

# REGULATION

## NUTLEY SCHOOL DISTRICT

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Purchases Subject to Bid

### R 6320 PURCHASES SUBJECT TO BID

#### A. Solicitation of Bids

1. Bids will be solicited by advertisements placed by the School Business Administrator/Board Secretary in strict compliance with law and Policy No. 6320. Any advertisements placed without the prior approval of the Board will be reported to the Board at its next meeting.
2. Each specification will offer a clearly stated, common standard of competition and will assert the Board's right to accept reasonable equivalents and to reject all bids and to readvertise.
3. The School Business Administrator/Board Secretary will maintain a copy of each bid advertisement and will record the newspaper in which it ran and the dates on which it was published.

#### B. Bid Requirements

1. Bids must be prepared on forms supplied by the school district and must be fully completed, in ink or typewritten, and signed by the bidder. Oral revisions will not be accepted.
2. Bid prices must include delivery to the point of use, unpacking when required, and installation when required. As necessary, bidders may be required to provide instruction in the use and care of equipment delivered both by demonstration and in written form.
3. Bids must include unit prices as well as the total price. In any error in extension, the unit price shall be considered the accurate figure.
4. Because the school district is exempt from the payment of sales and use taxes, all charges for taxes must be borne by the bidder.
5. The bid must note in detail any deviations from specifications. When the specifications indicate a product of a particular manufacturer, model, or brand, the bidder shall bid that particular manufacturer, model, or brand or, unless the specifications prohibit



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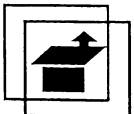
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substitution, a substitute proven to be of equal or better grade. If a substitute is bid, the bid must include documentation of its equivalency. Bidders may be required to submit samples of materials or products, to be retained by the Board. The Board shall determine the equivalency or acceptability of any substitute.

6. The manufacturer's written warranties and guarantees must accompany each bid. Bidders should state in writing any additional guarantees that will become a part of the bid and considered in making the award.
7. The bid shall include a delivery date or the date on which services bid upon will commence.
8. Where applicable, service facilities and convenience of service will be considered as part of the bid and should be included by the bidder. When necessary, a bidder shall submit evidence of his or her ability to provide proper installation, service, and supplies and/or indicate that the provision of the services and supplies is a regular and continuous part of the bidder's business.
9. Where necessary, the bidder shall certify that all applicable federal and state laws, municipal ordinances, and Board policies have been obeyed in the manufacture, processing, packaging, delivery, and sale of goods and services to the school district. The bidder must declare compliance with
  - a. Affirmative action requirements, pursuant to N.J.S.A. 18A:18A-51,
  - b. Stockholders' disclosure statement, pursuant to N.J.S.A. 18A:12-2, and
  - c. Non-collusion certification, pursuant to N.J.S.A. 18A:6-8,
  - d. And all other documents so required by law and the bid specification.
10. The bidder must declare that no member of the Board of Education or any officer or employee of the school district is directly or indirectly interested in the contract or purchase bid on.



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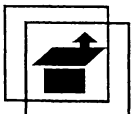
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### C. Receipt of Bids

1. Bids will be received at the time and place announced and will be opened by the School Business Administrator/Board Secretary in accordance with law. All bids will be submitted in sealed envelopes clearly marked with the words "BID OPENING," the date and time of the opening, and the nature of the contract bid on.
2. Each bid will be accompanied by a deposit for bid security, which will be returned to unsuccessful bidders.
3. A written request for the withdrawal of a bid will be granted if the request is received by the School Business Administrator/Board Secretary before the scheduled time for opening bids.
4. A bidder who claims, before bids are opened, that a mistake has been made in its preparation will be allowed to withdraw the bid but will lose the right to bid.
5. A bidder who discovers a mistake or omission after bids have been opened may withdraw the erroneous bid provided the bidder gives immediate written notice of the mistake or omission and certification supported by clear evidence, that he or she exercised reasonable care in the examination of the specifications and preparation of the bid.

### D. Award of Contract

1. Bids will be opened by the School Business Administrator/Board Secretary, in the presence of one or more witnesses, at the time and place advertised.
2. The Board will award the contract to the lowest responsible bidder or will reject all bids. If all bids are rejected, the Board will readvertise or purchase under a state contract.
3. The Board reserves the right to reject any bid and may waive technical deficiencies in an otherwise acceptable bid when such waiver is in the public interest.



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4. No contract or order awarded by the Board shall be sublet or assigned without the written consent of the School Business Administrator/Board Secretary.
5. The successful bidder, upon award of the contract, shall furnish a surety or performance bond issued by a responsible surety company authorized to transact business in New Jersey, for 100% of the total contract price, insuring faithful performance of the contract. The bond shall be payable to the Board of Education. The cost of the bond is to be included in the bid.
6. The bidder's failure to perform his or her contract with the Board in accordance with the bid accepted by the Board or failure to meet performance bond requirements may result in forfeiture of the bidder's deposit as liquidated damages and not as a penalty.
7. Every bidder is assumed to be acquainted with all the information necessary for the submission of an informed and responsible bid. A successful bidder will be responsible for any errors in his or her proposal resulting from the bidder's failure or neglect to obtain information and forecast costs. The Board will not be responsible for any change in anticipated profits resulting from such failure or neglect.
8. When a contractor fails to perform the terms of the contract promptly, the Board shall give written notice of default. If the contractor fails to cure the default within the time permitted by the notice, the Board may terminate the contract and, at the expense of the contractor or the surety, complete the contract or cause the contract to be completed.

Issued: 3 May 2004

