

BIDS AND QUOTATIONS

No expenditure involving an amount greater than \$500.00 shall be made except in accordance with the provisions of a written contract or purchase order, and no contract involving an expenditure of more than \$100,000 for the purpose of erecting a building or making any improvements on school buildings or construction trade contracts or subcontracts exceeding \$50,000 shall be made except upon sealed proposals and to the lowest or best responsible bidder. This does not prohibit the district from erecting a building or making improvements on a force account basis.

Public construction contracts equal to \$50,000 but less than \$100,000 shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible qualified contractor. Public construction contracts for less than \$25,000 may be negotiated with a qualified contractor. Public construction contracts are any contract for the purpose of making any public improvements or constructing any public building or making repairs to or performing maintenance on any school-owned building.

If a public construction contract for minor maintenance or minor repair work to district property is less than \$25,000, a contract may be negotiated with a qualified contractor. No work shall be commenced until a written contract is executed and proof of insurance has been provided by the contractor to the school district's business office.

The school board may provide for a local bid preference of not more than five percent of the bid price if the board determines that there is an economic benefit to the local area or economy. The determination as to whether there is an economic benefit to the local area or economy will be based upon whether the local bidder employs residents of the school district as employees or independent contractors and whether such employment will benefit the school district. The local bidder must be the second lowest qualified bid on the contract and must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. Within the bid specifications the district must clearly state that the bid is subject to a local bidder preference law.

"Local bidder" means the bidding person is authorized to transact business in Oklahoma and maintains a bone fide establishment for transacting business within the state.

The term "force account" means the purchase of necessary materials, and the employment of necessary workmen, by the school district itself, rather than entering into a contract with a building or other contractor to construct the building or other improvement. No contract involving sums in excess of \$100,000 shall be split into partial contracts involving sums below \$100,000 for the purpose of avoiding the requirements of the Public Competitive Bidding Act.

For the purposes of this policy, the term "improvements on school buildings" shall not include any of the following:

1. Portable, or otherwise moveable, buildings and structures;
2. Prefabricated metal buildings and structures, along with necessary utility services for such buildings or structures;
3. Roofs placed over existing roof structures; and
4. Other structures that can be disassembled after installation and removed without permanent damage to existing property.

For the purposes of the Public Competitive Bidding Act, where total payments of principal and interest are anticipated to exceed 100,000 the lease purchase of items pursuant to paragraphs numbered 2 and 3 above must be competitively bid.

**REFERENCE: 61 O.S. §102, §103, §107, §131
62 O.S. §430.1
70 O.S. §5-123**