

P3323

Business/Non-Instructional Operations
NHPS Procurement Policy
Soliciting Prices (Bids and Quotations)

Statement of Purpose and General Requirements

All professional, educational and operational goods and services procurements made by the New Haven Public Schools (“NHPS” or “District”) involving the expenditure of general and special funds will be made in accordance with the following procurement standards.

All procurement transactions for professional and educational goods and services, regardless of method or dollar value, will maximize open and free competition consistent with the standards of American Bar Association Model Code for Professional Procurement, Chapter 58 of Title 4a of the Connecticut General Statutes and applicable City of New Haven Charter, Ordinances and purchasing policies. New Haven Public School officials shall not engage in procurement practices that may be considered arbitrary or restrictive.

Purchases will be reviewed by the Chief Financial Officer (“CFO”) or designee, to prevent duplication and to ensure that costs are reasonable.

An item shall not be received nor shall services begin before such item or service has been approved by the Board of Education, if applicable, approval by the Board of Alders, and before an agreement is executed. except as specified below. In cases where the total cost of an item or service is less than \$50,000, the Superintendent shall have the authority to approve, following the requirements of this policy, such purchase and shall provide information and back-up documentation regarding such approval at the next Finance & Operations Committee meeting and next Board of Education meeting. Items or services in excess of \$50,000 (or when multiple contracts, amendments, or change orders with the same vendor in the same fiscal year total more than \$50,000) require Board of Education approval. The requirements of this Policy may be waived by the Superintendent, for emergencies, if allowable under this Policy and consistent

with City of New Haven policies. The Superintendent shall notify the Board President of such waiver as soon as practicable and the entire Board of Education at the next regularly scheduled meeting.

Certain professional and educational services shall be excepted from the requirements of the City of New Haven Charter provisions and the City’s purchasing policies, rules, and procedures in accordance with applicable law and/or consistent with the New Haven Board of Education’s dual status as an independent local public agency and an agent of the State of Connecticut (e.g., curriculum, curriculum and support materials, services provided by state designated agencies, professional services for special populations and instruction and instructional materials).

When it is determined that a purchase is subject to the purchasing requirements of the City of New Haven, purchases in excess of \$25,000.00 will be subject to the following procedures:

I. METHODS FOR PROCUREMENT

Procurement for professional and educational goods and services shall be made using one of the following methods:

(a) small purchase procedures, (b) competitive sealed bids, (c) Requests for Proposals/Requests for Qualifications (d) sole source methods, (e) State approved contractors or (f) non-competitive negotiation, and shall be made in accordance with procedures set forth in this policy, as well as any applicable City of New Haven Purchasing policies and/or rules.

a) Small Purchase Procedures: For purchases of less than \$500, efforts will be made to secure the lowest/ best price, but written records of such efforts are not necessary. **Small Purchases** that cost between \$500 and \$5,000 shall require three over the-telephone quotations of rate and price. The parties contacted shall be documented in writing and an explanation shall be provided in instances in which three quotations were not able to be obtained. Purchases of supplies, equipment and services that cost between \$5,000.01 and \$24,999.99 shall require written quotations and shall be reported to the Board of Education for information purposes only. The appropriate program official shall solicit written responses from *at least three vendors*, and if no such responses are available, a statement explaining the procurement will be prepared and noted on the memorandum prepared for the Finance & Operations committee. [cite language re: 12¼ small contractors]

b) Competitive Sealed Bids When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal or professional, exceeds \$25,000, an Invitation for Bids (IFB) notice will be prepared consistent with C.G.S. § 7-148v. This notice will be published via the City of New Haven electronic epurchasing system, and NHPS shall post information on the NHPS website directing interested parties to the City’s electronic epurchasing system. NHPS program officials may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.

The Invitation to Bid, (ITB) will include a complete, accurate and realistic specification and description of the goods or services to be procured, the bid deposit, payment bond and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and the basis on which the bid award will be made. The ITB and website notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as applicable city, state, and federal statutes.

All bidders must follow City of New Haven purchasing requirements regarding provision of a list of principal owners and executive staff, as well as, the percentage of city residents, women and minority staff.

Sealed bids will be opened in public at the time and place stated in the IFBs, in accordance with City purchasing policies. The City Purchasing Agent shall determine, as applicable, whether bidders and their bids are qualified, responsive, and responsible, in accordance with City procedures. In addition, the results of the tabulation and the bid procurements will be examined for accuracy and completeness by the appropriate project manager who will make recommendations to NHPS and the Board of Education. The New Haven Board of Education will make the decision as to whom the contract shall be awarded in a majority vote. After New Haven Board of Education makes a bid award (which award shall be understood to be subject to agreement on terms of a contract), a contract will be prepared for execution by the successful bidder.

Bids are not accepted after the time set for bid opening has passed.

Change Orders

In the case of a change order, the amount of the change should not total more than 20% of the total cost. In cases in which a proposed change order exceeds 20%, per City of New Haven's Change Order policy, change orders for goods and service will normally not be considered unless:

- (1) Necessitated by an emergency endangering life or property, or
- (2) The Change Order will restore the contract to its original scope as bid (additional funds have become available during the contract period).
- (3) The contract is of a time and material nature and additional work is required on the contract, usually dictated by budget constraints.

If a change order over 20% needs to be issued, then provided it meets any or all of the criteria above, an explanation shall be provided via memorandum prepared for the Finance & Operations Committee.

If it is known that a change order is going to be likely, the Finance and Operations Committee shall be notified at a regularly scheduled Finance and Operations Committee meeting.

c) Requests for Proposals/Requests for Qualifications (RFP/RFQ): Proposals will be posted on the City of New Haven e-procurement system, and the District shall include information on the NHPS website directing parties interested in any contracting to the notices on the city purchasing system. Additionally, a **Request for Proposal and/or Request for Qualifications (RFP/RFQ)** may be prepared and posted online for viewing by the public and vendors. The website posting must be published at least seven (7) calendar days and not more than twenty-one (21) calendar days before the date for receipt of the proposals.

The RFP/RFQ will describe services needed, identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor, and identify the qualifications required of the vendor or firm. The RFP/RFQ will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor.

Award must be made to the bidder whose proposal is determined in writing by the New Haven Board of Education to be the most advantageous to the school district. Evaluations must be based on the factors set forth in the Request for Proposal and Qualifications and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned. [Add language re: best and final offers re price etc.]

For the procurement of certain professional and educational services, an alternative to an RFP may be used. The New Haven Board of Education will publish a Request for Qualifications (RFQ) document with the RFP. RFQs are handled in a similar method to RFPs with the exception that cost is not a factor in the initial evaluation. The evaluation team and/or staff will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and with appropriate staff will negotiate cost. If the vendor is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. BOE staff and the relevant project manager will maintain a written record of all such negotiations.

d) Sole Source designations

e) Use of State, City and Cooperative Contracts

Utilization of CT state contracts, City Wide Contract (CWC) and other cooperative purchasing agreements can be utilized if it will be in the best interest of the school district. Quote from vendor should include/reference the CT State contract number, CWC or other cooperative purchasing number.

f) Noncompetitive Negotiations

Noncompetitive negotiations may be used for professional, educational or special service procurements in excess of \$25,000 when bidding or competitive negotiations are not feasible or would conflict with applicable law. The NHPS may purchase services through non-competitive negotiations when it is determined by the Superintendent or his or her designee and Chair of the Finance Committee that competitive negotiation or bidding is not feasible and that:

- a) An emergency exists which may cause harm as a result of the delay caused by following competitive purchasing procedures, or,
 - b) The product or service can be reasonably obtained only from one source, as evidenced by a sole source approval from the City of New Haven purchasing agent, or,
 - c) The state or city has authorized the particular type of noncompetitive negotiation (for example, the procurement of services by an Area Development District), through a purchasing consortium or through an existing state contract available to municipalities. Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers.
- 3) Bids will be accepted only from those contractors who have a proven record of ability to successfully complete the scope of work being bid. References will be requested along with the contractor's bid proposal. Any contractors submitting a bid must, upon award, comply with insurance requirements as set forth on the appropriate risk template. For RFP, RFQ, and negotiation processes, consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.
- 4) Upon submission of a bid, the contractor will present a bid guarantee in accordance with City purchasing procedures for solicitations over \$100,000 (on hundred thousand dollars). To the extent required by City purchasing procedures, the successful bidder will post (at the signing of the contract and notice to proceed) a performance bond equal to 100 percent of the contract amount, along with a payment bond equivalent to 100 percent of the contract amount.
- 5) Renewals: No renewals are allowed for contracts resulting from solicitations or proposals that received no public responses.

II. PROFESSIONAL AND EDUCATIONAL SERVICE AGREEMENTS AND CONTRACTS

Generally, all procurement for professional services in excess of \$5,000.00 will be memorialized and supported by a written Contract or Agreement. Where it is not feasible or is impractical to prepare a Contract or Agreement, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared.

The contractual provisions required by the Standards for Professional Services agreements will be included in all contracts.

All contracts will contain language that allows the New Haven Board of Education the opportunity to cancel any contract for cause. Said cause shall include (but not be limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker's compensation, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to comply with Davis-Bacon wage laws (where applicable), failure to keep accurate and timely records of the job, or failure to make those records available to the New Haven Board of Education (on request) or any other documented matter which could cause a hardship for the New Haven Board of Education if a claim should arise or the work not be completed on schedule at the specified cost.

All professional service Agreements will contain the Board of Education approved Student Data Privacy Agreement, if required by State law.

III. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

IV. CONTRACT/AGREEMENT/RENEWALS

Each Solicitation may include no more than two (2) renewals/extensions, provided that such renewal/extension or options for renewal/extension are included on the original Solicitation Information Template (SIT), resulting in a maximum term of three (3) fiscal years for a contract. Renewals/extensions must be consistent with the terms and conditions of the original bid, which also means no pricing changes, and the renewal is at the sole judgement of the Purchasing Agent. Multi-year Agreements funded through grants are allowed but must be set up in Finance as multi-year, versus year to year, contracts.

V. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

The District shall abide by any applicable City of New Haven purchasing ordinances regarding locally owned, minority owned, female owned, and small businesses, and shall participate in relevant City programs promoting access to contracting. A report shall be provided to the Board of Education annually concerning the District's participation in such programs and efforts.

Where possible and feasible, delivery schedules will be established, and work will be subdivided, to maximize participation by small businesses or minority- or women-owned businesses. Subdivided components will be bid as a separate contract.

Legal Reference: Connecticut General Statutes
7-148v Requirements for competitive bidding
P.A. 13-71 An Act Concerning Requirements for Competitive Bidding for the Award of Contracts or Purchase of Property by Municipalities June 2017 Special Session PA 17-2, Section 16

Policy adopted:
January 27, 2025

NEW HAVEN PUBLIC SCHOOLS
New Haven, Connecticut

Glossary

Professional Services Procurement Policy

Definitions

Agreement: a duly executed and legally binding contract.

Competitively Bid: Formal Public Bid – Publicly advertise the scope, specifications and terms and conditions of the proposed Agreement or Contract, as well as, the criteria by which the bids will be evaluated.

Competitive Negotiations: Method used as an alternative to competitive bidding in which a RFP/Q is only sent to qualified contractors whose bid falls within a pre-determined competitive range.

Invitation for Bids, (IFB): A publicly advertised call to contractors to submit a proposal or project for a specific service.

Independent Consultant Agreement: Agreement to obtain consulting services or programmatic services by an individual with highly specialized expertise for defined Scope of Work.

Non-Competitive Negotiations: Used for professional service procurements in excess of \$25,000 when bidding or competitive negotiations are not feasible

Renewal vs. Option vs. Extension

Request for Proposal/Qualifications, (RFP/Q): A solicitation that details the need for service, Scope of Service, and the required qualifications, terms and conditions.

Sealed Bids: Contents of bids are sealed to prevent review of contents prior to the deadline for submission of responses.

Sole Source: A designation provided by the City of New Haven when there are no options but one contractor with the ability to provide the service. If the contractor meets the criteria, the City will issue a Sole Source letter. The Sole Source letter must be obtained prior to submission of an Agreement or Contract.

Quick Bid: The City of New Haven may provide a form to document quotes for small dollar amounts..

Appendix

A. Management and Evaluation of Professional Services Contractors**I. Student Programs and Interventions:**

Vendors working directly with students must show that they have produced achievement or behavioral outcomes with the students identified in the Professional Services Agreement. Such outcomes will include one or more of the following:

- Improved criterion reference achievement, standardized test scores and other measures of academic achievement.
- Archival evidence of student work
- Improved attendance
- Improved pro-social conduct in school
- Improved effort in assigned tasks within the classroom and school

II. Professional Development for Staff and Parents:

Vendors working directly with staff and parents must show evidence they can and have produced improvements in the knowledge and skills of the staff or parents identified in the Professional Services Agreement. Evidence would include:

- Authored publications
- Training designs
- Impact assessments with districts similar to the New Haven Public Schools

III. Product Development Agreements: Vendors must provide a portfolio of evidence that they can produce quality work in agreements to produce products, such as, website development, customized computer programs, data base development, and other products necessary for the operation and efficiency of the school district.

All vendors must include program impact or product quality indicator instrumentation with bid submissions.

IV. Program Evaluation Typology:

1. Single group time series design with baseline data
2. Comparative group time series with baseline data

3. Subject perceptions of program intervention
4. Archival products of evidence of knowledge and skill acquisition
5. Clinical evaluation of subject performance
6. Time series evaluation of progression of participant application of knowledge and skill acquisition.
7. Independent evaluation of program impact by recognized experts in the field.

V. Program Selection and Oversight Structure:

The Grant Program Manager will be responsible for the following:

- Justification of need for the proposed service
- Supporting staff in program selection using the Request for Proposal/Request for Qualifications (RFP/RFQ) Process
- Program Monitoring
- Meeting with stakeholders at three intervals for formative and summative assessment of program implementation