

BIDDING REQUIREMENTS

In accordance with state bidding laws, bidding is required when a purchase or contract equal to or exceeding \$25,000 is anticipated, or if the contract is for the construction of a public improvement in excess of \$50,000 except in the following cases:

1. For the purchase of utility services such as electric power, lights, water or gas.
2. Purchases of materials, supplies or equipment from the United States or its agencies including Federal surplus property.
3. Equipment repair contracts.
4. Purchasing textbooks and text-related workbooks.
5. When purchasing facilities, equipment and supplies from another public corporation or at public auctions if in compliance with South Dakota Law.
6. Purchases from the lowest bidder of an item contained on the state price list or from any vendor for the exact same item if less than the state price list.
7. Purchases from the lowest responsible bidder of an item competitively bid by any local government within the previous twelve months unless trade in allowances are involved.
8. Purchases of raw materials used in construction or manufacture of products for resale, and contracts for asbestos removal in emergency response actions, real estate services and auction services.
9. For services provided by individuals or firms for consultants, audits, legal services, architectural and engineering services, insurance and transportation of students.
10. Purchases of computer programs and software, communication technologies, computers, peripheral equipment and related connectivity.
11. Change orders to an existing contract for construction, reconstruction or remodeling that are in compliance with South Dakota Law.
12. Purchases of real property having a particular use or benefit.
13. Guaranteed energy savings contracts.
14. Purchases of perishable or unprepared foodstuffs.

15. Upon the purchase of copyrighted materials that are copyrighted by only one company.
16. If there is only one source for the required service or item of tangible personal property other than construction services or equipment.
17. An emergency due to a casualty loss, natural disaster or sudden deterioration resulting in destruction to a vital piece of equipment which would require closing of school, or which will endanger the usefulness of remaining school property.
 - A. The Business Manager must request that the board of education declare an emergency within 60 days of the incident in order for any equipment or school property to be considered an emergency.
 - B. Once an emergency has been declared by the board of education, purchaser must issue a purchase order and/or obtain a signed contract within 120 day of the emergency declaration.

Bids for materials, supplies or equipment will be advertised and printed in the official newspaper of the district at least twice, the first publication at least ten days prior to the opening of bids. The advertisement will state the time and place the bids will be opened and passed upon by the board of education. In the notice the board of education will reserve the right to reject any and all bids.

When the contract is for the construction of a public improvement the advertisement must state where the plans and specifications may be examined. In specifying or purchasing goods, merchandise, supplies or equipment, the board of education will not specify any trade-mark or copyrighted brand on any product or any patented product, apparatus, device or equipment where proper competition will be prevented unless bidders also are asked for bids or offers upon other articles of like nature, utility and merit, and naming the make or brand to indicate the type or quality specified.

The sealed bids will be publicly opened and read at the time and place stated in the advertisement. Any bid may be withdrawn or modified before the time of opening as specified in the advertisement. Unless all bids presented are rejected, the lowest responsible bid, in all cases must be accepted.

If after advertising for bids no bids are received the board of education may negotiate a contract for the purchase of the materials, supplies or equipment at the most advantageous price. However, such materials, supplies or equipment will meet the specifications of the original advertisement for bids.

The board of education will contact and attempt to obtain competitive quotations from at least three suppliers. A record of the names of the suppliers, the quotations received and the procurement procedures used in purchasing will be documented, noted in the minutes, and retained on file by the board of education. The board of education may reject all bids and negotiate a contract if after advertising no firm competitive bids are received.

When supplies or equipment, or construction or remodeling services are to be purchased the board of education may require a reasonable deposit or bid bond by the bidders. The deposit or bonds must be returned to unsuccessful bidders immediately. No more than 30 days will elapse between opening of bids and acceptance of the lowest responsible bidder or rejection of all bids.

When supplies and equipment are received they will be opened and inspected by the purchasing agent, and compared with the written order to see that they were received as ordered and in acceptable condition for payment. If someone other than the purchasing agent, receives such supplies or equipment for the school district, this person will be required to sign the voucher for payment to the effect that they were received as ordered. The purchasing agent of the school district will sign all vouchers before the Board authorizes their payment.

Revised 11/01/10
Reviewed 11/08/12
Revised 08/24/15
Revised 06/13/16

Legal References:

SDCL 1-33B-9 - Contracts not subject to Chap 5-18 and 5-23
SDCL 13-16-6.1 - Bidders agreement to state rate and schedule
SDCL 13-20 - School district purchases and contracts
SDCL 5-18A - Public Agency Procurement
SDCL 5-18B - Procurement of Public Improvements
SDCL 5-18C - Procurement by Local Government Units
SDCL 5-18D - Procurement by State Agencies
AG Opinion 77-65, 77-76, 77-87, 85-24, 86-01 and 86-02