

When, under regulations adopted by the School Committee, the purchasing agent determines in writing that the use of competitive sealed bidding is not practicable and except as provided in Policy 3235 and 3240 a contract may be awarded by competitive negotiation.

Adequate public notice of the request for proposals shall be given in the same manner as provided in Policy 3225.

Contracts may be competitively negotiated when it is determined in writing by the purchasing agent that the bid prices received by competitive sealed bidding either are unreasonable as to all or part of the requirements or were not independently reached in open Competition, and for which:

- (a) Each competitive bidder has been notified of the intention to negotiate and is given reasonable opportunity to negotiate.
- (b) The negotiated price is lower than the lowest rejected bid by any competitive bidder.
- (c) The negotiated price is the lowest negotiated price offered by a competitive bidder.

The request for proposals shall indicate the relative importance of price and other evaluation factors.

Award shall be made to the responsible bidder whose proposal is determined in writing to be the most advantageous to the municipality taking into consideration price and the evaluation factors set forth in the request for proposals.

Written or oral discussions shall be conducted with all responsible bidders who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing bidders. Discussions need not be conducted:

- a) With respect to prices where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions or

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- b) Where time of delivery or performance shall not permit discussions or

- c) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with the particular supply, service, or construction item, that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notifies all bidders of the possibility that the award may be made on the basis of the initial offers.

Reviewed 7/2017