

BIDDING REQUIREMENTS

The Todd County School District will comply with the state bidding laws as set forth in SDCL Ch. 5-18 and other applicable provisions of law, as then amended.

Bids for materials, supplies or equipment will be advertised and printed in the official newspaper of the district for at least twice. The first publication must be made at least ten days prior to the date for the opening of bids. The advertisements will state the time and place the bids will be opened and passed upon by the board. In the notice, the board will reserve the right to reject any and all bids.

When the contract is for the construction of a public improvement the advertisement must state where the plans and specifications may be examined. In specifying or purchasing goods, merchandise, supplies or equipment, the board will not specify any trademark or copyrighted brand on any product or any patented product, apparatus, device or equipment where proper competition will be prevented unless bidders also are asked for bids or offers upon other articles of like nature, utility, and merit, and naming the make or brand to indicate the type or quality specified.

The sealed bids will be publicly opened and read at the time and place specified in the bid advertisement. Any bid may be withdrawn or modified before the time of opening as specified in the advertisement. Unless all bids presented are rejected, the lowest responsible bid must be accepted.

If after advertising for bids no bids or no firm bids are received, the board may negotiate a contract for the purchase of the materials, supplies or equipment at the most advantageous price. However, such materials, supplies or equipment must meet the specifications of the original bid. The board must contact and attempt to obtain competitive quotations from three vendors. A record of the names of the vendors, the quotations received and the procurement procedures used in purchasing will be documented, noted in the minutes, and retained on file by the board. The board may reject all bids and negotiate a contract if after advertising no firm competitive bids are received.

When advertising for bids for construction of a public improvement, the governing board must require a bid bond as provided by law. The bid bond may be in the form of a certified check, cashier's check or bank draft. In lieu of a bid bond, the bidder may submit a surety bond in an amount set forth in state law. Although not specifically required, entities have implied authority to require bid (surety) bond for purchases of supplies, materials and equipment. No bidder shall be required to leave his/her bid (surety) bond posted for a period exceeding thirty (30) days unless he/she is the successful bidder.

When a contract is entered into for the construction of a public improvement or the furnishing of any material or labor for the improvement, the contractor must furnish a performance bond in an amount equal to the contract price. Statute allows the waiver of performance bonds if the contract does not exceed the amount then set by applicable statute.

The superintendent or designee will sign all vouchers before the board authorizes their payment.

When required by federal grant program legislation, all laborers and mechanics employed by contractors or subcontractors to work on construction projected financed by federal assistance must be paid wages not less than those established for the locality of the project by the Secretary of Labor.

LEGAL REFS. : SDCL 5-18-1 et seq., 15-19-2
 13-20-3 through 13-20-87.1
 13-16-6.1
 Davis-Bacon Act, 40 Stat 1494, Mar. 3. 1921, Chap. 411, 40
 U.S.C 275A-276A-5

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