

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

FINANCES
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Purchases Subject to Bid

6320 PURCHASES SUBJECT TO BID

The Board of Education directs the establishment and conduct of bidding procedures that serve the public interest and provide each qualified vendor an equal opportunity to furnish goods and services to the district.

Every contract for the performance of work or the purchase or lease of materials or supplies not exempted by law will be subject to public bidding whenever the aggregate value of such a contract within one ~~fiscal contract~~ year exceeds the bid threshold established by law and in accordance with N.J.S.A. 18A:18A-3.(a). Whenever possible, purchases will be aggregated; purchases may not intentionally be divided to avoid the requirements for competitive bidding as required in N.J.S.A. 18A:18A-8. The purchase of textbooks and materials that exceed the bid threshold and are approved by the Board pursuant to N.J.S.A. 18A:34-1 shall not require the further adoption of a resolution for purchase.

Bid specifications will be prepared and/or are coordinated by the Purchasing Agent, ~~who shall be appointed by the Board~~. Each bid specification will offer a common standard of competition and will assert the Board's right to accept reasonable equivalents and to reject all bids and re-advertise. The Purchasing Agent is authorized to advertise for bids in accordance with ~~law N.J.S.A. 18A:18A-21~~ without the prior approval of the Board, but shall inform the Board of any such advertisement at the Board meeting next following. Records of advertisements will be kept in detail sufficient to show that a reasonable number of qualified vendors were invited to bid.

Bids ~~may shall~~ be opened publicly by the Purchasing Agent before one or more witnesses at a previously designated time and place. Contracts will be awarded, on a resolution duly adopted by the Board, to the lowest responsible bidder who submits the lowest ~~confirming-responsible~~ bid, except that the Board may choose to reject all bids, to re-advertise, or to purchase under a ~~S~~state contract. The Board may disqualify a bidder who would otherwise be determined to be the lowest responsible bidder in accordance with N.J.S.A. 18A:18A-4. Whenever two or more bids are the lowest bids submitted by responsible bidders, the Board, ~~upon recommendation of the Purchasing Agent,~~ shall determine to which bidder the contract will be awarded.

The bid of a vendor who claims, before bids are opened, a mistake or omission in its preparation will be returned unopened, ~~and the vendor shall lose the right to bid~~. A bidder who discovers a mistake or omission after bids have been opened may withdraw the erroneous bid provided he or she gives immediate written notice of the mistake or omission and certification, supported by clear evidence, that he or she exercised reasonable care in the examination of the specifications and preparation of the bid. Any bidder who withdraws an opened bid shall forfeit any bid security deposited with the bid in accordance with law.

~~No contractor shall list a subcontractor in a bid proposal for the contract unless the subcontractor is registered in accordance with the Public Works Contractor Registration Act (PWCRA). All contractors and sub-contractors must be registered at or before the time of the bid submission.~~

~~After the bid is submitted, but before the award of the contract, each contractor must submit to~~

~~the school district the certificates of registration for all subcontractors listed in the bid proposal. Applications for registration shall not be accepted in lieu of the certificate(s) of registration.~~

In accordance with the provisions of N.J.A.C. 6A:23A-5.4, pursuant to the authority granted the Commissioner of Education under N.J.S.A. 18A:55-2 and N.J.S.A. 18A:7F-60, the Commissioner shall subject to review for the withholding of State funds any school district that fails to obey the provisions of the Public Contract law, N.J.S.A. 18A:18A-1 et seq. The amount of funds to be withheld shall equal the amount of the contract awarded in violation of the provisions of N.J.S.A. 18A:18A-1 et seq. except for violations related to the award of contracts under the extraordinary unspecifiable services (EUS) provision which shall be governed by the provisions of N.J.S.A. 18A:18A-46.1.

N.J.S.A. 18A:18A-1 et seq.

~~N.J.A.C. 6A:23A-5.4; 6A:27-9.1 et seq.; 20-7.1 et seq.; 6:20-8.1 et seq.; 6:21-15.1 et seq.~~

~~Public Works Contractor Registration Act. L.2003, c.91.~~

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