

# Beyond Pricing: Considering Criteria Other than Pricing When Awarding Bids



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# Introductions

IVY FLEMING: Moderator

- Assistant Superintendent of Finance and Operations  
Fremont School District 79



Fremont  
School District 79

HOWARD A. METZ: Speaker

- Attorney, Robbins Schwartz



Robbins Schwartz  
One Team. Making Your Mission Ours.

KENNETH FLOREY: Speaker

- Attorney, Robbins Schwartz



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RONALD JOHNSON: Speaker

- Director of Support Operations, Indian Prairie CUSD 204



INDIAN  
PRAIRIE

SCHOOL DISTRICT 204

TIM KEELEY: Speaker

- Assistant Superintendent/CSBO, Addison SD 4



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School District 4  
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# The Duty to Publicly Bid

- Section 10-20.21 of *The School Code*, 105 ILCS 5/10-20.21, provides school districts with the authority:
  - To award **all** contracts for purchase of supplies, materials or work or contracts with private carriers for transportation of pupils involving expenditures in excess of \$25,000 or a lower amount as required by board policy to the lowest responsible bidder considering conformity with specifications, terms of delivery, quality, and serviceability,...except the following:



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# The Duty to Publicly Bid

- Contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important role;
- Contracts for the printing of finance committee reports and departmental reports;
- Contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness;



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# The Duty to Publicly Bid

- Contracts for the purchase of perishable foods and beverages;
- Contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price;
- Contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with manufacturer or authorized service agent of that equipment where the provision of parts, maintenance or servicing can best be performed by the manufacturer or authorized service agent;



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# The Duty to Publicly Bid

- Purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;
- Contracts for the purchase of fuel, including diesel, gasoline, oil, aviation, natural gas, or propane, lubricants, or other petroleum products
- Contracts for duplicating machines and supplies;



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# The Duty to Publicly Bid

- Contracts for the purchase of natural gas when the cost is less than that offered by a public utility;
- Purchases of equipment previously owned by some entity other than the district itself;
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# The Duty to Publicly Bid

- Contracts for repair, maintenance, remodeling, renovation or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type or extent of an existing facility;
- Contacts for goods or services procured from another governmental agency;
- Contracts for goods or services which are economically procurable from only one source such as the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph;



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# The Duty to Publicly Bid

- Where funds are expended in an emergency and such emergency expenditure is approved by  $\frac{3}{4}$  of the members of the board;
- State master contracts authorized under Article 28A of the School Code;
- Cooperative Purchasing Pursuant to the Joint Purchasing Act;



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# The Duty to Publicly Bid

- Contracts providing for the transportation of pupils, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder or bidders most able to provide safety and comfort for the pupils, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price. However, at no time shall a cause of action lie against a school board for awarding a pupil transportation contract per the standards set forth in this subsection (a) unless the cause of action is based on fraudulent conduct.



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# The Bidding Process

- Bid Specifications
  - Certainty Required
  - Sole Sourcing
  - Bid Addendum & Questions
  - Pre-Bid Meeting



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# Setting Bid Qualification Criteria

- Bidder Experience – Specific to Educational Work
- References v. List of All Previous Work
- Can You Have a Scoring Matrix?
  - Objective v. Subjective Criteria
- AIA Document A305



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# Setting Qualification Criteria-Food Service

- Price remains primary consideration
- Perceived Quality of Service
  - Management and Staffing Plan
  - Financial Stability
  - Experience Operating SNP
  - Quality of Food
    - Taste Tests
    - Site Visits
  - Marketing and Use of Technology



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# Setting Qualification Criteria-Food Service

- Good Faith Efforts
  - Procures food that promotes the health and well-being of students
  - Promotes the production of scratch made, minimally processed foods
    - Ask to see sample recipe's
  - Gives preference to State or regional suppliers that source local food products
  - Gives a preference to food suppliers that utilize producers that adopt hormone and pest management practices recommended by the United States Department of Agriculture
  - Gives a preference to food suppliers that value animal welfare
  - Dedicated to increase opportunities for businesses owned and operated by minorities, women, or persons with disabilities



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# Setting Qualification Criteria-Food Service

- References
  - Ask questions based on ability to perform to the contract
  - Timely response to concerns and issues
  - Ability to Communicate with School District Staff



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# Setting Qualification Criteria-Food Service

- Who Should I Include on the Evaluation Committee:
  - Students
  - Faculty
  - Building Administration
  - PTA Members
  - Local Community Members
  - Food Service Staff
  - Board Member



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# Student Transportation Bids – Scope Components

- Match needs/expectations
- Accurate information
- How will recommendation be determined?
  - Terminal location
  - Safety record
  - Experience
- In-person pre-bid is key



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# Setting Bid Qualification Criteria - Transportation

- Safety Record
- Bidder Experience
  - Local references
  - Terminal staff references
- Performance Record
  - Start up success
  - Staffing levels/recruitment
  - On-time performance
  - Co-curricular/field trip performance
- Value added services?



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# The Bidding Process

- **Bid Submittals**
  - Sealed Bids
  - Electronic Bids
  - Timeliness of Bids
  - Modification, Withdrawal or Re-submittal of Bids Before Bid Opening
- **Public Opening and Reading of the Bids**
  - Withdrawal or Modification after the Bids Are Received



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# The Bidding Process

## Awarding the Bid – Criteria

- Lowest
  - Alternate Bids
- Responsive
  - Material Defects – Nonwaivable
  - Minor Variances – Waivable
- Responsible
  - Pre-qualification of Bidders
- Post-Bid Pre-Award Negotiations



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# Questions and Answers

*We thank you for your time!*



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# Presenters:

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