



Book	Board of Trustees Policy
Section	600 Finance
Title	Purchases Subject to Bid
Code	621
Status	Active
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**Agora Cyber Charter School
1018 W 8th Ave
King of Prussia, PA 19406**

**Board of Trustees Policy
Purchases Subject to Bid Policy**

Purpose

It is the policy of the Board of Trustees ("Board") to advertise and obtain competitive bids for products and services where such bids are required by law or where such bids may be believed to bring about a cost saving to Agora Cyber Charter School ("Charter School").

All construction, reconstruction, repairs, maintenance or work of any nature upon any school building or upon any school property or upon any building or portion of building, made by Charter School where the entire cost, value, or amount of such construction, reconstruction, repairs, maintenance or work, including labor and material is in excess of Nineteen Thousand Four Hundred Dollars (\$19,400.00) shall be done under separate contracts to be entered into by Charter School with the lowest responsible bidder, under proper terms, after due public notice has been given asking for competitive bids.

Written or telephonic price quotations from at least three (3) qualified and responsible contractors shall be requested by the Board for all contracts that exceed Ten Thousand Five Hundred Dollars (\$10,500.00) but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three (3) qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record shall be made of these quotations and shall contain the date of the quotation; name of contractor; contractor's representative; the construction, reconstruction, repair, maintenance or work of the quotation. The written price quotations, records or telephonic price quotations and memoranda shall be kept on file for a period of three (3) years.

Any construction, reconstruction, repairs or work of any nature, where the entire cost or value, including labor and material, is less than Ten Thousand Dollars (\$10,000.00) may be performed by Charter School's own maintenance personnel. The Board may authorize the Secretary of the Board or Chief Executive Officer to award contracts for construction, reconstruction, repairs or work of any nature, where the entire cost or value, including labor and materials, is Nineteen Thousand Four Hundred Dollars (\$19,400.00) or less, without soliciting competitive bids, subject, however, to the provisions set forth above in paragraph number 2.

As required by code, every contract for construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the Act of March 3, 1978, known as the "Steel Procurement Act."

No person, consultant, firm or corporation contracting with Charter School for purposes of rendering personal or professional services to Charter School shall share with any Charter School Board member or employee, and no Charter School Board member or employee shall accept, any portion of the compensation or fees paid by Charter School for the contracted services provided to Charter School except under the following terms and conditions:

Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the Board.

The Board must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

No fee or compensation for personal or professional services may be shared except for work actually performed.

No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

Charter School is prohibited from evading the provisions of this policy as to advertising for bids or purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under Nineteen Thousand Four Hundred Dollars (\$19,400.00).

Bid specifications shall be approved by the Board before being published.

The Public School Code requires Charter School to comply with the Pennsylvania Prevailing Wage Act. This Act requires every public entity to ensure that the prevailing wage rates are paid to workers employed on any construction, reconstruction, demolition, alteration, or repair work in excess of Twenty-Five Thousand Dollars (\$25,000.00). The prevailing wages, as determined by the Department of Labor and Industry, must be incorporated into the bidding specifications and the final contract for any work that falls under the Pennsylvania Prevailing Wage Act.

The Board recognizes that emergencies may occur when imminent danger exists to persons or property or the continuance of existing school classes is threatened, and time for bidding cannot be provided because of the need for immediate action in

accordance with the Pennsylvania School Code. Such emergency must be declared by the Board and stated by resolution at an emergency meeting which does not require public notice pursuant to the Sunshine Act.

Whenever a contractor shall submit a bid for the performance of work and the contractor later claims a mistake, error or omission in preparing said bid, the contractor shall, before the bids are open, make known the fact and in such case the bid shall be returned unopened and the contractor may submit a revised bid proposal at the discretion of Charter School or the contractor may lose the right to bid if circumstances as determined by the Board require.

Bids shall be opened by the Board Secretary and/or an appointed Board Member at the next regularly scheduled Board Meeting after the closing date of the bids. The Board shall accept the bid of the lowest responsible bidder, kind, quality, and material being equal, but shall have the right to reject any and all bids, or select a single item from any bid.

There are exceptions to contracts or purchases which do not require advertising, bidding or price quotations and are set forth at 16 Pa.C.S.A. sec. 1802(h) and include but are not limited to professional service contracts involving professional expertise (ie., medical, legal, architects, engineers, CPAs) and specifically those involving construction management services.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENTS.