

Urban Pathways K-5 College Charter School

Board of Trustees Policy

Purchases Subject to Bid Policy

Purpose

It is the policy of the Board of Trustees ("Board") to advertise and obtain competitive bids for products and services where such bids are required by law or where such bids may be believed to bring about a cost saving to the Urban Pathways K-5 College Charter School ("Charter School").

The amounts contained in this policy regarding competitive bid and price quotation requirements are subject to adjustments based on the Consumer Price Index.

When seeking competitive bids, the Board shall advertise once a week for three (3) weeks in not less than two (2) newspapers of general circulation.

All construction, reconstruction, repairs, maintenance or work of any nature upon any school building or upon any school property or upon any building or portion of building, made by Charter School where the entire cost, value, or amount of such construction, reconstruction, repairs, maintenance or work, including labor and material is in excess of \$22,500.00, subject to adjustment under Section 120 of the Public School Code, shall be done under separate contracts to be entered into by Charter School with the lowest responsible bidder, under proper terms, after due public notice has been given asking for competitive bids.

Written or telephonic price quotations from at least three (3) qualified and responsible contractors shall be requested by the Board for all contracts that exceed \$12,200.00, subject to adjustment under Section 120 of the Public School Code, but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three (3) qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record shall be made of these quotations and shall contain the date of the quotation; name of contractor; contractor's representative; the construction, reconstruction, repair, maintenance or work of the quotation. The written price quotations, records or telephonic price quotations and memoranda shall be kept on file for a period of three (3) years.

Any construction, reconstruction, repairs or work of any nature, where the entire cost or value, including labor and material, is less than \$12,200.00, subject to adjustment under Section 120 of the Public School Code, may be performed by Charter School's own maintenance personnel. The Board may authorize the Secretary of the Board or CEO to award contracts for construction, reconstruction, repairs or work of any nature, where the entire cost or value, including labor and materials, is \$22,500.00 or less, without soliciting competitive bids, subject, however, to the provisions set forth above in paragraph number 2.

As required by code, every contract for construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the Act of March 3, 1978, known as the "Steel Procurement Act."

No person, consultant, firm or corporation contracting with Charter School for purposes of rendering personal or professional services to Charter School shall share with any Charter School Board member or employee, and no Charter School Board member or employee shall accept, any portion of the compensation or fees paid by Charter School for the contracted services provided to Charter School except under the following terms and conditions:

Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the Board.

The Board must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

No fee or compensation for personal or professional services may be shared except for work actually performed.

No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

The Board prohibits the practice of splitting purchases to avoid advertising and bidding requirements.

Bid specifications shall be approved by the Board before being published.

The Public School Code requires Charter School to comply with the Pennsylvania Prevailing Wage Act. This Act requires every public entity to ensure that the prevailing wage rates are paid to workers employed on any construction, reconstruction, demolition, alteration, or repair work in excess of \$25,000.00. The prevailing wages, as

determined by the Department of Labor and Industry, must be incorporated into the bidding specifications and the final contract for any work that falls under the Pennsylvania Prevailing Wage Act.

The Board recognizes that emergencies may occur when imminent danger exists to persons or property or the continuance of existing school classes is threatened, and time for bidding cannot be provided because of the need for immediate action in accordance with the Pennsylvania School Code. Such emergency must be declared by the Board and stated by resolution at an emergency meeting which does not require public notice pursuant to the Sunshine Act.

Whenever a contractor shall submit a bid for the performance of work and the contractor later claims a mistake, error or omission in preparing said bid, the contractor shall, before the bids are open, make known the fact and in such case the bid shall be returned unopened and the contractor may submit a revised bid proposal at the discretion of Charter School or the contractor may lose the right to bid if circumstances as determined by the Board require.

Bids shall be opened by the Board Secretary and/or an appointed Board Member at the next regularly scheduled Board Meeting after the closing date of the bids. The Board shall accept the bid of the lowest responsible bidder, kind, quality, and material being equal, but shall have the right to reject any and all bids, or select a single item from any bid.

There are exceptions to contracts or purchases which do not require advertising, bidding or price quotations and are set forth at 16 Pa.C.S.A. sec. 1802(h) and include but are not limited to professional service contracts involving professional expertise (i.e., medical, legal, architects, engineers, CPAs) and specifically those involving construction management services.

Electronic Bidding

The Board shall receive bids electronically for competitive contracts, except for construction and design services, in compliance with applicable laws and Board policy. The Charter School shall electronically maintain the confidentiality of the bid until the bid opening.

The Board shall adopt a resolution approving the use of competitive electronic auction bidding for contracts for supplies or services, but not for construction or design services.

An invitation for bids shall be issued and shall include:

1. Procurement description.
2. All contractual terms, when practical.
3. Conditions applicable to procurement, including a notice that bids will be received in an electronic auction manner. Public notice and advertisement of the invitation for bids shall be given in the manner required for non-electronic bidding. Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, bidders shall be able to review their bid rank or the low bid price, and may reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

NOTE: The Department of Labor and Industry shall publish notice, in the Pennsylvania Bulletin prior to January 1 of each calendar year, of the annual percentage change and the unadjusted or final adjusted base amounts at which competitive bidding is required and written or telephonic price quotations are required, respectively, for the calendar year beginning the first day of January after publication of the notice. This policy will be adjusted annually based on the notice published in the Pennsylvania Bulletin.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENTS.