I. **PURPOSE:** To establish guidelines for the procurement of all goods and services used by the Prince George’s County Public Schools system.

II. **POLICY:** The Board of Education expects that all funds expended for goods and services shall be used in the most effective and efficient manner possible and that the procurement of materials, supplies, equipment, library media, and textbooks for Prince George’s County Public Schools (PGCPS) will be conducted in accordance with the laws of the State of Maryland and Board Policy 3323.

III. **DEFINITIONS:**

   A. Formal bids: A bid which must be submitted in a sealed envelope and in conformance with a prescribed format to be opened in public at a specified date and time.

   B. Informal bids: A competitive bid, price quotation or proposal for supplies or services that is conveyed by a letter, fax, e-mail or other manner that does not require a formal sealed bid or proposal, public opening or other formalities. Generally relegated to requirements that may be considered low value or fall under a stipulated price/cost threshold.

   C. Requests for quote: A request is sent to suppliers along with a description of the commodity or services needed and the supplier is asked to respond with price and other information by a pre-determined date. Evaluation and recommendation for award should be based on the quotation that best meets price, quality, delivery, service, past performance and reliability.

   D. Specifications: A precise description of the physical or functional characteristics of a product, good or construction item; a description of goods and/or services; or a description of what the purchaser seeks to buy and what a bidder must be responsive to in order to be considered for award of a contract. Specifications generally fall under the following categories: design, performance, combination (design and performance), brand name or approved equal, qualified products list and samples. May also be known as a purchasing description.

IV. **PROCEDURES:** The Office of Purchasing establishes the following procedures in accordance with Education Article section 5-112 for school administrators and office heads to obtain goods, equipment, and services essential for the effective operation of the school system. These procedures require a centralized purchase order process and the use of Oracle SSP for the electronic transmission of requisitions and purchase orders.
A. Formal Bids
   1. The Office of Purchasing shall assist sponsoring schools and offices in developing specifications for the purpose of obtaining competitive bids. The specifications shall be based on knowledge of use, functional value, product life cycle, environmental impact, operational safety, and in observance of all related federal, state, and county building codes.

   2. The specifications shall identify the requirements for bid security, including, but not limited to: a bid bond, certified company or cashier's check, a performance bond, and/or a payment bond. The bid security shall be provided in an amount not less than five percent (5%) of the amount of the base bid.

B. Informal Bids and Requests for Quote
   1. The Office of Purchasing shall assist schools and offices with developing and soliciting informal bids (IFB) and requests for quotes (RFQ).

   2. Informal bids and price quotations are exempt from statutory requirements for advertisement and award of contract.

C. Advertisement
   1. All formal bid solicitations shall be advertised in accordance with §5-112 of the Education Article. Advertisements shall be posted on the school system’s Office of Purchasing website, and posted on the State’s eMaryland Marketplace website.

   2. Solicitations shall also be advertised through other agencies and organizations, including the Governor's Office of Minority Affairs.

   3. The Office of Purchasing shall have the option of advertising bids in additional publications to encourage competition and to notify construction industry resources.

D. Instructional Materials
   Books and other instructional material shall be evaluated and selected in accordance with Board Policy 6180.1, Evaluation and Selection of Classroom Instructional Materials.

E. Volume Purchases
   1. Any group or large volume purchasing by a school or office must be completed through a contract issued by the Office of Purchasing for the purchase of selected supplies, equipment, and furnishings.

   2. Information on existing state, county, or local contracts or group purchase agreements shall be made available to all schools and offices.
F. Quality of Goods and Services
The quality standard for goods, equipment, and services shall be established by the Office of Purchasing on advice of school principals and office heads. The basic criteria in determining quality shall be: the function and use of the goods, equipment, or services; availability; product standardization; packaging; the manufacturer's practices; financial stability; and prior performance of the award bidder.

G. Ordering Goods and Services
1. A purchase order is required from the Office of Purchasing for the procurement of any goods or services.

2. The purchase order may serve as a contract or shall act as a notification against an existing contract between the school system and the vendor(s).

H. Receiving of Goods and Authorization of Payment
For the receipt of and payment for all goods and services to schools and offices, Requisitioning Department Personnel must make final inspection to determine that the items are as ordered and meet specifications in the case of competitive sealed bid items. Some specialty items require immediate inspection by Staff from the Requisitioning Department. For these items, Receiving Reports are not prepared until the inspection has been completed and the items declared acceptable by the Requisitioning Department.

I. Award of Contract
1. The Board shall review contract recommendations at its regularly scheduled meeting. The Board reserves the right to approve, defer, or deny an award of contract. Staff shall take all necessary action to implement the decision of the Board.

2. All executed awards will be posted on the Department of Purchasing web page and a copy will be emailed to the bid requestor and the successful vendor.

3. The Office of Purchasing shall notify bidders and/or vendors of the process to appeal contract-related decisions.

J. Non-Award
The Department of Purchasing will email non-award letters to all unsuccessful bidders/respondents.
K. Resolution of Protest and Disputes
The Director of Purchasing and Supply Services shall attempt to resolve informally all protests of bid award recommendations. Vendors are encouraged to present their concerns promptly to the Buyer and/or Purchasing Supervisor for consideration and resolution. Open dialogue is helpful for all parties and disputes are often only a misunderstanding of the evaluation and recommendation process.

1. An interested party (bidder of standing or offeror) may protest to the Director of Purchasing and Supply Services a proposed award of a contract for supplies, equipment, services, or maintenance. A bidder of standing is a bidder who would be directly next in line for an award should the protest be supported.

2. The protest shall be in writing addressed to the Purchasing Supervisor with a copy to the Director and shall include the following:
   - The name address and telephone number(s) of the protester
   - Identification of the solicitation
   - Statement of reasons for the protest
   - Supporting documentation to substantiate the claim
   - The remedy sought

3. The protest must be filed with the Purchasing Office within ten (10) calendar days of the recommendation of award or notification to the bidder or offeror that their bid or proposal will be rejected.

4. A vendor who does not file a timely protest before the contract is executed by the Board is deemed to have waived any objection.

5. The Director of Purchasing shall inform the Chief Financial Officer (CFO) upon receipt of the protest.

6. The Director of Purchasing shall confer with the General Counsel prior to issuance of a decision regarding disputes of contracts or awards.

7. The Director of Purchasing shall issue a decision in writing. Any decision of a bid award protest may be appealed to the CFO within seven (7) calendar days of issuance of the decision by the Director of Purchasing. The decision of the CFO shall be final.
L. Appeal of Contract Award Decision
A vendor who remains unsatisfied after filing a bid protest under these procedures may contest a contract awarded by the Board by filing an appeal to the Maryland State Board of Education within 30 days of the Board’s decision, as provided by Maryland law.

M. Relations with Vendors
The Office of Purchasing and Supply Services shall encourage fair and equal treatment of all prospective vendors and bidders and shall be consistent with the practices of the Board. Confidence, respect, and fairness are the foundation for the policy of the Board in its relationship with vendors.

V. Legal References: Annotated Code of Maryland, Education Article §5-112, Bids; Education Article §7-106, Textbooks, Materials of Instruction, and Supplies; State Finance and Procurement Article, §14-302, Procurement from Minority Business; COMAR 21.11.03.04, Minority Business Enterprise Policies

VI. RELATED POLICIES:
Board Policy 0107 Ethics Code
Board Policy 3125 School Activity Funds
Board Policy 3323 Bids
Board Policy 3325 Purchases from Minority and Small Business Enterprises
Board Policy 3150 Solicitations and Acceptance of Funds and Other Resources
Board Policy 3260 Sales and Disposal of Books, Equipment and Supplies
Board Policy 7100 Capital Improvement Program
Board Policy 7211.1 Selection of Architects
Board Policy 7430 Change Orders

VII. MAINTENANCE AND UPDATE OF THESE PROCEDURES: These procedures originate with the Office of Purchasing and Supply Services and will be updated as needed.

VIII. CANCELLATIONS AND SUPERSEDURES: None. This is a new procedure.

IX. EFFECTIVE DATE: January 5, 2015