

# **LANSING SCHOOL DISTRICT**

## **PROFESSIONAL SERVICES FOR LONG-RANGE MASTER FACILITIES PLAN**

**REQUEST FOR PROPOSALS (“RFP”)**

February 29, 2024

## OVERVIEW

The Lansing School District ("District") is inviting proposals from experienced and qualified "Proposers" interested in providing long-range Master Facilities Planning (MFP) "Proposals." Respondents to this RFP must highlight their experience and qualifications relevant to the services outlined in the "Scope of Services" section below.

## SUBMISSION DEADLINE

Firms interested in offering Master Facilities Planning Services for the District should submit a detailed Proposal in accordance with the Request for Proposals (RFP). **The deadline for Proposal submissions is 5:00 p.m. EST. on Tuesday, April 4, 2024.** Proposals delivered after this deadline may not be considered.

All submissions will be owned by the District. The District retains the right to utilize information or ideas from the submissions, reject any or all Proposals, and waive irregularities or informalities in the RFP and its process. The Proposer bears sole responsibility for all costs associated with preparing or submitting any Proposal or set of qualifications.

## PROPOSAL SUBMISSION PROCEDURE

All Proposals must be submitted in an opaque, sealed envelope containing your Proposal, and any other supporting data to be submitted therewith, must be marked in the lower right hand corner with the following description:

LANSING SCHOOL DISTRICT  
LONG-RANGE MASTER FACILITIES PLAN RFP  
[PROPOSER'S NAME]  
[PROPOSER'S ADDRESS]  
[PROPOSER'S TELEPHONE NUMBER]

The envelope must be addressed and delivered to:

Lansing School District  
Attention: Kristina Tokar  
Chief Operating Officer  
519 W Kalamazoo  
Lansing, Michigan 48933

### Late Proposals

Each Proposer is responsible for timely submission of its Proposal. Proposals or revisions to Proposals received after the date and time specified above may be rejected for consideration by the District. Any rejected Proposals will be returned to the Proposer unopened. The District is not liable for any delivery or postal delays, and Proposer bears full responsibility for timely submission.

### Original Proposal and Copies

Each Proposal must be an original and hard copy, and signed by an authorized member of the Proposer's firm. Oral, telephonic, telegraphic, facsimile, or email Proposals will **NOT** be accepted. Along with the original, signed Proposal, the Proposer shall also submit two (2) hard copies of the Proposal plus an electronic copy on a flash-drive.

### Opening of Proposals

The Proposals will be opened on Friday April 5 by the Chief Operating Officer and/or such other District administrator authorized by the Board of Education. No immediate award decision will be rendered at the time of Proposal opening. Proposals will not be reviewable by the public, nor disclosed to unauthorized persons, prior to Proposal opening.

For all questions contact:

Kristina Tokar  
Chief Operating Officer  
[Kristina.Tokar@lansingschools.net](mailto:Kristina.Tokar@lansingschools.net)  
517-755-1016

## SCOPE OF SERVICES:

Qualified firms, also known as Proposers, are expected to provide the following professional services:

### 1. Facilitation of MFP Planning Committee:

Facilitate a designated District MFP Planning Committee throughout the planning process. The MFP Planning Committee may be composed of representatives from the offices of the Superintendent, Chief Operating Officer, Chief Academic Officer, Board Facilities Subcommittee, sustainability experts and other stakeholders as needed. The MFP Planning Committee will play an integral role in shaping the final MFP and serve as an advisory body to the Board of Education.

### 2. Conduct a Facilities Needs Assessment:

Conduct a comprehensive assessment of the conditions of each District facility. The facility condition assessment will encompass exhaustive physical/visual inspection of each facility and identification of systems-level deficiencies and life-cycle conditions. The assessment will analyze modernization, new construction, renovation, and replacement needs.

#### Assessment Standards:

Prior to the commencement of on-site assessments, the winning Proposer must collaborate closely with the District to develop assessment standards. This collaborative approach ensures that the assessment process maintains consistency and completeness across different facilities.

#### Qualifications and Industry Standards:

The assessment team should be comprised of individuals who are highly trained and licensed and/or certified in construction, engineering, or architecture, ensuring a specialized understanding of the specific building systems they assess.

#### Preparation and Review:

To enhance the effectiveness of on-site assessments, the assessment team will obtain existing drawings and plans from the District, where available. It is acknowledged that complete records may not be available for every building, and in such cases, District personnel will utilize its expertise to compensate for any gaps in information.

#### Deliverables:

The outcome of the facility needs assessment will be delivered in both a bound and electronic format. This comprehensive deliverable will include:

- A. Facilities Condition Assessment: This document will go beyond quantitative information, providing a narrative summary of each facility and its building systems. This qualitative layer enriches our understanding, ensuring a nuanced interpretation of the data.
- B. Structural Conditions and Code Compliance: An assessment of the current structural conditions of District-owned/operated buildings and grounds, including playgrounds,

detached structures, operation and administrative hubs, and athletic facilities. This includes an evaluation of compliance with Life Safety Code, environmental, ADA, and other applicable building codes.

- C. Mechanical Systems and Components: A thorough assessment of current mechanical systems and components. This will include an evaluation of their functioning condition, life expectancy, and likely costs of renovating each system and/or component.
- D. Documentation and Photography: Comprehensive documentation and photographic evidence of physical condition deficiencies. This visual representation adds clarity to our assessment, facilitating a more in-depth understanding of the challenges and opportunities each facility presents.
- E. Categorization of Renovations and Replacement Requirements: A detailed categorization of immediate, short-term, and long-term capital renovations and replacement requirements, accompanied by project timelines. This forward-looking approach will allow the District to prioritize interventions based on urgency and long-term impact.
- F. Life Expectancy and Cost Estimates: Estimated life expectancy of each building, along with the identification of major renovations requiring immediate attention (present-5 years out). This will be accompanied by an estimate of the likely cost of necessary immediate renovations.

### 3. Stakeholder/Community Engagement:

Develop and implement a community involvement process designed to proactively involve and engage District stakeholders such as staff, parents, teachers, and other community members. This inclusive approach aims to identify key issues, needs, and options, fostering a collaborative environment for decision-making.

#### Engagement Process:

Create a detailed schedule for District and community involvement outlining key meetings in relation to the completion of draft or final documents. This schedule will encompass major project phases and specify the types of input solicited from various groups. This includes meetings/forums with the community and staff to identify key issues related to school facilities and receive input on the MFP process. The Proposer shall propose additional methods (e.g., interviews, surveys, and focus groups) to gather information and a schedule to obtain additional community input regarding school facilities as appropriate. These tasks may include facilitation of presentations and discussions of the findings, recommendations, estimates, schedules, possible funding scenarios, etc. to District Leadership and the Board of Education. The Proposer will also meet with District staff to review the requirements of the District's administrative and maintenance facilities.

### 4. Facilities Capacity:

Perform a facility capacity analysis for the following purposes:

- A. Address the short-term needs of the District regarding immediate space issues as well as the long-term needs based on current facility capacity ratings.

- B. Meet with District staff to review any existing capacity ratings. Staff input will be advisory only and District administration will have final scope determination.
- C. Determine if there is sufficient capacity to meet current and future needs based on enrollment projections and capacity ratings, or if an adjustment in school capacity is required.
- D. Determine if additional facilities or additions to existing facilities will be needed, or whether consolidation or decommissioning should be considered.
- E. Establish capacity ratings of all schools, to be included in the final report.
- F. Utilize Arc GIS mapping to graphically represent current and future capacity and utilization analysis.

## 5. Financial Planning:

Identify, project, and analyze all costs associated with recommended facility actions, including projected increases or decreases in operating costs resulting from any proposed modifications.

### Cost Estimates:

Provide detailed cost estimates for correction of each project identified. These estimates should be based on industry standards, published construction and facilities maintenance cost estimating data, with appropriate adjustments for local labor and material costs.

### Cost-Benefit Analysis:

The plan should include a comprehensive cost-benefit analysis, evaluating various options such as remodeling, changes in use, and new construction. This analysis will guide decision-making, ensuring that recommendations are financially prudent and sustainable.

### Funding Sources Review:

Review and summarize additional sources of facilities funding, including bond/referenda planning. This comprehensive financial review ensures that recommendations are not only strategically sound but also feasible within the financial context of the District.

## 6. MFP Creation:

The MFP should provide a detailed yearly schedule outlining anticipated facility needs and associated costs for the next 15 years, strategically prioritizing both short-term and long-term requirements. The District expects its MFP planning firm to incorporate strategic plans, existing standards and norms into the planning process as well as engage the District's expertise in shaping the MFP. Notably, the District possesses a pre-existing sustainability plan and experts, retains a bond fund owner representative and other professionals with facilities-related expertise, who the consultants should engage when developing the MFP.

Additionally, the District would also like Proposers to include the following in their submissions:

- a. Advise the District on the merits of incorporating 3-D/360° Virtual Walkthrough mapping technology into the MFP Scope of Service and, if advisable, provide separate pricing and recommended tech for such as an optional component to the contract.

- b. Provide pricing and general Scope of Services to conduct a reevaluation of buildings and abbreviated renewal of the MFP after five years.

## 7. Board Engagement and Community Presentation, and Final Documentation:

The final deliverables will include a comprehensive MFP, projected project budgets, schedules, and other relevant information. The final stage involves engaging the Board of Education and presenting the MFP to the community. All MFP documents will be prepared in a digitally accessible format, ensuring compliance with the United States American with Disabilities Act.

## PROJECT DETAILS

### Timetable

The District would like to complete the project by November 2024. Please provide a detailed timetable for each phase of the as part of the Proposal.

### Key RFP Dates

Key Dates	Timeline
RFP issue date	February 29, 2024
Walkthroughs, upon request*	March 15, 2024
Deadline for written questions	March 19, 2024
Deadline for response to written questions	March 25, 2024
Proposal due date	April 4, 2024 @ 5 p.m. EST
Tentative interviews	Week of April 8, 2024
Recommendations to Facilities Committee	April 15, 2024
Board Approval for contract negotiations	April 18, 2024
Contract negotiations	April 22 to May 9, 2024
Award of final contract	May 9, 2024
Contract start date	May 13, 2024

\*Walkthroughs of a representative sample of buildings only will be provided

## PROPOSAL FORMAT

Proposals must address each Scope of Services requirement. If a Proposer does not have experience relevant to one or more of the Scope of Services listed, indicate so. The District will evaluate all Proposals to include those that do not have experience on all sections of the scope. Proposal text must all be in 12-point font, single spaced, and maintain 1" document margins. Proposals should be signed by an authorized individual or officer of the Proposer submitting the qualifications statement. In addition, Proposals should be formatted as follows:

Table of Contents to include:

1. Cover Letter
2. Business Information
3. Project Approach Overview
4. Statement of Qualifications
5. Project Team Summary and Resumes of Key Project Personnel (including sub-consultants)
6. References (minimum of 5)
7. Fee Proposal
8. Firm Track Record and Litigation History
9. Conflict of Interest
10. Proof of Insurance

### 1. Cover Letter

Cover Letter should contain an introduction to the firm.

### 2. Business Information

Provide the following information for your firm and all sub-consultants:

- Company Name and type of Business Structure (Corporation, Partnership, etc.)
- Address
- Telephone
- Website
- Name and email of main contact
- A brief description and history of the firm including number of years the firm has been in business and date firm was established under its given name
- Number of employees (licensed professionals, technical support, etc.)
- Number of current similar projects and present workload
- Location of office where the bulk of services solicited will be performed

### 3. Project Approach

Provide a summary overview of the Proposer's suggested approach for the project.

### 4. Statement of Qualifications

Provide a Statement of Qualifications for provision of all services referenced. In doing so please provide information about prior services/designs prepared by the Proposer on at least four (4) or



more prior Facilities Master Plans at the K-12 level.

#### 5. Project Team Summary and Resumes of Key Project Personnel

Identify your Proposer's project team and their specific expertise, experience, and resources to ensure suitable services. Proposers shall identify and provide resumes for the key personnel that will staff the project.

#### 6. References:

Provide five (5) K-12 references with whom the Proposer has worked in the past three to five (3-5) years. Proposer shall describe its work in the past three to five (3-5) years that is similar or comparable. For each reference provided the primary contact person with current address and telephone number and the name of the district and the scope of services provided. References may be contacted by the District to attest to the Proposer's ability to perform the described services.

#### 7. Fee Proposal

The fee proposal shall include an estimated fixed fee not-to-exceed amount for services outlined in the Scope of Services noted above. Include a detailed outline of all costs associated with completion of Proposer's responsibilities for the project as outlined in the Proposal. The outline should include average hourly rates, by name and title, of staff committed to this project and the Proposer's overhead rate and estimated expenses. Costs shall include all meetings, travel, inspection, technology, printing costs, postage, delivery of materials and miscellaneous costs required to complete the project. Cost should be broken down by phases with a total price for all phases. Please remember to include pricing details for optional services mentioned in Scope of Services section 6 - MFP Creation. The District may elect not to do all phases at which time the District would deduct that phase cost, as provided in the response to this RFP, from the total submitted.

#### 8. Firm Track Record and Litigation History

Proposer shall indicate if the individual or firm has ever been let go by a client or replaced by another individual or firm during any related project. Additionally, Proposer shall list any project-related litigation, including arbitration and mediation, in the last five (5) years, filed either by an owner, owner's consultant, or contractor, against the individual or firm.

#### 9. Conflict of Interest

Proposer shall certify that no official or employee of the District, nor any business entity in which an official of the District has an interest, has been employed or retained to solicit or assist in the procuring of the resulting contract, nor that any such person will be employed in the performance of any contract without immediate divulgence of this fact to the District.

#### 10. Proof of Insurance

The Proposer shall maintain insurance coverage satisfactory to the District, including with respect to coverage limits and deductibles, and as set forth below during the term of the Contract.

The following types of insurance, limits of liability, and policy extensions are required of the Proposer and (except for limit) all subcontractors:

Workers Compensation and Employers Liability Insurance:

Coverage A – Statutory

Coverage B – \$1,000,000 Per Accident

Broad Form Comprehensive General Liability Insurance (including – Premises, Contractual, Products & Completed Operations – Including Broad Form Extensions):

Each Occurrence \$1,000,000

General Aggregate \$2,000,000

Products & Completed Operations Aggregate \$3,000,000

Personal Injury & Advertising Injury \$1,000,000

Fire/Legal \$1,000,000

Comprehensive Automobile Liability Insurance (owned, hired, and non-Owned automobiles):

Bodily & Property Damage \$1,000,000 Combined Single Limit

The Proposer shall not commence work under the Contract until all insurance stated in this RFP is obtained and the District has received and reviewed all associated insurance policies.

## SELECTION CRITERIA

Although not necessarily exhaustive of the criteria to be utilized by the District, the District intends to use the following evaluation criteria in selecting a Proposer to assist with the District MFP. The evaluation criteria are as follows:

### Timeliness and Completeness of Proposal (10%)

To receive maximum consideration, the Proposer's Proposal must be received by the response deadline. In addition, the Proposer's Proposal will be evaluated with respect to organization, clarity, completeness, and responsiveness to this RFP.

### Technical Qualifications and Competence (25%)

To receive maximum consideration, the Proposer's Proposal must demonstrate experience, expertise, and familiarity with applicable laws and requirements for school facility projects in general and Master Facilities Planning in particular. Significant emphasis will be placed on the Proposer's ability to satisfy the project timeline.

### Record of Past Performance (35%)

To receive maximum consideration, the Proposer's Proposal must demonstrate work quality, completion of work on schedule, cost controls, contracts held with other K12 School Districts

over the last five (5) years as well as the response of references provided by the Proposer or any other references identified by the District.

Approach to Work (30%)

To receive maximum consideration, the Proposer’s Proposal must indicate its design, project management, coordination methodologies, prioritization analysis and study approaches, and demonstrate its ability to work cohesively with various stakeholders involved in long-term planning efforts.

## DISTRICT AWARD PROCESS

Proposals will be reviewed for responsiveness and evaluated pursuant to the above-listed objective criteria, with particular attention to, without limitation, each respondent’s qualifications and demonstrated competence in providing similar services.

After Proposals are evaluated, the District, at its sole discretion, may elect to interview the top Proposers. The District may elect to interview one or more Proposers. Adequate time will be allowed for presentation of qualifications followed by questions and answers.

If a commitment is made, it will be to the most qualified respondent(s) with whom the District is able to negotiate successfully the terms and conditions of the required agreement documents. Final selection of a Proposer, terms and conditions of any and all agreements and authority to proceed with the services for which the Proposal was submitted shall be at the discretion of the District.

If the District is unable to successfully negotiate a satisfactory agreement with terms and conditions the District determines to be fair and reasonable, the District may then commence negotiations with the second best qualified Proposer in sequence until an agreement is reached or determination is made to reject all Proposals.

## LIST OF DISTRICT FACILITIES

### LANSING SCHOOL DISTRICT PROPERTIES

<b>Property Name</b>	<b>Street Address</b>	<b>Building Sq Ft</b>	<b>Total Acreage</b>
*Brad Street (near Attwood)	<i>Vacant Land</i>	NA	0.08
*Glenburne Boulevard	<i>Vacant Land</i>	NA	6.01
Glenburne Boulevard/Paramount Coffee	<i>Vacant Land</i>	NA	61.01
*Northwestern/Demolished/Land Only	<i>2908 Andrew Avenue</i>	NA	6.2
*Piper Avenue	<i>Vacant Land</i>	NA	0.15
*West Allegan Street (near Riddle)	<i>Vacant Land</i>	NA	0.09
Otto Crosswalk	North Larch Street		0.11

Otto Middle School	500 East Thomas Street	NA	18.55
Wainwright Pedestrian Crossing	Risdale Avenue	NA	0.03

#### ADMINISTRATIVE / NON-SCHOOL EDUCATIONAL

Administration Building	519 West Kalamazoo Street	42,777	3
Ebersole Environmental Education & Conference Center	3400 Second Street	30,000	
Eva Evans Welcome Center/Elmhurst	2400 Pattengill Avenue	46,056	10
Mt Hope Church	301 W Jolly Road	7115	5
Halik Center - Wainwright	4200 Wainwright Avenue	41,332	6.42

#### ATHLETIC FACILITIES

Don Johnson Field House / Fields	400 North Pennsylvania	58,150	38
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#### RENTAL PROPERTY

Capital Area District Library	123 West Kalamazoo Street	73880	1
Reo Elementary	1221 Reo Road	31,425	25.7
Harley Franks	2924 Newark	28,794	7.2
Vehicle Maintenance Center	1617 Sam's Way	9824	12.87
Wohlert Farms	East State Road	NA	94.63

#### WAREHOUSE

Physical Plant/Service Center	1717 Sam's Way	81,000	10.8
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#### SCHOOLS

Attwood New Tech.	915 Attwood Drive	37,180	8.24
Averill New Tech.	3201 Averill Drive	35,756	8.9
Beekman Center	2901 Wabash Road	111,285	52
Cavanaugh STEAM	300 West Cavanaugh Road	30,410	24.63
Cumberland Elementary	2801 Cumberland Road	31,682	6.31
Dwight Rich School of the Arts	2600 Hampden Drive	203,562	26.4
Eastern High School	626 Marshall Street	210,000	22.66
Everett High School	3900 Stabler Street	305,458	55.52
Forest View Elementary	3119 Stoneleigh Drive	35,357	20.01
Gardner International Magnet School	333 Dahlia Drive	203,954	56
Gier Park Elementary	401 East Gier Street	36,241	5.27
Hill Center - Lansing Tech High School, CTE Program, Leases, Admin	5815 Wise Road	299,704	55.84
J.W. Sexton High School	102 McPherson Avenue	245,675	33
Kendon Elementary	827 Kendon Drive	32,390	8.52
Lewton Spanish Immersion - closing Fall 2026, reopening Fall 2027	2000 Lewton Place	37,324	6.67
Lyons Elementary	2901 Lyons Avenue	25,715	5
Mt. Hope School – reopening Fall 2025	1215 East Mount Hope Avenue	57290	4
North Elementary	333 East Miller Road	65,162	17.01

Pattengill Magnet School	815 N. Fairview Avenue	81,000	10
Pleasant View Elementary	4501 Pleasant Grove Road	39,676	7.89
Post Oak International	2320 Post Oak Lane	40,803	6.48
Willow @ Riddle; closing as a school when new Willow opens	221 Huron Street	39,688	5.7
Sheridan Road STEAM	16900 North Cedar Street	39,960	8.5
Wexford Montessori	5217 Wexford Road	38,071	6.86
Willow - closed for demolition / rebuild - reopening Fall 2026	1012 West Willow Street	*	12.48
Mt Hope @ Woodcreek Montessori	4000 Woodcreek Lane	43,462	4.86

LANSING SCHOOL DISTRICT  
 PURCHASING DEPARTMENT  
 519 W. KALAMAZOO ST., ROOM 200  
 LANSING MI 48933  
 (517) 755-3030  
 FAX (517) 755-3019

**SUPPLIER/VENDOR APPLICATION**  
 (Please type or print)

PURFR016 – 7/7/08 – Version 5

MARK ONE:  
 New Application  
 Update

Date: \_\_\_\_\_

W-9 form attached?  YES  NO

DUN & BRADSTREET RATING (if available)

<b>NAME OF COMPANY</b>	<b>FEDERAL ID NUMBER (OR) SOCIAL SECURITY NUMBER</b>	
Submit copy of W-9 form with application		
<b>ADDRESS TO WHICH BIDDING FORMS AND PURCHASE ORDERS ARE TO BE MAILED – STREET NO., CITY, STATE, ZIP CODE</b>		
<b>ADDRESS TO WHICH PAYMENTS ARE TO BE MAILED – STREET NO., CITY, STATE, ZIP CODE</b>		
<b>PARENT COMPANY AND ADDITIONAL OFFICE LOCATIONS IN MICHIGAN (May attach separate sheet)</b>		
<b>E-MAIL ADDRESS:</b> For Purchase orders to be emailed	<b>WEB SITE:</b>	
<b>TYPE OF ORGANIZATION</b> <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation	<b>TELEPHONE #:</b> _____ <b>FACSIMILIE #:</b> _____	
<b>PERSONS TO CONTACT AND THOSE AUTHORIZED TO SIGN BIDS AND CONTRACTS IN YOUR NAME (if agent, so specify)</b>		
Name	Official Capacity	Telephone No.
PLEASE LIST ON THE REVERSE SIDE CLASSES OF EQUIPMENT, SUPPLIES, MATERIALS, AND/OR SERVICES ON WHICH YOU DESIRE TO BID.		
<input type="checkbox"/> Do you require a hard copy of verbal orders? Yes ___ No ___      Do you accept Procurement Cards? Yes ___ No ___ <input type="checkbox"/> Electronic Disk Catalog <input type="checkbox"/> Electronic Ordering		
<b>Please complete the following:</b>		
STANDARD PAYMENT TERMS: _____ PROMPT PAY DISCOUNT: _____ STANDARD DELIVERY TIME: _____		
<b>PLEASE COMPLETE BELOW</b>		
Please list percentage and circle category that applies:		
MINORITY OWNED: _____% Native-American Asian-Pacific American African-American Hispanic-American Asian-Indian American		
WOMEN OWNED: _____% White Native-American Asian-Pacific American African-American Hispanic-American Asian-Indian American		
DISABLED: _____%      SMALL BUSINESS: Yes _____ No _____ Business located within LANSING SCHOOL District Yes _____ No _____		
Are you certified? If so, list agencies		Certificate Number:
_____	_____	_____
_____	_____	_____
_____	_____	_____
<b>SIGNATURE OF PERSON AUTHORIZED TO SIGN THIS APPLICATION</b>		
_____		
<b>NAME AND TITLE OF PERSON SIGNING (Please type or print)</b>		
_____		





Committed to Quality

**STATEMENT OF NO BID**

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NOTE: IF YOU DO NOT INTEND TO BID, PLEASE RETURN THIS FORM ONLY TO:

Lansing School District  
519 W KALAMAZOO ST  
LANSING, MI 48933

BID NO: # \_\_\_\_\_

PHONE: 517-755-3030  
FAX: 517-755-3019

We, the undersigned, have declined to bid on the above noted bid for the following reasons:

\_\_\_\_\_ Insufficient time to respond to the invitation to Bid.

\_\_\_\_\_ Request for Proposal is unclear.

\_\_\_\_\_ Do not offer this product or service.

\_\_\_\_\_ Our schedule will not permit us to perform.

\_\_\_\_\_ Unable to meet the specifications

\_\_\_\_\_ Specifications are unclear (Please explain below)

\_\_\_\_\_ Remove us from your Bidder Mailing List

\_\_\_\_\_ Other ( Please specify below)

REMARKS:

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Company Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_



**AFFIDAVIT OF BIDDER**

The undersigned, the owner or authorized officer of \_\_\_\_\_(the “Bidder), pursuant to the familial disclosure requirement provided in the \_\_\_\_\_(the “School District”) advertisement for construction bids, hereby represent and warrant, except as provided below, that no familial relationships exist between the owner(s) or any employee of \_\_\_\_\_and any member of the Board of Education of the School District or the Superintendent of the School District.

List any Familial Relationships:

**BIDDER:**

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN                    )  
  )ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_.

\_\_\_\_\_  
  ), Notary Public  
\_\_\_\_\_  
  ) County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in the County of: \_\_\_\_\_



Book	Policy Manual
Section	3000 Professional Staff
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po3122
Status	Active
Adopted	November 1, 2016
Last Revised	June 22, 2023

### 3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and gender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities, including employment opportunities.

#### **Definitions:**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Race is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. For purposes of this definition, "protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

**Respondent** is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

**School District community** means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties** include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

For purposes of this policy, "military status" refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

### **District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Darin Walter  
 Title IX - Public Safety  
 517-755-2037  
 519 W Kalamazoo  
 Lansing, MI 48933  
 darin.walter@lansingschools.net

Erin Miracle  
 Human Resources Manager  
 517-755-2010  
 519 W Kalamazoo  
 Lansing, MI 48933  
 Erin.miracle@lansingschools.net

The names, titles, and contact information of these individuals will be published annually on the School District's website and in the staff handbooks, and in the School District Annual Report to the public

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are required to report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level official who receives such a report shall file it with the CO within two (2) days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School District community or a Third Party, or received reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure (See Form 3122 F2)**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures

involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission ("EEOC").

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the COs; and/or 3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 3122 – Nondiscrimination and Equal Employment Opportunity to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a principal, Superintendent, or other District official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO/designee within two (2) business days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Nondiscrimination and Equal Employment Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the

specific situation.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

## Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or Respondent, including no-contact orders issued to both parties, the dates the no-contact orders were issued, and the dates the parties acknowledged receipt of the no-contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 10/19/17

Revised 11/15/18

T.C. 3/8/21

Revised 12/02/21

T.C. 6/22/23

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Legal

M.C.L. 37.2101 et seq., 37.1101 et seq.  
20 U.S.C. Section 1681, Title IX of Education Amendment Act  
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974  
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act  
29 C.F.R. Part 1635  
29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended  
34 C.F.R. Part 110 (7/27/93)  
42 U.S.C. 2000e et seq., Civil Rights Act of 1964  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975  
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended  
Fourteenth Amendment, U.S. Constitution



# NON-DISCRIMINATION IN EMPLOYMENT CERTIFICATION

## Lansing School District Certificate of Intent to Comply with “NON-DISCRIMINATION IN EMPLOYMENT” POLICY

I have read Lansing School District’s Policy #3122, including paragraph #13 and hereby state my intent to comply with the terms and conditions contained therein. Further I agree to furnish the Michigan Civil Rights Commission with such data and records concerning employment as may be requested by that agency in determining compliance with the policy.

Print or type name of Contact Person:

Signed: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

**AFFIDAVIT OF BIDDER - NON-COLLUSION**

**Lansing School District  
AFFIDAVIT OF BIDDER  
SWORN STATEMENT  
“Non-Collusion”**

DATE: \_\_\_\_\_

The Bidder, by its officers and agents or representatives, present at the time of filing this bid, being duly sworn, on their oaths, say that neither they nor any of them, have in any way, directly or indirectly, entered into any arrangement or agreement with any other Bidder, whereby such affiant or affiants or either of them has paid or is to pay to such other Bidder any sum of money, or has given, or is to give, to such other Bidder anything of value whatever, or such affiant or affiants or either of them has not, directly or indirectly, entered into any arrangement or agreement with any other Bidder or Bidders, which tends to or does lessen or destroy free competition in the letting of the Contract sought for by the attached bids; that no inducement of any form or character other than that which appears upon the face of the bid, will be suggested, offered, paid or delivered to any person whomsoever to influence the acceptance of the said bid or awarding of the Contract, nor has this Bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the Contract sought by this bid.

IN TESTIMONY WHEREOF, the Bidder (an authorized individual) has agrees to the above:

\_\_\_\_\_  
(Company Name)

By: \_\_\_\_\_  
(Authorized Signer)

\_\_\_\_\_  
Print or type Name and Title of Signer

Address: \_\_\_\_\_

Notary Public: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2016

County of: \_\_\_\_\_ My Commission expires: \_\_\_\_\_

Telephone number: \_\_\_\_\_

## IRAN ECONOMIC SANCTIONS ACT CERTIFICATE

In accordance with the Iran Economic Sanctions Act, Michigan 2012 PA 517, effective April 1, 2013, (MCL 129.311, *et seq.*), (the "Act"), the undersigned certifies in support of its bid or proposal that it is not an Iran linked business as such is defined in the Act.

**Contractor:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

Act No. 517  
Public Acts of 2012  
Approved by the Governor  
December 28, 2012  
Filed with the Secretary of State  
December 28, 2012  
EFFECTIVE DATE: April 1, 2013

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2012**

Introduced by Senators Kahn, Marleau, Brandenburg, Anderson, Green and Booher

# **ENROLLED SENATE BILL No. 1024**

AN ACT to prohibit persons who have certain economic relationships with Iran from submitting bids on requests for proposals with this state, political subdivisions of this state, and other public entities; to require bidders for certain public contracts to submit certification of eligibility with the bid; to require reports; and to provide for sanctions for false certification.

*The People of the State of Michigan enact:*

Sec. 1. This act shall be known and may be cited as the "Iran economic sanctions act".

Sec. 2. As used in this act:

- (a) "Energy sector of Iran" means activities to develop petroleum or natural gas resources or nuclear power in Iran.
- (b) "Investment" means 1 or more of the following:
  - (i) A commitment or contribution of funds or property.
  - (ii) A loan or other extension of credit.
  - (iii) The entry into or renewal of a contract for goods or services.
- (c) "Investment activity" means 1 or more of the following:
  - (i) A person who has an investment of \$20,000,000.00 or more in the energy sector of Iran.
  - (ii) A financial institution that extends \$20,000,000.00 or more in credit to another person, for 45 days or more, if that person will use the credit for investment in the energy sector of Iran.
- (d) "Iran" means any agency or instrumentality of Iran.
- (e) "Iran linked business" means either of the following:
  - (i) A person engaging in investment activities in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran.
  - (ii) A financial institution that extends credit to another person, if that person will use the credit to engage in investment activities in the energy sector of Iran.
- (f) "Person" means any of the following:
  - (i) An individual, corporation, company, limited liability company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group.
  - (ii) Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in section 1701(c)(3) of the international financial institutional act, 22 USC 262r(c)(3).

(iii) Any successor, subunit, parent company, or subsidiary of, or company under common ownership or control with, any entity described in subparagraph (i) or (ii).

(g) "Public entity" means this state or an agency or authority of this state, school district, community college district, intermediate school district, city, village, township, county, public authority, or public airport authority.

Sec. 3. (1) Beginning April 1, 2013, an Iran linked business is not eligible to submit a bid on a request for proposal with a public entity.

(2) Beginning April 1, 2013, a public entity shall require a person that submits a bid on a request for proposal with the public entity to certify that it is not an Iran linked business.

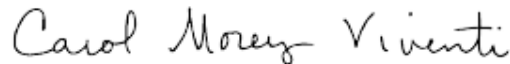
Sec. 4. If a public entity determines, using credible information available to the public, that a person has submitted a false certification under section 3(2), the public entity shall provide the person with written notice of its determination and of the intent not to enter into or renew a contract with the person. The notice shall include information on how to contest the determination and specify that the person may become eligible for a future contract with the public entity if the person ceases the activities that cause it to be an Iran linked business. The person shall have 90 days following receipt of the notice to respond in writing and to demonstrate that the determination of false certification was made in error. If a person does not make that demonstration within 90 days after receipt of the notice, the public entity may terminate any existing contract and shall report the name of the person to the attorney general together with information supporting the determination.

Sec. 5. The attorney general may bring a civil action against any person reported under section 4. If a civil action results in a finding that the person submitted a false certification, the person is responsible for a civil penalty of not more than \$250,000.00 or 2 times the amount of the contract or proposed contract for which the false certification was made, whichever is greater, the cost of the public entity's investigation, and reasonable attorney fees, in addition to the fine. A person who submitted a false certification shall be ineligible to bid on a request for proposal for 3 years from the date the public entity determines that the person has submitted the false certification.

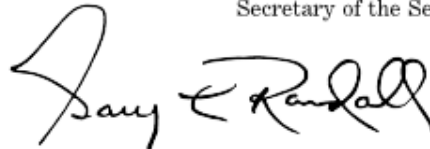
Sec. 6. The provisions of this act are effective only if Iran is a state sponsor of terror as defined under section 2 of the divestment from terror act, 2008 PA 234, MCL 129.292.

Enacting section 1. This act takes effect April 1, 2013.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

**LEGAL STATUS OF BIDDER**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS.**

The Vendor and/or Bidder certifies to the best of its knowledge and belief that it and its principals: Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency; Have not within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offences enumerated above in this certification; and Have not within a three-year period preceding this agreement had one or more public transactions (Federal, State, or local) terminated for cause or default; is not now or has been, within a three-year period preceding this date, been listed on the Excluded Parties List System website (EPLS).

*Vendor/contractor will notify the Lansing School District Purchasing Office immediately upon becoming suspended or debarred if there is any current or ongoing contract or agreement in place between the district and the vendor/contractor.*

Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone & E-mail: \_\_\_\_\_

**Name, title and signature of individual duly authorized to execute contracts:**

The Owner, Principal, or Corporate Office of the responding firm is also attesting that all the information provided within this response is true.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_

**A Corporation organized and existing under the laws of the State of \_\_\_\_\_**

# General Conditions and Instructions to Bidders

1. Proposals shall be submitted on forms furnished by the owner. The proposal shall be in accordance with the specifications listed, which are available at the Lansing School District Purchasing Office.

Any variance from the specifications shall be fully explained in writing by the bidder and all prices quoted shall be on a unit price basis.

2. **MAILING OF PROPOSALS:**

Proposals shall be mailed in an opaque, sealed envelope and shall be clearly marked describing the project upon which the bid is made.

3. No oral, telegraphic facsimile, or electronic mail proposals or modifications will be considered.

- 4 **WITHDRAWAL OF BIDS:**

Any bidder may withdraw their bid at any time prior to the scheduled time of opening the bids upon the presentation of proper identification. After the opening of the bids, no proposal shall be withdrawn for a period of ninety (90) days.

5. **PROPOSAL FORMS AND SIGNATURES:**

Proposals shall be made on the proper forms provided by the owner. All spaces shall be properly filled in with ink or typewriter. The signatures shall be in longhand in ink by an authorized representative.

6. **BRANDS:**

The naming of a manufacturer, brand or model number shall not be considered as excluding other brands or models. Specifically, similar products with comparable construction, material and workmanship shall be considered as equal. However, the Board of Education of the Lansing School District shall evaluate the merits of all bids submitted and reserves the right to accept or reject any or all bids.

It is the intent of the attached specifications to define the minimum quality of equipment acceptable. The product lines of nationally recognized manufacturers who regularly advertise, promote and distribute catalog products to the school market are required.

7. **SAMPLES:**

Samples shall be submitted upon request at the expense of each bidder. These samples will be retained as control items until the completion of the delivery and installation.

8. **AGENDA:**

Any modifications of contract documents will be issued in the form of an addendum.

All addenda issued during the bidding time shall become part of the specifications. A copy of the addendum shall be sent to all bidders. No verbal statements by the owner shall be considered as authoritative. No request for explanations can be processed within four (4) days immediately prior to the bid opening date.

9. **VARIATIONS FROM MATERIALS SPECIFIED:**

All variations from the specified material or equipment shall be fully explained and included with the bid. Manufacturer numbers shall be used in all cases.

10. **ROYALTIES AND PATENTS:**

The contract shall pay for all royalties and patents, and shall defend all suits for claims or infringements on patent rights and save the owner harmless from loss on account thereof.

11. **CLEAN-UP:**

The contractor shall at all times, keep the premises free from accumulations of waste materials or same caused by the work; and upon completing the work, shall remove all work related rubbish from and about the building and shall leave the work broom clean, or it equivalent. In the case of dispute, the owner may remove the rubbish and charge the cost to the contractor, as the owner shall determine.

12. **FEDERAL, STATE AND MUNICIPAL TAXES:**

Each proposal submitted shall include, and the contractor shall pay, all taxes which are levied by the Federal, State and Municipal Governments, on labor, and for materials entering into the work. The owner reserves the right to require evident of payment of such taxes prior to final payment. The school district is exempt from Federal Excise Tax.

# General Conditions and Instructions to Bidders

## 13. QUALIFICATIONS OF BIDDERS:

The owner may request any or all bidders to submit any of the following information before the award of the contracts.

- A. A bidder's performance record
- B. The address and description of bidder's equipment, plant or permanent place of business.
- C. An itemized list of the bidder's equipment, plant and personnel.
- D. A bidder's financial statement.
- E. A description of any project which the bidder has completed.
- F. Such additional information as will satisfy the owner that the bidder is adequately prepared to fulfill the contract.
- G. Description of work which will be done simultaneously with the owner's project.

## 14. NOTICE OF AWARD:

The contracts shall be deemed as having been awarded when the formal notice of acceptance of their proposal has been duly served upon the intended awardees (normally by purchase order) by some officer of agent of the owner duly authorized to give such notice.

## 15. GUARANTEE:

Each contract shall furnish the owner a written guarantee running for one (1) year, or longer as required herein, after the final payment covering all work in the contract. Any defects in workmanship or materials for which a claim is submitted within this period shall be corrected.

## 16. DOCUMENTS:

The Proposals submitted shall be based upon the specifications contained herein.

## 17. RIGHTS OF ACCEPTANCE OR REJECTION:

The Board of Education of the Lansing School District reserves the right to reject any or all bids in whole or in part and to accept the bid or portion of bid that, in their opinion, best serves the interest of the School District.

18. Contractors and subcontractors are required not to discriminated against any employee or applicant for employment, to be employed in t the performance of this contract, with respect to hire, tenure, terms, conditions or privileges of employment because of race, color, religion, national origin, or ancestry or also because of age or sex, except based on a bonafide occupational qualification. Breach of this covenant of purchasing agreement as provided in the Michigan Fair Employment Practices Act and may be processed there under. See Policy 6320.



# policy

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## PURCHASING

Procurement of all supplies, materials, equipment, and services paid for from District funds shall be made in accordance with all applicable Federal and State statutes, Board policies, and administrative procedures. Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts are established in Policy 1130, Policy 3110, and Policy 4110 – Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgement.

Each year the State of Michigan informs the School of the legal amount for purchases which require a formal bidding process of a single item.

It is the policy of the Board that the Superintendent adhere to the following:

- A. Seek informal price quotations on purchases in excess of \$3,000.
- B. When the purchase of, and contract for, single items of supplies, materials, or equipment is less than the amount allowed by State statute, but exceeds \$10,000 the Superintendent shall whenever possible, require three (3) competitive price quotations.

Purchases in a single transaction that are in excess of the dollar amount permitted by State statute shall require competitive bids and, whenever possible, have at least three (3) such bids for substantiation of purchase and shall require approval of the Board prior to purchase.

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## **Competitive Bids**

Competitive bids are not required for items purchased through the cooperative bulk purchasing program operated by the Michigan Department of Management and Budget pursuant to M.C.L. 18.1263.

Competitive bids are not required for food purchases, unless food purchased in a single transaction costs \$100,000 or more.

When food purchased in a single transaction exceeds \$100,000, the Superintendent shall, whenever possible, require three (3) competitive price quotations.

Bids shall be sealed and shall be opened by the Director of Purchasing in the presence of at least one (1) witness. All orders or contracts should be awarded to the lowest responsible bidder; however, consideration can be given to:

- A. the quality of the item(s) to be supplied;
- B. its conformity with specifications;
- C. suitability to the requirements of the school;
- D. delivery terms;
- E. past performance of vendor.

In addition to the factors above, the Board may consider and provide a preference to bidders

- A. which use a Michigan-based business as the primary contractor.
- B. which use one (1) or more Michigan-based business as subcontractors.

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For purposes of this preference a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under M.C.L. 18.1268, which requires that the businesses certify that since inception or during the last twelve (12) months it has done one of the following:

- A. have filed a Michigan business tax return showing an allocation of income tax base to Michigan
- B. have filed a Michigan income tax return showing income generated in or attributed to Michigan
- C. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

The Board reserves the right to reject any and all bids.

Contracts may be awarded by the Superintendent without Board approval for any single item or group of identical items costing less than the dollar amount permitted by State Statute. All other contracts require Board approval prior to purchase.

## **Bid Protest**

A bidder who wishes to file a bid protest must file such notice and follow procedures prescribed by the Request For Proposals (RFP) or the individual bid specifications package, for resolution. Bid protests must be filed in writing with the Office of the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

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## General Provisions

The Superintendent is authorized to purchase all items within budget allocations.

The Board should be advised, for prior approval, of all purchases of equipment, materials, and services when the purchase

- A. was not contemplated during the budgeting process.
- B. exceeds the previously Board approved amount by ten percent (10%).

The Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the school in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

In order to promote efficiency and economy in the operation of the school, the Board requires that the Superintendent periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a part of the bid specifications.

Before placing a purchase order, the Superintendent shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the school. All purchase orders shall be numbered consecutively.

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The Superintendent shall determine the amount of purchase which shall be allowed without a properly signed purchase order. Employees may be held personally responsible for anything purchased without a properly signed purchase order or authorization.

The Board may acquire office equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

## Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (34 CFR 80.36) for the administration and management of Federal grants and federally-funded programs. The District shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320).

M.C.L. 380.1267, 380.1274 et seq.

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# policy

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## NEW SCHOOL CONSTRUCTION, RENOVATION

Before beginning construction of a new school building, or an addition, repair or renovation of an existing school building, except emergency repairs, the Board of Education, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building which exceeds the State statutory limit.

This policy does not apply to buildings, renovations, or repairs costing less than the statutory limit or to repair work normally performed by District employees.

The Board shall advertise for the bids required under subsection:

- A. By placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least two (2) weeks on the Department of Management and Budget website on a page on the website maintained for this purpose or on a website maintained by a school organization and designated by the Department of Management and Budget for this purpose.
- B. By submitting the request for bids for placement on the Michigan Department of Management and Budget's website for school organizations, including a link to the District's website.
- C. The advertisement for bids shall do all of the following:
  1. specify the date and time by which all bids must be received by the Board at a designated location;
  2. state that the Board will not consider or accept a bid received after the date and time specified for bid submission;
  3. identify the time, date, and place of a public meeting at which the Board or its designee will open and read aloud each bid received by the Board by the date and time specified in advertisement;

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4. state that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Board or the Superintendent of the District. A Board shall not accept a bid that does not include this sworn and notarized disclosure statement.
- D. The Board shall require each bidder for a contract under this policy, to file with the Board security in an amount not less than 1/20 of the amount of the bid conditioned to secure the District from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the Board.
- E. The Board shall not open, consider, or accept a bid that the Board receives after the date and time specified for bid submission in the advertisement for bids as described in subsection C of this policy.
- F. At a public meeting identified in the advertisement for bids described in subsection C of this policy, the Board or its designee shall open and read aloud each bid that the Board received at or before the time and date for bid submission specified in the advertisement for bids. The Board may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this policy.

The Board may consider and provide a preference to bidders:

1. which use a Michigan-based business as the primary contractor.
2. which use one (1) or more Michigan-based business(es) as subcontractors.

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For purposes of this preference a Michigan-based business means a business that would qualify for a Michigan preference for procurement contracts under M.C.L. 18.1268, which requires that the businesses certify that since inception or during the last twelve (12) months it has done one of the following:

1. have filed a Michigan business tax return showing an allocation of income tax base to Michigan
2. have filed a Michigan income tax return showing income generated in or attributed to Michigan
3. withheld Michigan income tax from compensation paid to the bidder's owners and remitted the tax to the Michigan Department of Treasury

This preference shall not apply to any procurement or project using Federal funds, nor shall it be used if it would violate any Federal law or requirements.

- G. The competitive bid threshold amount specified in this policy (\$20,959 for 2009) is adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the twelve (12) months ending August 31<sup>st</sup> of the year in which the adjustment is made differs from that index's average for the twelve (12) months ending on August 31<sup>st</sup> of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The current exempt amount must be confirmed with the Michigan Department of Education prior to issuing contracts for construction, renovation, or repair which exceed the amount listed in this policy.

M.C.L. 380.1267

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**NEW POLICY - VOL. 30, NO. 2**

**PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board of Education policies, and administrative procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-.326) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AG 6320.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3110 and Policy 4110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

**Competition**

All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor

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performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive contracts to consultants that are on retainer contracts;
- D. organizational conflicts of interest;
- E. specification of only a “brand name” product instead of allowing for an “*or equal*” product to be offered and describing the performance or other relevant requirements of the procurement; and
- F. any arbitrary action in the procurement process.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list annually.

Solicitation Language

The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall utilize the following methods of procurement:

Micro-purchases

Procurement by micropurchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3000. To the extent practicable, the District shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

Small Purchases

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property that does not exceed the competitive bid threshold established annually by the State. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Michigan statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

1. a complete, adequate, and realistic specification or purchase description is available;
2. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

1. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
5. The Board reserves the right to reject any or all bids for sound documented reason.

#### Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.

4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E that firms are a potential source to perform the proposed effort.

#### Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. the item is available only from a single source
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
3. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
4. after solicitation of a number of sources, competition is determined to be inadequate

Contract/Price Analysis

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.



Suspension and Debarment

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 CFR Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (2 CFR Part 180 Subpart H)

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 CFR Part 180 Subpart C)

Bid Protest

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The District maintains records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Applicable laws and regulations:  
2 C.F.R. 200.317 - .326

# policy

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## PREVAILING WAGE COORDINATOR

It is the purpose of this policy to comply with State and Federal regulations concerning prevailing wage rate.

The Michigan Department of Consumer and Industry Services; Wage and Hour Division will determine the prevailing wage rate in the locality where the work is to be performed.

The Superintendent shall designate a Prevailing Wage Coordinator for this District.

The Prevailing Wage Coordinator will submit to the Superintendent, for Board of Education approval, procedures for monitoring compliance with prevailing wage laws. S/He will request the Michigan Department of Consumer and Industry Services; Wage and Hour Division to establish the prevailing wage rate in this District for school construction or renovation projects. A schedule of those wages must be attached to the specifications for the work, and printed on any bidding blanks. A copy of the bidding blank must be filed with the Michigan Department of Consumer and Industry Services; Wage and Hour Division prior to the award of any contract. Thereafter, any contract which is awarded must include a provision that each laborer, workman, or mechanic employed by the contractor will be paid at a rate not less than the prevailing wage rate. On the first pay date, the contractors and subcontractors must provide each employee with written notification of his/her job classification and the prevailing wage rate for his/her job classification, unless the employee is covered by a collective bargaining agreement.

M.C.L. 408.551 et seq.

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# policy

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## COOPERATIVE PURCHASING

The Board of Education recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

The Board authorizes the Business Manager to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

M.C.L. 124.1 et seq.

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## LOCAL PURCHASING

The Board of Education recognizes its position as a major purchaser in this community, and while it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase within the District from established local merchants.

The Board authorizes the Superintendent to award purchases placed in accordance with law, this policy, and all policies of the Board otherwise applicable to local merchants when

- A. their quotation is competitive, within a percentage determined by the Board,
- B. freight charges are a factor,
- C. maintenance service may be required,
- D. promptness of delivery is a consideration,

provided that all statutes pertaining to public purchasing are duly observed.

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## VENDOR RELATIONS

The Board of Education shall not enter a contract knowingly with any supplier of goods or services to this District under which any Board member or officer, employee, or agent of this School District has any pecuniary or beneficial interest, direct or indirect, unless the person has not solicited the contract or participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any textbook of which s/he is the author and which has been properly approved for use in the schools of this District.

For the purpose of this policy "beneficial interest" shall be determined in accordance with M.C.L. 15.321 et seq.

Board members and school personnel shall not accept any gifts or favors from vendors which might, in any way, influence their recommendations on the eventual purchase of equipment, supplies, or services.

All sales persons, regardless of product, shall clear with the Superintendent's Office before contacting any teachers, students, or other personnel of the School District. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.

M.C.L. 15.321 et seq.



*In order to maintain the public trust, your local school district Board of Education should consider and adopt a resolution containing at least some, if not all, of the factors listed below.*

*Each factor should be discussed thoroughly by school board members, the architects and construction managers involved in any school construction because of the potential impact they will have on a project.*

*Your construction manager and design professional will then include these factors in the construction bid documents so all bidders know that in addition to price these items will be considered when construction bids are reviewed.*



**EXPERIENCE.** Institutional building projects are expected to last 50-75 years. Therefore school board members should review the past experience of all construction professionals to ensure that they have pertinent experience on similar institutional projects. In so doing, the board members can evaluate whether local contractors should be considered for the project and only if they have the required experience should they be considered.



**REFERENCES.** School board members should investigate the references of their construction professionals from past clients doing similar institutional work. Construction professionals must supply pertinent references from their past clients, including information regarding performance and jobsite cooperation.





**FINANCIAL CONDITION.** A good financial rating means stability on the job and all through the project. Construction professionals must show they are financially prepared to perform the work they are bidding on. School boards must obtain information concerning a bidder's financial capability, any outstanding claims against them and bank references. A poor financial condition can affect the quality of materials, equipment and workers used on the project. It also can result in substantial project delays and unsafe schools.



**SAFETY & ACCIDENTS.** Construction professionals with a good safety and EMR record will be more productive. An employer has an obligation according to the Michigan Occupational Safety and Health Act (MIOSHA) to provide a place of employment free from recognized hazards likely to cause death or serious physical harm. Every employee has the right to a safe and healthy workplace. An employer must provide training in the recognition and avoidance of hazards and specific training called for in the MIOSHA standards.



**RESUME OF SUPERVISORY PERSONNEL.** Beyond a construction professional's experience with similar institutional projects, it is important for board members to evaluate the resumes of the supervisory personnel of all construction professionals on their project. All supervisory personnel should have pertinent experience and adequate education and training to complete your project.



**INSURANCE & SURETY BONDING.** Construction professionals must show proof of adequate and relevant insurance coverage for a particular project and must prove their compliance with workers' compensation statutes. School boards must set minimum standards for insurance coverage. Construction professionals that cannot provide proper coverage may be unable to fulfill project obligations. A measure of a construction professional's stability is shown in the ability to secure the required bonding.





**USE OF A TRAINED LOCAL WORKFORCE.** Employing local construction professionals and skilled craft workers on a project can be an attractive goal for school boards. Local craft workers, their friends and family, in all probability use those schools. However, it is necessary to determine if the construction professional has ready access to a qualified, experienced workforce to build your project.



**PREVAILING WAGE.** Use of prevailing wage requirements ensures that school boards secure the best qualified construction professionals to perform work on their projects. Construction professionals should compete for projects on the basis of their management practices, not by paying sub-standard wages. Utilization of prevailing wage will allow the construction professional to pay locally determined wages and benefits to attract qualified skilled craft workers.



**EMPLOYEE HEALTH INSURANCE & PENSION BENEFITS.** School districts can maintain and promote their community's health care and craft employees by requiring the construction professional to use prevailing wage, which includes health insurance and pension benefits. Construction professionals who provide such benefits to their craft personnel demonstrate a commitment to developing a stable workforce, which is a key component to a quality project and to the health of the community.



**WORKFORCE SOURCE & PROPER EMPLOYEE CLASSIFICATION.** School boards can ensure that their project will be built by qualified construction professionals by ensuring contractor access to a skilled workforce. School districts should examine carefully the source of building trades craft employees. School districts should ask prospective construction professionals to identify the source of the workforce they intend to use on the project. Construction professionals who staff the project with personnel hired from help-wanted ads or employment agencies might not have sufficient competence and ability to complete a quality project on schedule.



## **REGISTERED UNITED STATES DEPARTMENT OF LABOR, BUREAU OF**

**APPRENTICESHIP & TRAINING PROGRAMS.** School boards know the value of high quality training and education. Responsible contractors know that better training equals better buildings. Bureau of Apprenticeship and Training (BAT) approved training programs create more productive craft workers. A construction professional's ability to staff a school construction project with qualified trades' workers is the key to success. Contractors, who bid on school construction projects should maintain, participate in and contribute to bona fide apprentice training programs recognized by the U.S. D.O.L./B.A.T. Trained craft workers promote cost effectiveness, timeliness, safety and quality on school construction work. Companies who employ skilled and trained workers, educated in their trade, deliver exceptional work. Moreover, every registered U.S. D.O.L./B.A.T., program must meet twenty-two standards of apprenticeship regulated and audited by the U.S. D.O.L./B.A.T., as outlined in 29 CFR 29.5.



**LICENSING.** School boards get a better building when highly competent construction professionals and tradespersons build it to code. State law establishes licensing requirements for

electrical, mechanical, plumbing, boiler and elevator contractors, and electrical,

elevator and plumbing craft workers. Proper licensing and certification,

when applicable, show school boards that construction

professionals bidding the job have been tested and are

competent to perform the work. All responsible construction

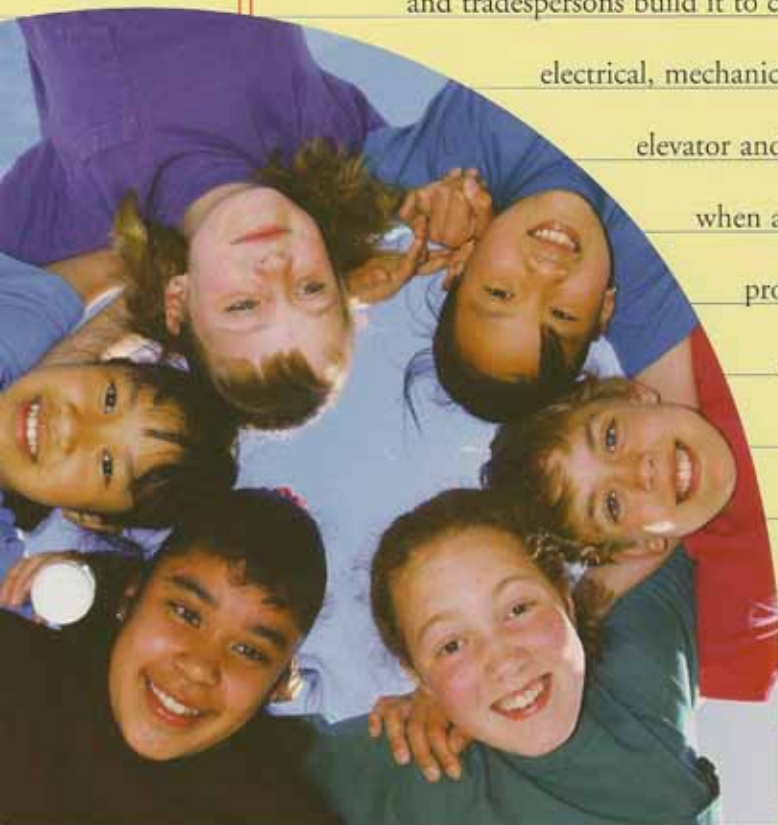
professionals must provide documented proof of licensing

and certification. This will allow school boards to contact

licensing and certification agencies to verify the bidder's

history and determine if any complaints or judgments

have been filed against them.





**COMPLIANCE WITH REGULATORY AGENCIES.** School boards get a higher quality building when local, state and federal regulations are followed. Compliance with the EPA, MIOSHA, OSHA and other agencies helps school boards evaluate the construction professional's willingness to follow rules. It also ensures that the bidding contractors are aware of the policies that affect them. Contractor adherence to wage and hour standards, record keeping guidelines, child labor regulations and other components of the Fair Labor Standards Act are good indicators of a stable workforce. Construction craft workers who are treated fairly and receive proper pay and benefits are more likely to produce high quality work which helps ensure a safe learning environment for Michigan children.



**CIVIL SUITS/ARBITRATION/HISTORY.** A school board will have their building projects completed without costly legal entanglements if they select a responsible contractor with a 'clean' legal history. School boards should contract with construction professionals that build according to contract – not in spite of the contract. School districts should carefully examine a contractor's litigation history and the final disposition of any arbitration claims brought against him/her. A contractor with an unusually high level of adverse claims might indicate that the school board should disqualify the contractor.



**Michigan Association for Responsible Contracting**

**phone: 1-866-YES-MARC • fax: 517-372-0402 • [www.miarc.org](http://www.miarc.org)**