

POLICY 7330  
CONSTRUCTION CONTRACTS, BIDDING AND AWARDS, AND CHANGE ORDERS

Bids shall be received for major facility construction, additions or remodeling in accordance with established rules and regulations.

Bids may be withdrawn prior to the opening of bids. Withdrawals will be allowed after the opening of bids only upon proof of substantial, unintentional error or omission, based on the recommendation of the Superintendent of Schools and subject to School Board approval.

The Board shall make final award of the contract based on recommendations of the Superintendent and receipt of the protection and guarantees required by law and School Board policy and regulations. The protection and guarantees may include certificate of insurance and performance bond.

At the time the School Board makes a final award or contract or at any other time deemed appropriate by the School Board, the School Board may set a fixed dollar amount as an owner's contingency and the same or a lesser amount of that contingency as that which can be used upon the approval of the Superintendent of Schools or designee. When change orders or other expenses not included in the base award exceed the fixed dollar amount established by the School Board, the Superintendent shall recommend acceptance or rejection of the change to the School Board. The School Board shall make the final decision in such cases.

LEGAL REF.: Wisconsin Statutes  
Sections 779.14 [Public works; form of contract, bond or remedy]

CROSS REF.: 3710, Facilities Maintenance  
7331, Protection and Guarantees  
7370, Equipment and Furniture

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: June 10, 1991

REVISED: February 13, 2001  
October 22, 2002  
September 25, 2007  
December 17, 2013

RULE 7330  
BIDDING AND AWARDING OF CONSTRUCTION CONTRACTS

1. The Director of Facilities shall be responsible for handling bidding in accordance with established rules and regulations.
2. Advertisements and Solicitation of Bids  
Advertisement and solicitation of competitive bids shall be made in appropriate trade publications or newspapers.
3. Submission of Bids  
All bids shall be submitted in a sealed envelope with an indication of the work classification for which the bid is submitted and shall be in accordance with the bid specifications. All alternative bids submitted by a bidder shall be in accordance with the bid specifications.
  - a. All bids shall be properly signed by an authorized partner or authorized officer of the company. All partners shall sign the bid if being submitted by a partnership, or by the president on bids submitted by a corporation and stamped with their corporate seal. If others sign the bid, a power-of-attorney affidavit shall be attached to the bid evidencing authority to sign the bid in the name of the person for whom the bid is signed.
  - b. All bids shall be accompanied by a bid security in an amount determined by the Superintendent of Schools or designee payable to the District. Acceptable bid securities are: bid bond executed by the bidder and a surety company, certified check or money order.
  - c. Each bidder shall submit a complete list of sub-contractors with his/her proposal on the form included in the bid specification. No change of sub-contractors shall be permitted by the successful contractor without the written approval of the Superintendent of Schools or designee.
  - d. Bids shall be mailed or delivered to the office or area as designated by the bid specifications before the scheduled opening of bids.
4. Bid Substitution  
Substitution bids as suggested by the bidder may be stated on the bid form if listed separately and as a deduction from the base bid for the School Board's consideration. Substitutions shall not be used to determine the low bidder unless all bidders have submitted the same substitution, in which case the substitution will be considered a specified alternate. All substitute bids shall be studied and may be considered as a change order from the successful contractor.
5. Withdrawal of Bids  
Prior to the bid closing time and date, a bidder may withdraw the bid upon request to the Purchasing Agent. Subsequent to the bid closing time and date, a bidder may withdraw the bid only in accordance with Board policy. A request for a withdrawal of a bid after the bid closing time and date shall be submitted in writing to the Director of Facilities outlining the necessity and reason for the request. Withdrawal of a bid may result in forfeiture of the contractor's bid bond.

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6. Opening of Bids

Bids shall be opened in accordance with Board policy.

7. Awarding of Contracts

- a. Design-Bid-Build Method - The contract shall be awarded to the lowest responsible and qualified bidder, except that the Board reserves the right to accept or reject any or all bids presented or to accept in part or as a whole any bid advantageous to the Board. The low bidder shall be determined solely on the basis of the base bid and specified alternates as accepted by the Board. However, should all contractors in any phase of the work submit the same substitution in the same manner, this substitution will be considered to be a specified alternate in awarding of the contract to the lowest bidder. Regulations concerning low bidder shall be made a part of the instructions to bidders in all specifications.
- b. Negotiated or Design-Build Method – In the event that a building project is engaged utilizing a negotiated or design-build method, the administrative staff shall pre-qualify firms determined to be most capable and present these firms to the Board for interview and selection using a process similar to that described in Rule 7321 for hiring architects. When either of these methods are selected, the bidding policies described in item 3 are waived in the selection of subcontractors to the general contractor. It is implicit within these methods that the general contractor or construction manager may use the most appropriate means of obtaining the best overall price and value for the District.