

Bidding Procedures

NOTE: The Board has discretion as to whether to require competitive bidding for professional services, other than contracts for instructional services. C.R.S. 22-32-122(2). One of the following options must be selected by the Board and the other option should be deleted.

[Option 1: Requires competitive bidding for professional services contracts (e.g. attorney, architect).]

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

[End of Option 1]

[or]

[Option 2: Does not require competitive bidding for professional service contracts.]

All contractual services and purchases of supplies, materials, and equipment in the amount of \$_____ 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.

[End of Option 2]

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 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 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 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 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 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 BOCES hold harmless another person or entity;
- Any requirement that the BOCES or contracting entity participate in binding arbitration or other extra-judicial process for dispute resolution;
- Any requirement that the 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.

(Adoption date)

LEGAL REFS.: C.R.S. [22-1-135](#) (*terms and conditions in public school contracts definitions*)

C.R.S. [22-32-109 \(1\)\(b\)](#) (*board required to adopt bidding procedures*)

[C.R.S. 22-32-122 (4) (background check provision required in service contracts for services performed for a school or with students)]

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 BOCES receives federal funds, the 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 BOCES regulation, DJB*-R.*

[Revised April 2023]

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