



## Administrative Regulation 3322

# BIDS/QUOTATIONS AND CONTRACTS

**Responsible Office:** Office of Business & Financial Services

### PURPOSE

This Administrative Regulation describes the process in which bids, quotations and contracts are processed and approved in the Washoe County School District ("District" or "WCSD").

### REGULATION

#### 1. Bids / Quotations

- a. All bidding processes and conditions of the contract award must comply with the District's Board policies and procedures as well as all requirements of state and federal laws and regulations.
- b. Authorization to Seek Bids / Quotations
  - i. For those contracts in which the estimated annual amount is \$25,000 or more, only authorized representatives of the Office of Business and Financial Services (Purchasing Department) may seek solicitations).
  - ii. For those contracts in which the estimated annual amount is less than \$25,000, staff may seek quotations. The seeking of a quotation does not authorize staff to obligate the District. See Execution of Contracts below.
- c. Bids/Quotations Under NRS Chapter 332, Purchasing: Local Governments
  - i. All bid solicitations meeting the requirements of Nevada Revised Statutes ("NRS") Chapter 332, Purchasing: Local Governments, and other purchases and contracts with a combined value of \$100,000 or more require the approval of the Board of Trustees prior to the execution of the purchase order or contract.
  - ii. The Purchasing Department shall maintain a record of all bid/quotation requests and bids/quotations received for seven (7) years after the date of the expiration of the final term of the contract.

d. Bids/Quotations Under NRS Chapter 338, Public Works

- i. All bid solicitations meeting the requirements of Nevada Revised Statutes (NRS) Chapter 338, Public Works, for combined awards of \$100,000 or more require the approval of the Board of Trustees .

- 1. In accordance with Board Policy 3321, the Board of Trustees has designated the Superintendent, the Chief Financial Officer, and the Director of Procurement and Contracts as authorized representatives for the purpose of accepting or rejecting a bid for a public works contract.

- e. Security for bids and contract performance in the form of a bid bond, cashiers, or certified check drawn in favor of the District or cash may be required, when appropriate, in the case of bids or quotations. The Superintendent or his/her designated representative shall determine the proper security when related to any bid or quotation.

- i. Construction change order procedures are developed and implemented by the Capital Projects or Facilities Management Departments.
  - ii. The Purchasing Department shall maintain a record of all bid requests and bids received for seven (7) years after the date of the expiration of the final term of the contract..

2. Contracts

a. Authority

- i. The Superintendent, Chief Financial Officer, and Director of Procurement and Contracts are authorized to enter into contracts for supplies, equipment, materials, labor, and services.
- ii. The Office of the General Counsel may enter into a contract to retain outside legal counsel under specific circumstances. (See Board Policy 9165, Legal Counsel)

b. Review

- i. All contracts must be reviewed and approved by the Purchasing Department and Office of the General Counsel or Grants

Department, as determined by the funding source, prior to execution.

- ii. Independent Contractor Agreements are excluded from the review process unless the Independent Contractor requests revisions, addendums, etc., to the District's standard Independent Contractor Agreement.

c. Approval

- i. The following contracts and optional contract renewals must be submitted to the Board of Trustees for approval:
  - 1. Contracts and optional contract renewals where the total District obligation is \$100,000 or more; and/or any type of contract not addressed in an approved Board Policy.
  - 2. Previously approved contracts in which an amendment or other change to the contract results in an increase of 10% or more of the original value or is \$100,000 or more.
  - 3. Purchase requisitions for products or services in the amount of \$100,000 or more that are for items exempt from the bidding requirements of Nevada Revised Statutes (NRS) Chapter 332, Purchasing: Local Governments, where a solicitation was not conducted and which are not specific line items previously approved by the Board of Trustees during the budget approval process.

d. Signatory Authority

- i. Authority to enter into negotiations, approve and/or sign contracts on behalf of the District shall be granted through:
  - 1. Formal action of the Board of Trustees;
  - 2. A valid delegation of authority from the Superintendent or the Board of Trustees; or
  - 3. A purchase made in accordance with a Board Policy.
- ii. The signator for contracts in the amount at or above \$100,000 shall be the Superintendent. In the absence of the Superintendent, the

signatory designee shall be either the Deputy Superintendent or Chief of Staff.

- iii. Contracts with an annual amount between \$50,000 and \$99,999 shall be signed by the Superintendent or Chief Financial Officer.
- iv. Contracts with an annual amount up to \$49,999.99 shall be signed by the Superintendent, Chief Financial Officer, or Director of Procurement and Contracts.

## **DEFINITIONS**

1. **Contract:** A voluntary, deliberate, and legally binding agreement between two or more competent parties. Contracts are usually written but may be spoken or implied, and generally have to do with employment, sale or lease, or tenancy.
2. **Lease:** Written or implied contract by which an owner (the lessor) of a specific asset (such as a parcel of land, building, equipment, or machinery) grants a second party (the lessee) the right to its exclusive possession and use for a specific period and under specified conditions, in return for specified periodic rental or lease payments.
3. **Solicitation:** The general process of employing competition through any approved solicitation type for a specified product, service, or project. A solicitation can include, but is not limited to: Request for Bid, Request for Proposal, Request for Qualifications, and Request for Quotation.
4. **Bid:** Complete sealed solicitation (submitted in competition with other bidders) to execute specified job(s) within prescribed time (that usually includes labor, equipment, and materials). The bid-receiving party may reject the bid or turn it into a binding contract by accepting it.
5. **Quotation:** A formal statement of promise (submitted usually in response to a request for quotation) by potential supplier to supply the goods or services required by a buyer, at specified prices, and within a specified period. A quotation may also contain terms of sale and payment, and warranties.
6. **Memorandum of Understanding:** a document describing an agreement between parties, where each of the parties makes a promise or set of promises to the other party or parties.

## **DESIRED OUTCOMES**

1. This regulation and the accompanying policy has been developed to increase the efficiency and time management of the Board of Trustees and staff, while still meeting the requirements of Nevada Revised Statutes (NRS) with regard to bids, quotations and contracts.
2. Competitive bidding by advertised invitation, requests for written quotations, and negotiation shall be instituted in a manner that will provide for financially sound practices in the expenditure of school district funds.

## **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 3321, Bids/Quotations and Contracts
  - b. Board Policy 3320, Purchasing Procedures
  - c. Board Policy 9165, Legal Counsel
  - d. Administrative Manual PUR-M001, Procurement Procedures
2. This regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) to include:
  - a. Chapter 332, Purchasing: Local Governments.
  - b. Chapter 338, Public Works.

## **REVIEW AND REPORTING**

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.
2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

## REVISION HISTORY

Date	Revision	Modification
9/25/1984	1.0	Adopted
9/12/1989 4/5/1990 12/10/1991 5/12/1992 11/23/1993 11/11/1997 2/6/2007 11/13/2007	2.0 2.1 2.2 2.3 2.4 2.5 2.6 2.7	Revisions
10/12/2009	A	Converted to an ISO Procedure
8/27/2013	3.0	Converted to Administrative Regulation and revised to align with revised Board Policy
3/13/2018	4.0	Revised to clarify District staff authorized to enter into and sign contracts