>Contact</u>	<u>Proof Date</u>	<u>Publish Date</u>	<u>Opening</u>	<u>Finance</u>	<u>BOE</u>	<u>Contract/PO Date</u>
RFP	Class Rings	Student Activities	Metz	8/1/2018	8/10/2018	8/20/2018	9/3/2018	9/17/2018	10/1/2018
Bid	Athletic Unis-Fall/Winter	Athletics	Brady	10/1/2018	10/11/2018	10/24/2018	11/13/2018	11/22/2018	7/1/2019
Bid	Athletic Unis-Spring	Athletics	Brady	1/14/2019	1/24/2019	2/5/2019	2/19/2019	2/28/2019	7/1/2019
RFP	Foodservice Beverage	Food Service	Flay	3/1/2019	3/7/2019	3/21/2019	4/9/2019	4/18/2019	7/1/2019
Bid	Xerographic Paper	General Supplies	Keeley	3/1/2019	3/7/2019	3/21/2019	4/9/2019	4/18/2019	7/1/2019
Quote	Computers	Educational Technology	Jobs	4/1/2019	4/15/2019	4/24/2019	n/a	n/a	5/1/2019
Quote	Projectors	Educational Technology	Jobs	4/1/2019	4/15/2019	4/24/2019	n/a	n/a	5/1/2019
Quote	Laptops	Educational Technology	Jobs	4/1/2019	4/15/2019	4/24/2019	n/a	n/a	5/1/2019

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Bid Timelines

- Construction
 - Architect/Owner project design
 - Board of Education Feedback/Community Engagement
 - Zoning Approval (if necessary)
 - Bid Publication
 - Board Approval
 - Other – Materials lead time, shift differentials, substantial completion
- Services, Supplies and Material
 - Work back from delivery date

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Preparing Bid Specifications

- Certainty Required
 - Part numbers
 - Manufacturer input
- Sole Sourcing
 - Qualification Criteria & Pre-Qualification of Bidders

The Bidding Process

- Bid Submittals
 - Sealed Bids
 - Electronic Bids
 - Timeliness of Bids
 - Modification, Withdrawal or Re-submittal of Bids Before Bid Opening
- Public Opening and Reading of the Bids
 - Withdrawal or Modification after the Bids Are Received

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The Bidding Process

- Awarding the Bid – Criteria
 - Lowest
 - Alternate Bids
- Responsive
 - Material Defects – Nonwaivable
 - Minor Variances – Waivable
- Responsible
 - Pre-qualification of Bidders
- Post-Bid Pre-Award Negotiations

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The Bidding Process

- Rejecting the Bid
 - Discretion “to reject any and all bids.”
 - Documenting the Basis for Awarding/Rejecting Bid

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The Bidding Process

- Board Recommendation
 - Recommended components
 - Recommended bid submission
 - Bid Tabulation
 - Contract
- Concise and factual
- Include signature docs
- Prepare for questions

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Questions and Answers

We thank you for your time!

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