

Construction Contracts Bidding And Awards

Competitive bidding procedures, approved by the Superintendent or designee, shall be used in the solicitation and award of construction contracts.

The Board shall take the bids under advisement rather than arriving at an immediate selection, allowing ample time for careful study by the architect, school administrative officials, and the attorney for the district. The Board reserves the right to reject any and all bids in whole or in part and to waive irregularities or technicalities and to accept the bid which appears to be in the best interest of the district.

The contract shall be awarded to the lowest responsible bidder whose bid is in accordance with plans and specifications and who has provided the required security, unless the Board determines that another bid is in the best interest of the district. If the Board accepts the bid of any contractor other than the lowest responsible bidder, it shall do so only for defensible reasons and after careful deliberation and legal advice.

When awarding a contract, consideration shall be given to the bid or proposal price and such other factors relating to each bid as the Board deems to be appropriate; including, without limitation, the reliability and responsibility of the bidders, the extent of warranties offered and the quality of materials proposed to be used. Any such consideration shall be at the sole discretion of the Board.

Whenever two or more proposals or bids of equal amount are the lowest proposals submitted by responsible bidders, the Board may award the contract to any one of the bidders at its discretion.

Each bidder shall be required to submit with his or her bid a bidder's bond in a sufficient amount. Such amount shall be determined by the estimated cost of the project.

The Board shall not enter into a construction contract unless an appropriation has been made for the project as required by law.

The contractor shall receive monthly payments for the work completed less a percentage to be determined to insure completion. The final payment shall be due only after the acceptance of the project by the Board, completion of the items to be corrected and following publication as provided by state law.

Adopted: 1971

Revised: January 1, 1977

Revised To Conform With Practice: Date of Manual Adoption

Revised: May 22, 2001

LEGAL REFS.: C.R.S. 24-18-201

C.R.S. 24-91-101 et seq. (Construction Contracts with Public Entities)

C.R.S. 38-26-101

C.R.S. 38-26-105

C.R.S. 38-26-106

CROSS REF.: DJE, Bidding

BCB, Board Member Conflict of Interest

Construction Contract Administration

Contracts shall be awarded by the Board and administered by the superintendent or his or her designee. Such administration includes authorization to approve change orders. This authorization, however, shall be limited to an aggregate five percent of the individual contract and funds available and shall fall within the scope of the contract. Change orders beyond the aggregate five percent, and any individual change that exceeds \$25,000, shall be approved by the Board. Exceptions may be made by the superintendent or designee in cases of emergencies or circumstances that could not have been foreseen.

If the estimated cost of the work does not exceed \$50,000, the matter shall be reported to the Board no later than its next regular meeting. If the estimated cost of the work exceeds \$50,000, the Board shall be notified immediately to determine whether a review may be requested before proceeding with the work. A summary report of the construction contract shall be presented to the Board at least monthly, showing the original contract price, change orders to date, and revised contract price. If necessary, such a report may be submitted more frequently.

Nothing in this procedure shall preclude the Board from selecting the construction process desired. Further, should the Board deem an emergency exists, any or all conditions of this procedure may be waived by the Board.

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