

**Burlington School District Policy  
E 5: BIDDING REQUIREMENTS**

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**Former Policy DJC**

All construction or equipment costing between \$10,000 and less than \$15,000 will require the solicitation of three or more price quotations.

When the construction, purchase, lease, or improvement of any school building; the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students; or a contract for transportation, maintenance, or repair exceeds the sum of \$15,000 public bids will be solicited according to the current provisions under Vermont Statutes Annotated Title 16. Education, Sec. 559. Public bids.

The Board of School Commissioners reserves the right to reject any and all bids or quotations. If it is deemed appropriate under current Vermont statutes, the Board of School Commissioners reserves the right to award the contract on a basis other than lowest bid. Emergency items, determined by the administration and applicable Vermont Statutes, are not included in any of the above requirements.

Legal Reference: T 16 VSA Sec. 559, 563 (2) [Public bids] [Powers of school boards]

Policy Review and Updates

May 18, 1993	Reviewed
November 12, 1996	Approved
October 27, 1998	Reviewed
September 3, 2002	Reviewed
October 20, 2009	1 <sup>st</sup> Reading
December 8, 2009	2 <sup>nd</sup> Reading & Adopted

## State Statutes

## T. 16 §559 PUBLIC BIDS

(a) When the cost exceeds \$15,000.00. A school board or supervisory union board shall publicly advertise or invite three or more bids from persons deemed capable of providing items or services if costs are in excess of \$15,000.00 for any of the following:

- (1) the construction, purchase, lease, or improvement of any school building;
- (2) the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students; or
- (3) a contract for transportation, maintenance, or repair services.

(b) When a school construction contract exceeds \$500,000.00:

(1) The state board shall establish, in consultation with the commissioner of buildings and general services and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The department of buildings and general services, upon notice by the commissioner of education, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

(2) At least 60 days prior to the proposed bid opening on any construction contract to be awarded by a school board which exceeds \$500,000.00, the school board shall publicly advertise for contractors interested in bidding on the project. The advertisement shall indicate that the school board has established prequalification criteria which a contractor must meet, and shall invite any interested contractor to apply to the school board for prequalification. All interested contractors shall submit their qualifications to the school board which shall determine a list of eligible prospective bidders based on the previously established criteria. At least 30 days prior to the proposed bid opening, the school board shall give written notice of the board's determination to each contractor that submitted qualifications. The school board shall consider all bids submitted by prequalified bidders meeting the deadline.

(c) Contract award.

(1) A contract for any such item or service to be obtained pursuant to subsection (a) of this section shall be awarded to one of the three lowest responsible bids conforming to

specifications, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and his or her ability to render satisfactory service. A board shall have the right to reject any or all bids.

(2) A contract for any property, construction, good or service to be obtained pursuant to subsection (b) of this section shall be awarded to the lowest responsible bid conforming to specifications. However, when considering the base contract amount and without considering cost overruns, if the two lowest responsible bids are within one percent of each other, the board may award the contract to either bidder. A board shall have the right to reject any bid found not to be responsible or conforming to specifications or to reject all bids.

(d) Construction management. The school board may contract for the service of construction management to assist in a school construction project. The state board, in consultation with the commissioner of buildings and general services other knowledgeable sources, shall adopt rules defining the term "construction management" and specifying the nature of bidding requirements under construction management services in order to assist school boards in complying with the public bidding requirements of this section.

(e) Application of this section. Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be null and void; provided, however, that:

(1) the provisions of this section shall not apply to contracts for the purchase of books or other materials of instruction;

(2) a school board may name in the specifications and invitations for bids under this section, the particular make, kind, or brand of article or articles to be purchased or contracted for;

(3) nothing in this section shall apply to emergency repairs;

(4) nothing in this section shall be construed to prohibit a school board from awarding a school nutrition contract after using any method of bidding or requests for proposals permitted under federal law for award of the contract;

(5) nothing in this section shall prevent school districts or supervisory unions from entering into agreements with other school districts or supervisory unions to conduct joint bidding procedures otherwise consistent with this section;

(6) nothing in this section shall require a school board to invite or advertise for bids if it elects to purchase goods, materials or supplies through the commissioner of buildings and general services, pursuant to chapter 49 of Title 29; and

(7) nothing in this section shall require a school board or supervisory union board to invite or advertise for bids if it is renewing a contract entered into pursuant to subsection (a) of this section provided that annual costs will not increase more than the most recent New England Economic Project cumulative price index, as of November 15, for state and local government purchases of goods and services, the total amount of the contract does not exceed an increase of 30 percent more than the total amount of the original contract, and the contract for the renewal period allows termination by the board following an annual review of performance.

(f) Exceptions. The state board shall by rule adopt standards governing the authority of the commissioner to grant individual exceptions to the provisions of this section. The rules, at minimum, shall require the school board seeking the exception to demonstrate to the commissioner that the board is unable to comply with the bidding procedure through no fault of its own, and that the school board has proposed an alternative method of keeping costs down through a fair and public process.

(g) Violations. The state board may deny state aid for school construction and for debt service on a project which proceeds in violation of this section. (Added 1969, No. 298 (Adj. Sess.), § 36; amended 1971, No. 232 (Adj. Sess.), § 1, eff. April 5, 1972; 1989, No. 188 (Adj. Sess.), § 3; 1993, No. 233 (Adj. Sess.), § 75, eff. June 21, 1994; 1995, No. 185 (Adj. Sess.), § 86, eff. May 22, 1996; 1999, No. 77 (Adj. Sess.), § 1; No. 148 (Adj. Sess.), § 76, eff. May 24, 2000; 2003, No. 12, § 1; 2005, No. 54, § 3; 2007, No. 66, § 3.)

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