

Procurement of Construction: *School Construction Bidding*

Threshold for Application—

The requirements of this policy apply to any project for construction of any school or alteration of any existing school plant where the total estimated accumulated building project cost exceeds \$80,000. The District may not itself bid on school construction or alteration projects over the \$80,000 threshold except that if no acceptable bids are received in the bidding process it may use its own resources for the project.

If the District determines in accordance with Policy CCF to use a construction manager/general contractor as its method of construction contracting management on projects where the total estimated accumulative cost exceeds \$80,000, it shall select the construction manager/general contractor in accordance with the requirements of the Utah Procurement Code.

Utah Code § 53A-20-101(2)(a), (7), (8) (2012)

School Construction Bidding Process—

Notice

The Board of Education shall advertise for bids on the school construction or alteration project at least 10 days before the bid due date. The advertisement shall be published in a newspaper having general circulation throughout the state and in appropriate construction trade publications that offer free listings. A similar advertisement shall also be published in a newspaper published or having general circulation in any city or county that would be affected by the proposed project. In addition, the notice shall be posted for at least on 10 consecutive days before the deadline for bid submission on the District's main web site or on a state web site that is owned, managed by, or provided under contract with, the Utah Division of Purchasing and General Services.

The advertisement shall:

1. identify the District as the entity inviting the bids;
2. provide information about how to contact the District in relation to the invitation for bids;

3. state the date of the opening and closing of the invitation for bids;
4. provide information on how to obtain a copy of the invitation for bids;
5. include a general description of the building project;
6. require sealed proposals for the building project in accordance with plans and specifications furnished by the Board of Education;
7. state where and when the proposals will be opened;
8. reserve the right of the Board of Education to reject any and all proposals; and
9. require a certified check or bid bond of not less than 5% of the bid to accompany the bid.

Utah Code § 53A-20-101(2) (2012); § 63G-6a-406 (2013)

Opening and Acceptance of Bids and Award of Contract

The Board of Education shall meet at the time and place specified in the advertisement and publicly open and read all received proposals. If satisfactory bids are received, the Board of Education shall award the contract to the lowest responsible bidder.

Utah Code § 53A-20-101(3) (2012)

Rejection of all bids

If none of the proposals are satisfactory, all shall be rejected and the Board of Education shall again advertise in the manner provided in this policy. If, after advertising a second time no satisfactory bid is received, the Board of Education may proceed under its own direction with the required project.

Utah Code § 53A-20-101(4) (2012)

Required security

The check or bond required to be submitted with the bid shall be drawn in favor of the Board of Education. If the successful bidder fails or refuses to enter into the contract and furnish the additional bonds required under this section, then the bidder's check or bond is forfeited to the District.

The District shall require payment and performance bonds of the successful bidder as required in Policy CCB.

The District may require in the proposed contract that up to 5% of the contract price be withheld until the project is completed and accepted by the Board of

Education. If money is withheld, it will be placed in an interest bearing account with the interest accruing for the benefit of the contractor and subcontractors. This money shall be paid upon completion of the project and acceptance by the District.

Utah Code § 53A-20-101(4)-(6) (2012)

Prohibition of Board Member Interest in School Construction—

Board members may not have a direct or indirect financial interest in the construction project contract.

Utah Code § 53A-20-101(9) (2012)