

INFORMAL BIDS OR PROPOSALS PROCESS

This administrative rule serves as a guide on how to conduct informal bids or proposals. Informal bids or proposals mean those bids or proposals not required by law or other Board policy, and when the estimated value of the purchase is less than \$50,000.

The Board delegates overall authority to the Chief Procurement Officer to oversee the informal bidding and proposal process. Informal bids or proposals shall be received in the manner specified by the chief procurement officer or designee. The Chief Procurement Officer or designee may, but is not required, to prepare bid or proposal specifications, advertise, notify the public, require sealed bids, or have a public bid opening.

Determination of Responsible Vendor

For the purpose of this regulation, a responsible vendor is determined based on investigation of financial responsibility, insurability, effective equal employment opportunity, capacity to produce, sources of supply, performance record in the business or industry, and other matters relating to the vendor's probable ability to deliver in the quantity and at the time required. The Chief Procurement Officer or designee may request submission of written statements from the bidder or other persons concerning any related matter to assist in this determination. The chief procurement officer or designee is authorized to determine if a vendor is responsible.

Preference to North Dakota Bidders

The District shall give preference to North Dakota bidders when purchasing any goods, merchandise, supplies, or equipment of any kind, or contracting to build or repair any building or other real property. The preference must be equal to the preference given or required by the state of the nonresident bidder.

Awarding Bids or Proposals

Awards are made to the responsible vendor with the lowest responsive bid or whose proposal is determined to be most advantageous. This determination shall be based upon evaluation criteria established by this policy except as otherwise indicated below.

Generally, the Chief Procurement Officer or designee shall use the following criteria and weights, and this information should be included in the informal bid or proposal specifications, if developed, unless otherwise provided by law.

1. Experience and Qualifications—30%
2. Quality of the Proposal—20%
3. Cost—50%

The Chief Procurement Officer or Chief Procurement Officer designee may modify these criteria and weights in their discretion. If the Chief Procurement Officer designee deems modification of these criteria and weights necessary, they shall provide a written explanation to the chief procurement officer.

ADMINISTRATIVE REGULATION

Descriptor Code: HCAA-AR

An award may be made to multiple vendors when it is determined to be in the best interest of the District to award multiple contracts to two or more responsive bidders of similar products or services. The intent of the award must be stated in the solicitation. A multiple award may be appropriate under circumstances in which more than one vendor is required to ensure adequate delivery, service, or product compatibility.

If only one responsive bid or proposal is received in response to solicitation, the procurement officer or designee may:

1. Make an award to the vendor upon determination that the specifications were not restrictive in accordance with applicable laws and District practices, other prospective bidders had a reasonable opportunity to respond, the bidder is responsible, and the price submitted is fair and reasonable;
2. Reject the bid or proposal and solicit new bids or proposals; or
3. Cancel the procurement.

If the price submitted is not fair and reasonable and there is no time for re-solicitation, or it is unlikely that re-solicitation will increase the number of bids or proposals, the Chief Procurement Officer or designee may award the contract to the sole responsive vendor.

Discussion, negotiations, and best and final offers may be requested for bids or proposals.

Rejection of Bids or Proposals

Any bid or proposal that does not meet the requirements of the solicitation, other than mistakes determined to be minor informalities, will be rejected.

If it appears to be in the best interest of the District, all bids or proposals may be rejected and invitations for bid or requests for proposal containing all the same or rewritten specifications, terms, and conditions may be issued. The Chief Procurement Officer or designee shall send a written notice to all the bidders stating the reason all bids and proposals were rejected. The rejected bids or proposals shall be retained in the procurement file in accordance with District retention requirements.

End of Dickinson Public School District Administrative Reg. HCAA-AR Adopted: 01/25/2023