

6000 PURCHASE OF EQUIPMENT, MATERIALS AND SUPPLIES

All purchases of equipment, materials and supplies will be made in accordance with all applicable laws and regulations, including [Chapter 143 Article 8 of the North Carolina General Statutes](#), Board policy and any purchasing regulations and procedures. Purchasing contracts subject to the E-Verify requirement will contain a provision stating that the contractor and contractor's subcontractors must comply with the requirements of G.S. Chapter 64, Article 2. All employees involved in purchasing are expected to be familiar with applicable requirements.

The Superintendent, or his designee, will ensure that written specifications for desired products are descriptive, clear and incorporate the quality requirements and service needs of the Board. While there is no minimum number of bids, proposals or quotes required for the purchase of apparatus, goods, supplies and equipment, whether formally or informally bid, the Superintendent is encouraged to obtain at least two quotes when feasible.

Except as otherwise required by law, the Board delegates to the Superintendent the authority to award contracts for the purchase of equipment, material and supplies in an amount up to \$50,000, as long as the purchase is within the remaining funds in the allocated budget for the current fiscal year. The Superintendent may seek Board approval for certain expenditures. The purchasing officer and any additional staff deemed appropriate by the Superintendent will review submissions of bids, proposals or quotes to determine if they are responsive to the district's specifications, and will make recommendations to the Superintendent. The Superintendent will award the contract based upon such recommendations or will make a recommendation to the Board for award of the contract by the Board in accordance with this policy.

Equipment, materials and supplies must be purchased in accordance with the following requirements. Purchases shall not be divided for the purpose of evading any of the requirements of this policy, state law or any regulations adopted by the superintendent for the implementation of this policy.

A. Formal Bidding

The purchase of apparatus, supplies, materials or equipment for expenditures of \$90,000 or more must be secured through the competitive bid process governed by [G.S. 143-129](#).

The Superintendent, in consultation with the purchasing officer, is authorized by the Board to determine the best method for formally bidding a product or, as appropriate, utilizing one of the exceptions to formal bidding as provided below. The purchasing officer will oversee the use of any purchasing method and will ensure that all statutory requirements are met, including advertisement, sealed bids, maintaining records and public opening of bids. The Board authorizes the use of newspaper advertisement, electronic advertisement or both for formal bids; however, the Superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases.

Awards will be made to the lowest responsible bidder(s) whose bid/proposal meets the requirements and criteria set forth by the Board, taking into consideration quality,

performance and the time specified in the proposal for the performance of the contract. To be eligible for an award of a contract subject to G.S. 143-129, the contractor and its subcontractors, if any, must demonstrate compliance with all applicable provisions of G.S. Chapter 64, Article 2, including the responsibility to use E-Verify. All contracts awarded must be in writing.

The Board permits the use of the following processes for contracts that require formal bidding.

1. Competitive Sealed Bids – A competitive sealed bid (or invitation to bid) may be used to request the cost of particular goods by providing detailed specifications in advance.
2. Reverse Auction - Pursuant to [G.S. 143-129.9\(a\)\(1\)](#), the Board may use reverse auctions as an alternative to sealed bid procedures. For purposes of this policy, reverse auction means a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. The Superintendent, in consultation with the purchasing officer, will determine whether reverse auctions are appropriate for a specific purchase or category of purchases. To conduct a reverse auction, the purchasing officer may use a third party, may use the state's electronic procurement system or, if appropriate equipment is available, may conduct the auction via school district equipment.
3. Exceptions to Formal Bids – Any of the processes outlined below can be used in lieu of formal bidding, as long as all requirements of state law are met.

B. Informal Bidding

The purchase of apparatus, supplies, materials or equipment for expenditures of \$5,000 to \$90,000 must be secured through the informal bidding process governed by [G.S. 143-131](#).

The Superintendent, in consultation with the purchasing officer, is authorized by the Board to determine the best method for informally bidding a product. The purchasing officer will oversee the use of any purchasing method and will ensure that all state requirements are met, including maintaining records of all bids submitted. Awards will be made to the lowest responsible bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school district, taking into consideration quality, performance and the time specified in the proposal for the performance of the contract.

1. Competitive Sealed Bids – Informal bid requirements may be met by the use of sealed bids. The purchasing officer may determine appropriate methods for soliciting sealed bids. The bid specifications will include the time, date and place for opening bids. No advertisement for bids is necessary (unless the formal bid process is used); however, the purchasing officer may advertise for bids as he/she deems appropriate.

2. Quotations – Informal bid requirements may be met by the solicitation of quotes from prospective vendors. Quotations may be solicited and submitted via fax, email, telephone, or the E-Quote service of the NC E-Procurement System. Telephone quotes must be placed in writing before a final contract will be awarded. Written quotations must be on the vendor’s letterhead or an official quotation form, and must include an authorized signature.
3. Reverse Auction – A reverse auction may be used to solicit informal bids, consistent with the process provided in formal bidding section.
4. Exceptions to Informal Bids – Any of the processes outlined below as exceptions may be used in lieu of informal bidding, as long as all requirements of state law are met.

C. Purchases Below the Informal Bidding Range

Purchases for equipment, materials and supplies costing less than \$5,000 will be awarded under conditions which foster competition among vendors. Purchase decisions should be made after considering price, quality, suitability for specified need and timeliness of delivery and performance. Two written quotes should be received for each purchase when feasible. Relevant state and school system contracts should be reviewed in assessing whether the Board is receiving the best value. The Board reserves the right not to enter into a contract with any supplier or contractor when performance on any previous contract has been found to be unsatisfactory by the Superintendent or the Board.

D. Electronic Bidding

Pursuant to [G.S. 143-129.9\(a\)\(2\)](#), the school system may receive bids electronically in addition to or instead of paper bids. If electronic bids are used for purchases that must be formally bid, procedures for receipt of electronic bids must be designed to ensure the security, authenticity and confidentiality of the bids to at least the same extent as provided with paper bids. The Superintendent, in consultation with the purchasing officer, will determine whether electronic bidding is appropriate for a specific purchase or category of purchases.

E. Exception to Formal and Informal Bidding Requirements

The school system may utilize the following purchasing options instead of pursuing competitive bidding. Formal or informal bidding is not required if any of these processes are used. The purchasing officer is responsible for gathering information to document the basis for the use of any exceptions to the competitive bidding requirements. The Superintendent, in consultation with the purchasing officer, will determine whether using one of the following exceptions is appropriate for a specific purchase or group of purchases.

1. Purchases from Other Governmental Agencies – Pursuant to [G.S. 143-129\(e\)\(1\)](#), the school district may contract for the purchase, lease or other acquisition of apparatus,

supplies, materials, or equipment from any other federal, state or local governmental agency.

2. Special Emergencies – Pursuant to [G.S. 143-129\(e\)\(2\)](#), competitive bidding is not required in cases of special emergencies involving the health and safety of people or their property. For an emergency to exist under the statute, the following factors must exist: (1) the emergency must be present, immediate and existing; (2) the harm cannot be averted through temporary measures; and (3) the emergency must not be self-created by the Board.
3. Competitive Group Purchasing – Pursuant to [G.S. 143-129\(e\)\(3\)](#), the school system may make purchases through a competitive bidding group purchasing program, through which another entity uses a competitive process to establish contracts on behalf of multiple entities at discount prices.
4. State Term Contract – Pursuant to [G.S. 143-129\(e\)\(9\)](#), the school system may purchase products included in state term contracts with the state vendor for the price stipulated in the state contract, if the vendor is willing to extend the school system the same or more favorable prices, terms and conditions as established in the state contract.
5. Sole Source Items – Pursuant to [G.S. 143-129\(e\)\(6\)](#), upon approval of the Board, the school system may purchase an item through a single/sole source contract under the following circumstances: (1) when performance or price competition is not available; (2) when a needed product is available from only one source of supply; or (3) when standardization or compatibility is the overriding consideration. When requesting a purchase under the sole source exception, the purchasing officer will provide the Board with documentation that justifies the use of the exception.
6. “Piggybacking” or Previously Bid Contracts – Pursuant to [G.S. 143-129\(g\)](#), upon approval of the Board, the school system may purchase from any supplier that, within the previous 12 months, has contracted to furnish the needed item to the federal government, to any state government, or to any agency or political subdivision of the federal government or any state government. Before recommending a purchase using the piggybacking exception, the purchasing officer will ensure that the following requirements are met: (1) the price and other terms and conditions of the contract are at least as favorable as the prior contract; (2) the contract was entered into following a public, formal bid process substantially similar to that required by North Carolina General Statutes; (3) the same vendor is used; and (4) notice of intent to award the contract without bidding is publicly advertised at least 10 days prior to the regularly-scheduled Board meeting at which the contract will be approved. Before approving the contract, the Board must determine that using the contract is in the best interest of the school system.
7. Purchases of Information Technology Goods and Services – Pursuant to [G.S. 143-129\(e\)\(7\)](#) and [143B-1324\(b\)](#), the school system may purchase or lease information

technology through contracts established by the Department of Information Technology. The purchasing officer will work with the information technology department to ensure that any such purchases meet the needs of the school system.

In addition, the school system also may purchase information technology goods and services by using a request for proposal (RFP) pursuant to [G.S. 143-129.8](#), provided that the following requirements are met: (1) notice of the request is provided consistent with the formal bidding notice requirements and (2) contracts are awarded to the person or entity that submits the best overall proposal as determined by the purchasing officer and Superintendent. The RFP should describe the scope of work, general terms and conditions, specifications of the product needed by the school system, and the application process. RFPs will be evaluated using the “best value” method as defined in [G.S. 143-135.9\(a\)\(1\)](#), so that the school system can select the most appropriate technological solution to meet the Board’s objectives. However, in situations where the purchasing officer considers the purchase to be highly complex or is unable to clearly determine what the optimal solution for the school system is, the “solution-based solicitation” or “government-vendor partnership” method may be used. The purchasing officer may negotiate with the proposer to obtain a final contract that meets the best needs of the school system, as long as the alterations based on such negotiations do not deprive proposers or potential proposers of the opportunity to compete for the contract and do not result in the award of the contract to a different person or entity than it would have been if the alterations had been included in the RFP.

8. Gasoline, Fuel and Oil Purchases – Pursuant to [G.S. 143-129\(e\)\(5\)](#), the school system may purchase gasoline, fuel and oil products without using formal competitive bidding. However, such purchases are subject to the informal bidding requirements provided above.
9. Used Products – Pursuant to [G.S. 143-129\(e\)\(10\)](#), the school system may purchase previously used apparatus, supplies, materials or equipment without using formal competitive bidding. Before purchasing used products, the purchasing officer shall ensure that the products are in good, usable condition and will be sufficient to meet the school system’s needs for a reasonable period of time.
10. Instructional Materials – Pursuant to [G.S. 115C-522\(a\)](#), the formal or informal requirements shall not be required for the purchase of published books, manuscripts, maps, pamphlets, and periodicals.

F. E-Procurement Requirements

Where appropriate, the Board will use the North Carolina Electronic Procurement (“e-procurement”) system to facilitate the electronic purchase of goods and services.

G. Lease Purchase Contracts and Other Contracts Financed Over Time

Lease purchase contracts, contracts that include options to purchase, and leases for the life of equipment all must be bid consistent with the requirements of G.S. 143-129 and 143-131. The purchasing officer will ensure that such contracts meet the legal requirements of G.S. 115C-528 and the provisions of Board policy.

H. Use of School System Term Contracts

The school system may create and use term contracts for items that are routinely purchased by the school system. If the estimated expenditure for a routine item under the term contract exceeds \$90,000, the contract must be formally bid. If the estimated expenditure is between \$5,000 and \$90,000, the contract must be informally bid. The purchasing officer may incorporate the use of a term contract in the bidding specifications. If term contracts are used, the contracts will be created and/or reviewed by the Board attorney, in consultation with the purchasing officer.

I. Historically Underutilized Businesses

The Board affirms the state's commitment to encourage the participation of historically underutilized businesses in purchasing functions. The Board will comply with all legal requirements and policy standards.

LEGAL REF: G.S. 64, art. 2; 115C-522; 143, article 8; 143B, art. 14; 143-49, -52, -52.3; 147, art. 6E; N.C. Session Law 2003-147; ~~Session Law 2013-128~~, N.C. Procurement Manual, Department of Administration, Division of Purchase and Contract, available at <http://www.pandc.nc.gov/Default.aspx>

CROSS REF: Purchase Orders and Contracts (Policy 6010); Minority Business Enterprise Participation in Construction and Contracts Policy (Policy 6050)

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EDENTON-CHOWAN BOARD OF EDUCATION