

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: ~~Policy DEB, Policy 405.02, AR405.02DE, DE-RA, DEB~~
Responsible Office: ~~SUPERVISOR OF PURCHASING~~PURCHASING OFFICE

BIDDING PROCEDURES

A. PURPOSE

To establish procedures for procuring goods and services for Anne Arundel County Public Schools (AACPS).

B. BACKGROUND

The Supervisor of Purchasing shall determine whether it is in the best interest of ~~the Anne Arundel County Public Schools AACPS~~ to utilize available surplus property, cooperative agreements, warehouse supplies, agreements with other government entities, and existing master agreements prior to expending resources for bidding or other competitive solicitation procedures.

C. DEFINITIONS

- ~~a.1. “Architectural Services” means –~~ professional or creative work that is performed in connection with the design and supervision of construction or landscaping, and that requires architectural education, training, and experience. ~~This Architectural services include, but are not limited to,~~s consultation, research, investigation, evaluation, planning, architectural design and preparation of related documents, and coordination of services furnished by structural, civil, mechanical, and electrical engineers and other consultants.
- b. 2. “Bidder” means – a person, supplier or contractor that provides a offer in response to a Request for Bid or Request for Proposal.
- e. ~~“Bid List” means a list of active suppliers and contractors interested in doing business with Anne Arundel County Public Schools that is maintained by the Purchasing Office.~~
- d. ~~“Board” means the Board of Education of Anne Arundel County.~~
- e. 3. Business day – a days the AACPS eCentral eOffice is open.
4. Certified Small Business – a business certified by the State of Maryland ~~that~~and meets the criteria in §14-501 of the State Finance and Procurement Article.
5. “Construction” means – the process of building, altering, repairing, improving, or demolishing any structure, building or other improvement to real property. ~~It~~

- f. Construction does not include the maintenance or routine operation of an existing improvement to real property, or activities related to an energy performance contract.
- g. ~~6. “Contract” means~~ an agreement entered into by Anne Arundel County Public Schools AACPS for the lease of real or personal property or the acquisition of supplies, services, construction, construction related services, architectural services or engineering services. Contract does not include an agreement between AACPS and another government entity.
- h. ~~7. “Contractor” means~~ any person having a contract with Anne Arundel County Public Schools AACPS. Contractor does not include an employee with an employment contract, or an employee organization with a collective bargaining agreement.
- i. ~~8. “Cooperative Purchasing Agreements” means~~ the coordinating and combining of like requirements for goods and services with other government entities, and/or making purchases from their open-ended contracts.
- ~~“E-commerce” means the act of communicating and transmitting business transactions electronically. E-commerce procurement transactions must comply with the laws of the State of Maryland.~~
- ~~j. “Equipment” means personal property of a durable nature that retains its identity throughout its useful life, but. Equipment doesn’t include commodities, or information technology equipment (hardware and software).~~
- k. ~~9. “Emergency” means~~ the existence of one or more of the following conditions 1) a sudden and unexpected occurrence or condition which was unforeseen and that requires an action to avoid or to mitigate serious damage to public health, safety, or welfare; 2) ~~When~~ goods and services are needed ~~that and their~~ absence ~~of which~~ could interrupt the educational program; ~~and/or~~ 3) ~~When the an~~ occurrence or condition must be satisfied with immediate action that does not provide sufficient time to follow policy and regulations for competition and award.
- l. ~~10. “Engineering Services” means~~ professional or creative work that is performed in connection with utilities, structures, buildings, machines, equipment, and processes, and that requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences. This Engineering services includes, but are not limited to, consultation, investigation, evaluation, planning, design, and inspection of construction for the purpose of interpreting and assuring compliance with specifications and design within the scope of inspection services. ~~Engineering services~~ does not include inspection of construction not requiring engineering training, and services provided in connection with an energy performance contract.
- ~~“Goods and Services” means all purchasing requirements needed to operate and develop the Anne Arundel County Public Schools’ school district.~~
- m. ~~11. “Grant” means~~ the to bestowing of a power, money, privilege, property, or other item of value that ~~may shall~~ be conditional, although without other consideration, by the

~~Grantor-grantor~~ upon another party. A grant ~~as defined here~~does not include a-is not a contract for purposes of these procedures.

~~o. — “Impossible” means not capable of existing or taking place; unlikely to happen or be done.~~

~~p. — “Impractical” means unwise to put into effect; not sensible or prudent.~~

~~q. — “Inefficient” means not producing the desired effect; wasteful of time, energy, or materials.~~

~~r. — “Intellectual Property” means original creative works that have economic value and are protected by law.~~

s. 12. “Maintenance” means any work necessary for the continued operation or upkeep of a facility, structure, building, grounds, or building system, including built-in equipment or an in-ground system, that is not included within the definition of construction.

~~t. — “Master Agreements” means indefinite quantity pricing agreements secured by the Purchasing Office.~~

u. 13. “Materials of Instruction” – materials defined in shall be consistent, in accordance with ~~the Education Article, §5-112 of the Education Article and, with the definition contained in the~~ Maryland State Department of Education Financial Reporting Manual.

v. 14. “Quotations” means informal oral or written price offers.

w. 15. “Request for Bids” means any documents, whether attached or incorporated by reference, used for soliciting bids under procurement by competitive sealed bidding; ~~and~~ the ~~S~~selection for award is based upon the lowest responsive and responsible bidder.

x. 16. “Request for Proposals” means any document, whether attached or incorporated by reference, used for soliciting proposals. ~~from offerors under any method allowed under this Regulation excluding competitive sealed bidding.~~ Selection for award is based upon the highest evaluated firm proposal in accordance with the weighted evaluation considering the technical and financial merits of the requirement.

~~y. — “Responsible” means a person or entity which has the capability in all respects to perform fully the contract requirements, and the integrity, ability, reliability and proven record of performance, in the sole discretion of the Supervisor of Purchasing, to assure acceptable performance.~~

~~z. — “Responsive” means a bid submitted in response to an invitation for bids that conforms in all material respects to the requirements contained in the invitation for bids.~~

aa. ~~17. “Service” means~~ the rendering of time, effort, or work, rather than the furnishing of a specific physical product other than reports incidental to the required performance. ~~It Service~~ includes, but is not limited to, the professional, personal, and/or contractual services provided by architects, engineers, attorneys, accountants, physicians, consultants, appraisers, land surveyors, and where services ~~is-are~~ associated with the provision of expertise or labor, or both.

~~bb. “Simplification” means reducing the excessive variety of types of material and equipment.~~

ee. ~~18. “Sole Source” means~~ compliance with one or more of the following: 1) ~~when~~ only a single source exists that meets the requirements; 2) ~~when~~ the compatibility of equipment, accessories or replacement parts is the paramount consideration; 3) ~~When~~ a sole supplier’s item is needed for trial use or testing; 4) ~~when~~ a sole supplier’s item is needed for resale; 5) ~~when~~ certain public utility services are to be procured and only one source exists; and/or 6) ~~when~~, in the case of an instructional related service, staff has determined to the satisfaction of the Supervisor of Purchasing that it would be impractical to seek or utilize another source for that service when the requirement is only available from a single supplier or contractor.

~~dd. “Solicitation” means request for bids, request for proposals, or any other method or instrument used to communicate to potential bidders or offerors procurement need.~~

~~ee. “Standardization” means the procurement of standard, off-the-shelf, readily available items, rather than items manufactured to meet specifications of a particular user.~~

ff. ~~19. “Supervisor of Purchasing” means~~ the person authorized to manage and supervise the Purchasing Office and to formulate, enter into, or administer contracts or make written determinations and findings with respect to them. The term also includes a designee of the Supervisor of Purchasing acting with written authority from the Supervisor of Purchasing to perform functions specifically delineated in the writing.

~~gg. “Supplier” means a person who desires to enter into a contract with Anne Arundel County Public Schools.~~

20. “Supplies” means all tangible personal property, including equipment, leases of equipment, insurance, including necessarily associated services, and printing, but excluding interest in real property or tangible personal property acquired or used in connection with an energy performance contract.

D. PROCEDURES

1. The Purchasing Office shall obtain as much competition as is reasonable following the thresholds listed below:

- a. All requirements less than \$5,000 – competition is at the discretion of the authorized buyer;
 - b. All requirements between \$5,000 and the competitive bidding limit established in §5-112 of the Education Article – three written or oral quotes shall be obtained and may be restricted to certified small businesses at the direction of the buyer; and
 - c. All requirements of like items, singly or combined exceeding the competitive bidding limit established in §5-112 of the Education Article shall use the public bidding procedure approved by the Supervisor of Purchasing or Supervisor of Purchasing’s designee.
2. With the approval of the Supervisor of Purchasing or Supervisor of Purchasing’s designee, the following may be procured or occur in accordance with the requirement for competition at the discretion of the authorized buyer:
- a. Contracts for the purchase of books and other materials of instruction as defined in the *Maryland State Department of Education Financial Reporting Manual*;
 - b. Participation in cooperative agreements for goods or commodities that are awarded by other government entities or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures;
 - c. The length of time of the bidding cycle that would adversely affect the educational process;
 - d. Negotiations will best serve the public interest and AACPS;
 - e. When the length of time of the bidding cycle may result in price increases;
 - f. A grant that identifies a named partner in the grant from which materials and/or services are to be acquired;
 - g. An item purchased for resale;
 - h. An item or service purchased from another governmental entity;
 - i. Maintenance support needed for software licensed in perpetuity;
 - j. Utility services purchased from a public utility; or
 - k. A bona-fide emergency exists.
3. With the approval of the Supervisor of Purchasing, the following may be procured without competition regardless of the dollar amount.

- a. A sole source procurement exists; ~~and~~
 - b. Professional services, including required educational and legal consulting, that are unique to AACPS requirements or otherwise not subject to competition; and
 - c. The Agreement is between AACPS and another government entity.
- ~~hh.~~ 4. The Purchasing Office shall advertise all procurements over the competitive limit established in §5-112 of the Education Article, except the procurement of books, materials of instruction, documentable sole source and emergency requirements, and when it is impractical or inefficient or impossible to do so.
- a. The Purchasing Office shall be responsible for the selection of appropriate advertisement sources that achieve increased participation in solicitations and provide adequate public notice.
 - b. The Division of Human Resources ~~Office~~ is responsible for the selection of appropriate advertisement sources, which will achieve increased participation in recruitment of personnel.

Regulation History: Developed by Superintendent 5/11/05
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Note previous history: ~~New regulation.~~ Adopted on 5/23/05