



POLICY

Category	Approval		
Series 400: Fiscal Management	Effective	Administration	Board
	2/22/10	12/4/09	2/22/10
	Revised		For Review
	6/8/2020		2024

BIDDING REQUIREMENTS

MTC 431

In accordance with state bidding laws, contracts must be let for all purchases except in the following cases:

1. For textbooks and text-related workbooks.
2. For an emergency maintenance need that would necessitate the closing of school while it otherwise be in session or which will endanger the usefulness of remaining College property.

Even in an emergency situation, as far as practicable, the College will secure at least two competitive quotations and retain them in its files. A meeting will be held finding such an emergency and the minutes reflecting this. At the next meeting of the Board the minutes will contain a statement of the quotations received, identifying the bidder and the amount of the bid.

3. When purchasing facilities, equipment and supplies from another school district including public auctions.
4. Upon the purchase of copyrighted materials that are copyrighted by only one company.
5. For the purchase of electric power, light, water or gas.
6. For the purchase of perishable food, raw materials used in the construction or manufacture of products for resale, and contracts for asbestos removal in emergency situations.
7. For the purchase of contracts for services provided by individuals or firms for consultants, audits, legal services, architectural services, engineering services, insurance and transportation for students.
8. For the purchase of communication technologies, computers, peripheral equipment and related connectivity.

Bids for materials, supplies or equipment involving a purchase price of \$25,000 or more will be advertised and printed in the official newspaper of the district twice, with the first publication at least ten days prior to the opening of bids. The advertisement 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.

Bids are required on all construction for public improvements (including repairs and alterations) of \$100,000 or more. 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 stated in the 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, in all cases must be accepted.

If after advertising for bids no 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 will meet the specifications of the original advertisement for bids.

The Board will contact and attempt to obtain competitive quotations from at least three suppliers. A record of the names of the suppliers, 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 supplies or equipment, or construction or remodeling services are to be purchased the Board may require a reasonable deposit or bid bond by the bidders and reserves the right to respect any and all bids. The deposit or bonds must be returned to unsuccessful bidders immediately. No more than 30 days will elapse between opening of bids and acceptance of the lowest responsible bidder or rejection of all bids.

When supplies or equipment are received they will be opened and inspected by the purchasing agent, and compared with the written order to see that they were received as ordered and in acceptable condition for payment. If someone other than the purchasing agent receives such supplies or equipment for the College, this person will be required to sign the voucher for payment to the effect that they were received as ordered. The purchasing agent of the College will sign all vouchers before the Board authorizes their payment.

LEGAL REFS.: 13-20-3 through 13-20-7; 13-16-6.1
A.G. Opinion 77-65, 77-76, 77-87, 85-24, 86-01 and 86-02

6/27/2016 - Repealed legal references removed.

6/8/2020 – Increased the construction project bid requirement from \$50,000 to \$100,000 in accordance with SDCL 5-18A-14.