



PROCUREMENT MANUAL

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CHAPTER 1 - INTRODUCTION

1.1 Overview

The Department of Procurement works with schools, instructional support offices, non-instructional support offices, and vendors to procure the highest quality goods and services at competitive prices for the support of student achievement. We are dedicated to securing goods and services from reputable and responsible vendors in compliance with relevant state and federal laws and with the rules, policies, and procedures set by the Board of Education of the City of Chicago ("Board").

This manual is intended to provide an overview of procurement procedures and processes at CPS.. The Chief Procurement Officer is responsible for ensuring that this manual is accurate, reflects the solicitation practices and procedures of the Department, and is consistent with applicable Illinois and federal laws and the rules and policies of the Board.

Public Access to Procurement Information

When an opportunity to respond to a solicitation is open, the Procurement Department will post the relevant solicitation on its website at: <https://cps.edu/procurement/pages/contractorsopportunities.aspx>. The Procurement Department posts procurement contracts that are approved by the Board on CPS's website at <https://www.cps.edu/procurement/contracts-awarded/>.

Anyone may submit requests for further information from CPS including any Procurement-related documentation via the Board's Freedom of Information Act (FOIA) Requests website at the following address: https://cps.edu/About_CPS/Departments/Law/Pages/FOIARrequest.aspx.

1.2 Definitions

The following is a list of key procurement terms used in this Manual:

1. "Addendum" means an addition or supplement to a solicitation document that is posted during the period that the solicitation is open for responses. An addendum will be posted in the same location and in the same manner as the solicitation document it is supplementing and will refer to the original solicitation document by its title and specification number.
2. "Advertise" means to make a public announcement of the intent to purchase goods and/or services with the intention of increasing the response and enlarging the competition. The announcement must conform to the legal requirements to inform the public imposed by law.

3. "Bid" means a document submitted in response to an Invitation to Bid to provide goods and/or services at a certain price, quantity, timeframe, and under specific terms and conditions determined by the Board.
4. "Bid Opening" means the public opening of Bids, at which the names of the Bidders responding to a Bid Solicitation and prices of the Bidders are publicly read and recorded.
5. "Bid Tabulation" means the recording of Bids and bidding data submitted in response to a Bid Solicitation for purposes of comparison, analysis, and record keeping.
6. "Bidder" means a person or entity submitting a Bid in response to an Invitation to Bid.
7. "Board" means the Chicago Board of Education.
8. "Board Approval Plan" (BAP) is the planning tool used to document and track approved budget-appropriated procurement and non-procurement projects that require Board approval. Each individual user department has its own BAP populated with the projects that it "owns" for the District.
9. "Board Contractor" or "Board Vendor" means any person or legal entity (including agents or employees acting within the scope of their employment) doing business or seeking to do business with the Board whether or not pursuant to a contract.
10. "Board Report" means a document presented to the Board at its monthly meeting which reports to the Board Members information necessary to make a knowledgeable decision regarding a transaction or matter that requires Board approval or acceptance. In general a Board Report is required i) when money is received, ii) when money is spent, or iii) for agreements in which no money is received or spent but which commits the Board to responsibilities beyond its normal business obligations.
11. "Buyer" means the staff person in the Procurement Department designated to facilitate the solicitation process for the Procurement Department and assist the User Department with the solicitation.
12. "Certification Letter" means a letter issued by the City of Chicago, Cook County, or any other local agency acknowledging that a Bidder is certified as a Minority-owned Business Enterprise ("MBE") and/or a Women-owned Business Enterprise ("WBE") in a specialized area.
13. "Chief Procurement Officer Request" (CPOR) means an informal solicitation document requesting the submittal of quotes or proposals in response to the parameters and scope of services required.
14. "Intergovernmental or Interagency Agreement" means an agreement between the Board and a federal, state, or local government agency for the provision of goods, services, or funds.
15. "Pre-Bid/Submittal Conference" means a meeting of prospective Bidders or proposers, arranged by the Procurement Department to help potential Bidders for proposers understand the requirements of the solicitation.

16. "Proposal" means a document submitted in response to an RFP to perform work or services at a certain price, timeframe, and under specified terms and conditions.
17. "Proposer" means a person or entity submitting a proposal in response to an RFP or qualifications in response to an RFQ.
18. "Request for Information" (RFI) means a general invitation to persons or entities with knowledge of the goods or services of interest to the Board requesting information on the subject matter of the RFI. This method is used as a research and information gathering tool.
19. "Request for Proposals" (RFP) means a solicitation document requesting the submittal of Proposals in response to the parameters and scope of services required.
20. "Request for Qualifications" (RFQ) means a solicitation document requesting submittal of qualifications or specialized expertise in response to the parameters and scope of services stated in the RFQ.
21. "Rules" (or "Board Rules") means the Rules of the Board of Education of the City of Chicago, found at <https://www.cpsboe.org/rules>. For the purposes of this Procurement Manual, references to Rules likely will be specifically referring to Chapter VII of the Rules where the Procurement and Contract Rules are found (<https://www.cps.edu/sites/cps-policy-rules/board-rules/chapter-7/>).
22. "Single or Sole Source Review Committee" means the committee responsible for reviewing user departments' requests for approval of non-competitive contract awards for non-biddable services in excess of \$35,000 from vendors who have not been selected through the Department's solicitation process.
23. "Single Source" Procurement is defined as situations where there are multiple suppliers available, but factors specific to a procurement justify the selection of one supplier.
24. "Sister Agency" means local government agencies such as the City of Chicago, Chicago Park District, City Colleges of Chicago, Chicago Transit Authority, Chicago Housing Authority, Chicago Board of Elections, Metropolitan Pier & Exposition Authority (McCormick Place, Navy Pier), and the Municipal Courts.
25. "Sole Source" Procurement is defined as situations where only one supplier is uniquely or exclusively qualified to deliver specified goods or services.

1.3 Procurement Authority

No purchases shall be made except as provided by applicable Illinois law, federal law, Board Rules, and these procedures for procurement. Only persons expressly authorized by the Board Rules shall make any purchases or enter into any contract for the purchase of supplies, equipment, and construction, general, or professional services on behalf of CPS. Office administrators and administrative staff DO NOT have authority to sign contracts on behalf of CPS, and CPS schools and departments cannot enter into contracts independent of CPS. Principals only have authority to enter into contracts in certain specific situations as set forth in

this Manual and, even then, he or she may be required to seek and obtain the approval of the Board's General Counsel separate from the procurement process. This chapter discusses the authority for procurement activity and delegation of the administration of the procurement function.

1.4 Procurement Limitations

Chapter VII of the Board Rules sets forth the Procurement and Contract Rules to be followed by all CPS employees. This manual will provide further detail, but Chapter VII of the Rules should be referred to and relied upon in the event of any inconsistency or question.

1.5 Delegation of Authority

Officers may not enter into any contract, or incur any other liability, that exceeds: (a) the amount appropriated in the budget; (b) the amount authorized in a Board Report; (c) the amount authorized by an Officer pursuant to the exercise of their delegated authority; or (d) the compensation amount stated in the Contract. The specific authority that the Board delegates to certain Officers or their respective designees with respect to making and executing certain contracts is outlined in [Section 7-13 of Chapter VII. Procurement and Contract Rules](#).

If a vendor submits a contract to a department to sign, the requesting department must submit a [Contract Request Form](#) to initiate an assignment within Law to review that contract document. Further, if the service under \$35,000 involves ANY student data sharing or collection, if it concerns delivery of a software product, and/or if it concerns services requiring direct contact with students, then the department MUST submit a [Contract Request Form](#) to initiate an assignment within Law to prepare a contract.

1.6 School-Based Contracting Authority

In accordance with the Illinois School Code and subject to the restrictions and limitations set forth in the Board Rules, school principals are authorized to sign contracts on behalf of the Board for amounts up to \$10,000 if the contract is endorsed by the Local School Council. (See 105 ILCS 5/34-8.1) The principal may need to consult further with the Law Department and obtain approval of the Board's General Counsel for certain terms in a contract, even if it is within his or her authority. For instance, Law's review is necessary if student data will be provided to the vendor, if the vendor's employees will have contact with students, if the vendor is requesting that the Board be responsible for liabilities, or if the contract is related to other existing agreements between the Board and the vendor. School officials may submit contracts to Law for review by way of the Law Department's [Contract Request Form](#).

If a vendor submits a contract to a school to sign, the requesting school must submit a [Contract Request Form](#) to initiate an assignment within Law to review that contract document. Further, if the service under \$35,000 involves ANY student data sharing or collection, if it concerns delivery of a software product, and/or if it concerns services requiring direct contact with

students, then the school MUST submit a [Contract Request Form](#) to initiate an assignment within Law to prepare a contract.

1.7 Prohibition against Stringing, Rigging or Rotating

“Stringing” is defined by Illinois law as “knowingly structuring a contract or job order to avoid the contract or job order being subject to competitive bidding requirements.” (See 720 ILCS 5/33E-2(i-5).) The Board extends this to include any transaction, invoice, purchase order, or any other agreement in addition to a “contract” or “job order” and to include any effort to avoid the limitations on delegated authority provided in the Illinois laws and the Board Rules. Stringing can also be known as splitting, which is similarly prohibited. For instance, a school may not avoid the \$10,000 limit on its contracting authority by entering into two contracts with the vendor for \$5,000 each.

To avoid any possible stringing activity, vendors soliciting business at the school or departmental level can expect a restriction in the prepared contract limiting the revenue they may generate from that service or product to \$35,000 annually across all CPS schools and departments. That is, a vendor may not provide the same or similar services or products to multiple schools if the total revenue generated for the vendor from CPS would exceed \$35,000 annually. In other words, a vendor cannot split up related purchases at different schools as a way to bypass the \$35,000 bidding threshold.

The Procurement Department also seeks to avoid any instances of bid-rigging and bid rotating as those terms are defined in 720 ILCS 5/33E-3 and 33E-4, respectively.

The Procurement Department will assist you if you have any questions regarding the applicability of these restrictions in a particular circumstance.

1.8 Ethics in Procurement and Contracting

Board Members, Local School Council Members, Employees, and Board Contractors shall adhere to the [Code of Ethics](#) and act in the highest ethical manner in order to preserve the public trust of residents and taxpayers.

The Department of Procurement adheres to Organizational Conflicts of Interest (“OCI”) for the procurement of goods, services, and construction. OCI exists with a Board Contractor if it will:

- (i) Result in an unfair competitive advantage for the Board Contractor either
 - (a) Because the contractor received proprietary information from its work with the Board without proper authorization, or
 - (b) Received source selection information that would assist the contractor in obtaining a contract; or
- (ii) Impair the contractor's objectivity in performing contract work.

OCIs shall be determined by the Purchasing Manager with the assistance of the Board's Ethics Advisor. The following types of contracting relationships shall be prohibited under these rules:

- (i) Contractors who prepare and furnish specifications for goods or services to be used in a competitive procurement shall not be allowed to furnish goods or services for the duration of the initial term of the contract to avoid favoritism in products or capabilities. This prohibition shall not apply if the services are deemed as a single or a sole source.
- (ii) No contractor shall evaluate its own offerings or services or those of a competitor in offering contract services without the proper safeguards that ensure objectivity.
- (iii) No contractor shall use proprietary information provided by others to perform a contract to gain an unfair competitive advantage. The contractor must enter into a nondisclosure agreement with the company providing proprietary information that states the contractor will protect the information, will not disclose it, and will use it only for the purpose for which it was obtained as long as it remains proprietary. Information is not proprietary if it is furnished voluntarily without limitations on its use or available to the Board or contractor from a source other than the vendor.

CHAPTER 2 - VENDOR MANAGEMENT

2.1 Vendor Master List

Procurement maintains a master list of all vendors who are currently providing goods or services to CPS. All vendors providing goods and/or services who intend to invoice CPS must be assigned a Vendor ID number. It is the vendor's responsibility to maintain updated records to remain active on the Procurement Vendor Master List.

To remain an active vendor, all vendors must adhere to the following:

- (i) maintain active insurance;
- (ii) adhere to CPS requirements for a background check (if applicable);
- (iii) maintain purchase order business activity within a 12-month calendar period; and
- (iv) comply with the Code of Ethics

2.2 CPS Supplier Portal and Vendor Payment

Vendors may access their organization's information on the CPS Supplier Portal at: <https://supplier.efs.cps.edu/>. The Supplier Portal allows the vendor to access the following:

- (i) purchase order information
- (ii) status of invoice
- (iii) payment information
- (iv) address and contact information

All payment information is managed by CPS Finance-Accounts Payable. Vendors may contact CPS Finance-Accounts Payable at (773) 553-2760 or via email at accountspayable@cps.edu.

2.3 Vendor Insurance Guidelines

All insurance requirements are managed by CPS Risk Management.

2.4 Vendor Onboarding

In order to become a CPS Vendor, each vendor must complete the [Onboarding Process](#). If a vendor has not been selected through a centralized procurement process, the requesting department or school must complete the [Sponsorship Process](#) to sponsor the organization or company to become a CPS Vendor.

CHAPTER 3 - PROCUREMENT PLANNING

3.1 Board Approval Plan (BAP)

The BAP is the annual planning document that forecasts departmental requirements over the following 18 months that will require Board approval and/or procurement support. The BAP is the essential planning tool in managing the procurement process properly; however, the type and extent of planning will depend on, among other factors, the method and size of the procurement, with larger and more complex procurements requiring more planning. Non-procurement items such as policies and Board resolutions are managed by individual departments with the support of the Chief Executive Office.

Up to five months prior to the expiration of the current budget year, Procurement and the Office of Budget will begin preparation of the BAP. Procurement will assign each User Department a Buyer and share a current list of procurement-related contracts that will expire during the upcoming budget year. Thirty (30) days prior to the expiration of the current budget year, a completed document with each CPS department's anticipated procurement requirements must be submitted to the Chief Procurement Officer. The following elements will be contained within the BAP from each User Department regarding anticipated procurement requirements:

1. The project description and justification
2. The method of procurement
3. A schedule that takes into account Board approval and start of the contract.
4. A preliminary budget or estimated cost of the goods or services.
5. The project expiration with renewal option periods and/or the proposed duration of the project

Careful advance planning provides stakeholders with adequate time to accomplish procurement actions. Advance planning helps to: 1) maximize competition and competitive pricing among contracts and decrease the Board's procurement costs; 2) reduce administrative costs; 3) ensure that supplies and services are obtained without any need for re-procurement (e.g., resolving bid protests); and 4) minimize errors that occur when there is inadequate lead-time.

User Departments should periodically review their record of prior purchases, as well as future needs, to find patterns of procurement actions that could be performed more efficiently or economically. Items purchased repetitively might be obtained more economically through various master contracts.

3.2 BAP Management

Each User Department is assigned a Buyer who will assist in the finalization and management of the departmental BAP. The Buyer will schedule quarterly meetings (or as often as needed) to review projects annotated in the final BAP. The goal of the BAP is to ensure timely execution of

planned projects. BAP meetings will typically consist of several key stakeholders that include the Buyer, Business Diversity Compliance Specialist, the User Department Chief or designee, and a Law department representative.

Projects not included in the BAP will be initiated through regular team meetings or a specific team meeting called by the User Department. The User Department should explain the reason for the item not being included in its previous BAP submission. Any project that a User Department wishes to add to the BAP outside of the annual planning process must be submitted via exception form and will be reviewed by multiple stakeholders, including Procurement, before it can be added to the BAP as an active project.

BAP projects that require a solicitation and/or Board approval are posted on the CPS Procurement website and may be posted in the City of Chicago's website for public view.

3.3 BAP Project Kick-Off

BAP Project Kick-Off is a group approach to procurement, planning, and execution. Project Kick-Offs consist of several key stakeholders that include the Buyer, Business Diversity Compliance Specialist, the User Department Business Owner, and a Law department representative as needed.

CHAPTER 4 – DETERMINATION OF PROCUREMENT METHOD

4.1 Difference between a Competitive Bid, CPOR, RFP, and RFQ

All purchases for Biddable Items and Non-biddable Items that do not exceed \$35,000 shall be completed via a Purchase Order.

When a purchase exceeds the thresholds set forth above, Procurement will assist the User Department in preparing and advertising the appropriate solicitation, depending on the nature of the products and services that are being sought and whether they are biddable or non-biddable. The purpose of engaging in competitive bidding for biddable goods or services is to invite competition, guard against favoritism, extravagance, fraud and corruption, and to secure the best goods and/or services at the lowest price. The competitive bid process will not be used for the procurement of biddable items up to \$35,000; non-biddable items; the acquisition or sale of real property; or the competitive solicitation of construction services under the auspices of the Capital Improvement Program.

The primary distinctions between the competitive bidding process and the CPOR, RFP, or RFQ process are:

- (i) Competitive Bids are used for biddable items, which are primarily goods or commodities, supplies, materials, and construction projects;
- (ii) CPORs are informal solicitations used to receive quotes or proposals for non-biddable items that are exceptions under 105 ILCS 5/10-20.21;
- (iii) RFPs are used for non-biddable items, primarily to select suppliers for professional services that are exceptions under 105 ILCS 5/10-20.21, but a public canvassing of the solicitation is requested;
- (iv) RFQs are used primarily to pre-qualify suppliers to provide goods or perform services under specifications or scope of services to be determined at a later date; and
- (v) The Board's ability to negotiate price and terms are restricted with the Competitive Bid process. The Board may negotiate with the lowest responsible Bidder a reduction in only the price term of the bid. No other negotiations may be entered into with any Bidder in the competitive bidding process, with the exception of market price adjustments as stipulated in the solicitation. However, the CPOR, RFP, and RFQ processes allows the Board to negotiate the price, scope of services, and any other terms of the contract with the proposer.

4.2 Biddable v. Non-Biddable

In accordance with 105 ILCS 5/10-20.21 and Board Rule 7-2(c), certain products and services are deemed to be non-biddable and thus can be procured through a CPOR, RFP, or RFQ. Non-biddable products and services include:

- A. Services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;
- B. Printing of finance committee reports and departmental reports;
- C. Printing and engraving of bonds, tax warrants, and other evidence of indebtedness;
- D. Purchase of perishable foods and perishable beverages;
- E. Materials and work that have been awarded to the lowest responsible bidder after advertisement, but due to unforeseen revisions, not due to the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of contract price;
- F. Maintenance or servicing of, or provision of repair parts for, equipment, where such contracts are made with the manufacturer or authorized service agent of that equipment, and the provision of parts, maintenance or servicing can best be performed by the manufacturer or authorized service agent;
- G. Use, purchase, delivery, movement or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software and services;
- H. Duplicating machines and supplies;
- I. Natural gas when the cost is less than that offered by a public utility;
- J. Equipment previously owned by some entity other than the district itself;
- K. Repair and maintenance, remodeling, renovation or construction of a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type or extent of an existing facility;
- L. Goods or services procured from another governmental agency;
- M. Goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets, and reports and for utility services such as water, light, heat, telephone or telegraph;
- N. Where funds are expended in an emergency and such emergency expenditure is approved by $\frac{3}{4}$ of the members of the Board;
- O. State master contracts authorized under 105 ILCS 5/28A-5 *et seq.*; and
- P. Transportation of pupils.

4.3 Biddable and Non-Biddable Items below \$35,000 – Thresholds for Authority

All purchase transactions will be conducted in a manner providing full and open competition. Informal purchasing methods for securing services and supplies must be obtained from an adequate number of qualified vendors. Written quotes on the vendor's letterhead shall be obtained from at least three (3) qualified vendors, as applicable below

Purchasing Value	Written Quotes
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\$0 - \$10,000	Collection of three (3) quotes are optional for any purchase \$10,000 or less using federal grant funds. To the extent practicable, these micro-purchases using federal grant funds will be distributed equitably among qualified suppliers. 2 CFR § 200.320
\$10,000.01 - \$35,000	Collection of three (3) quotes are required for any purchase that uses between \$10,000.01 and \$35,000 in federal grant funds. Eligible requisitions cannot be submitted in Oracle unless three quotes have been uploaded as attachments to the requisition. <i>Purchases with contracted vendors will be excluded.</i>
\$0 - \$35,000	Collection of three (3) quotes are optional for any purchase \$35,000 or less for any purchase with non-federal grant funds.

4.4 Biddable Items in Excess of \$35,000 – Thresholds for Authority

Biddable Items are defined as those goods, services and contracts required to be awarded through a competitive bid solicitation process pursuant to 105 ILCS 5/10-20.21.

All purchases of Biddable Items in excess of \$35,000 shall be awarded pursuant to a duly advertised Bid Solicitation issued by the Chief Procurement Officer, in accordance with the precepts of formal sealed bids to the lowest, responsive, responsible bidder(s), considering conformity with specifications and terms of delivery, quality, and serviceability.

Bid solicitations for contracts and purchases based on bids between \$35,001 and \$500,000 must be approved by the Chief Procurement Officer. All contracts and purchases of Biddable Items in excess of \$500,000 must be approved by the Board.

4.5 Non-Biddable Items in Excess of \$35,000 – Thresholds for Authority and Different Procurement Methods

Non-Biddable Items are defined as those purchases and contracts for goods or services for which there is an exception under 105 ILCS 5/10-20.21.

All purchases of Non-biddable Items between \$35,001 and \$500,000 shall be awarded pursuant to a Chief Procurement Officer Request (“CPOR”) whereby at least three (3) written price quotations are submitted to Procurement and evaluated by the Evaluation Committee with a recommendation for award to the Chief Procurement Officer to the most responsible and

responsive proposer(s) with competitive pricing or any other form of competitive solicitation that is issued by the Chief Procurement Officer in accordance with federal or state laws and/or regulations.

Purchases of Non-biddable Items valued \$500,001 and above must be approved by the Board.

CHAPTER 5 – COMPETITIVE PROCUREMENT METHODS

5.1 Competitive Bidding

The bidding statute (105 ILCS 5/10-20.21) sets forth three (3) basic criteria for awarding contracts: i) lowest price, ii) responsiveness, and iii) responsibility. In general, a competitive bid will be awarded to the lowest, responsive, responsible Bidder without any evidence of fraud or favoritism.

The term "lowest price" refers to the actual lowest price offered by a Bidder. The term "responsive" refers to a Bidder's ability to prepare and submit its Bid and all required documents in accordance with the terms of the Bid. The term "responsible" generally means that a Bidder is financially responsible and able to perform and deliver in accordance with the terms of the Bid.

- A. At a minimum, a Competitive Bid will have one public notice published in a newspaper at least ten (10) days before the due date of the Bid.
- B. Competitive Bids shall be solicited from an adequate number of Vendors to assure full and open competition. In the case of a single bid in response to a Bid, the Buyer may negotiate price with the Bidder in order to determine if the price is fair and reasonable or may choose to re-advertise.
- C. A Competitive Bid may be canceled prior to bid opening or after bid opening. The file shall contain reasons supporting the cancellation or rejection of bids.
- D. Each Competitive Bid will include the following:
 - (i) General Invitation - instructions and information to Bidders concerning the Bid submission requirements, including the time and date set for receipt of the Bids and the address where Bids are to be delivered. This section also includes contact information for any inquiries related to the Competitive Bid.
 - (ii) Terms and Conditions – the General and Specific Terms and Conditions become the contract terms for the selected Bid.
 - a. General Terms and Conditions - standard terms for the purchase of the goods or services.
 - b. Specific Terms and Conditions – specific terms for the purchase of the goods or services.
 - c. Insurance Requirements – the specific lines of insurance and the minimum insurance coverage for each line to be provided by the Bidder
 - (iii) Specification of Products and Scope of Services - detailed specifications, which set forth clear and accurate specifications for the goods and services to be purchased.

- (iv) Submittal Requirements - List of required documents to be completed and submitted with the Bid.
 - (v) Evaluation Criteria and Basis for Award - the selection process, evaluation measures and basis for contract award.
 - (vi) Bid Tabulation Pages - the required framework to provide bid pricing.
 - (vii) Bid Execution Page - required written acknowledgment by each Bidder of pertinent information and receipt of all addenda and changes issued.
 - (viii) Such other forms as determined necessary by the Buyer.
- E. Bids must be submitted by the time, date and designated location. Unless the Competitive Bid requires the submission of electronic Bids, Bids must be submitted in an envelope or package sealed by the Bidder. The Bidder must include its name and the project description on the exterior of the sealed Bid. If a Bidder fails to properly label its Bid, a representative of the Department may open the Bid prior to the date and time designated for bid opening solely for the purposes of determining the Bidder's name and project. The representative will record on the envelope or package his or her name, the date and time the Sealed Bid was opened, the name of the Bidder, and the project description on the envelope. The representative shall then immediately reseal the envelope.
- F. Sealed Bids shall be opened publicly, at the time, date, and place designated in each Bid Solicitation. If the stated bid opening day falls upon a non-business day or a holiday as established by the Rules of the Board, the time for receipt and opening of bids shall automatically be continued to the next business day at the same hour.
- G. The name of each Bidder, the bid price, and other information that is deemed appropriate shall be read aloud or otherwise made available. This information shall be recorded at the time of bid opening.
- H. Whenever the Sealed Bids are opened and announced, a copy of the bid prices proposed by each Bidder shall be publicly posted by the Chief Procurement Officer not later than four (4) days following the day on which Sealed Bids are opened.
- I. Evaluation of Bids must be completed by the Buyer to determine which Bidder is the lowest, responsive and responsible bidder. All Bid evaluators, which may include the Project Manager, the OBD representative, and others that may advise or participate in the review of the Bid, must sign a Confidentiality Agreement prior to their involvement in the Competitive Bid evaluation process.
- J. Each contract shall be awarded to the responsible and responsive bidder(s) whose bid(s) meets the requirements set forth in the Bid, and is/are the lowest price on the basis of the price-related factor(s) specified in the Competitive Bid.

- K. The Buyer shall notify the successful Bidder, if any, of award, subject to approval of the Board or the Chief Procurement Officer.
- L. Competitive Bid solicitations and contracts for purchases between \$35,001 and \$500,000 must be approved by the Chief Procurement Officer. All contracts for Biddable Items in excess of \$500,000 must be approved by the Board. (Rule 7-2(b)(iii))
- M. In the unusual event that more than one Bidder proposes the same low bid price, the Buyer will toss a coin to determine which Bidder should be awarded the contract.
- N. The Buyer shall also notify unsuccessful Bidders promptly that their Bids were not accepted. The Board reserves the right to award a Bid contract to the next lowest, responsible, responsive Bidder in the event that the originally awarded Bid is terminated by the Board within the term of the contract.
- O. Following an award, a record showing the basis for determining the successful Bidder, including the manner in which a tie was broken when there are equally low bids, shall be made a part of the Procurement file.

5.2 Chief Procurement Officer Request (CPOR)

A CPOR is an informal solicitation process whereby at least three (3) written price quotations are submitted to Procurement and evaluated an Evaluation Committee with a recommendation to the Chief Procurement Officer and awarded by the Chief Procurement Officer to the most responsible and responsive proposer(s) with competitive pricing. A CPOR is required for purchases of non-biddable items that exceed \$35,000, but equal or less than \$500,000. Refer to Chapter 4 for the definition of non-biddable items.

- A. At a minimum, a CPOR must be sent to an adequate number of prospective vendors and allow fourteen (14) days to provide a proposal or response.
- B. Each CPOR will include at least the following:
 - (i) Dates of performance - specific start and end date for requested services.
 - (ii) Project request overview - scope of service description with requested deliverables, delivery date and/or milestones and the expected outcome.
 - (iii) Business Diversity requirements (if applicable) - required participation goals for MBE and WBE firms.
 - (iv) Itemized cost proposal.

- C. Contracts based on CPOR with a value of between \$35,001 and \$500,000 shall be authorized by the Chief Procurement Officer.
- D. Once a firm is determined to be the most responsive and responsible with competitive pricing that meets the requested business need, notification is sent to the firm to work with the User Department and the Law Department to complete a contract.
- E. Promptly after the award of each contract, the Buyer shall notify unsuccessful proposers in writing, unless pre-award notice was given.

5.3 Request for Proposals (RFP)

An RFP is used to obtain non-biddable items. An RFP requests the submission of proposals in response to the parameters and scope of the services required. RFPs require an evaluation based on specific predetermined criteria or factors, including but not limited to price or cost, that are included in the RFP. Procurement and the requesting User Departments may discuss and negotiate with proposers the price, scope of services and other terms of the proposed contract before final Contractor selection.

- A. Generally, an RFP will have one public notice published in a newspaper of the District at least thirty (30) days before the due date of the RFP.
- B. Each RFP will include the following:
 - (i) General Invitation and Instructions - instructions and information to Proposers concerning Proposal submission requirements, including the time and date set for receipt of the Proposals. This section also includes contact information for any inquiries related to the RFP.
 - (ii) Terms and Conditions – the General and Specific Terms and Conditions will become the contract terms for the selected proposal. Proposers are expected to accept the terms and conditions without exception or modification.
 - a. General Terms and Conditions - standard terms for the purchase of the goods or services.
 - b. Specific Terms and Conditions – specific terms for the purchase of the goods or services.
 - c. Insurance Requirements – the specific lines of insurance and the minimum insurance coverage for each line to be provided by the Proposer
 - (iii) Scope of Services - a description of the Board needs and desired outcomes.
 - (iv) Cost Proposal - a predefined format for Proposers to input the cost for desired services.

- (v) Submittal Requirements - List of required documents to be completed and submitted with the Proposal.
- (vi) Evaluation Criteria and Basis of Award - the selection process, evaluation criteria, and basis for contract award.
- (vii) Proposer's Execution Page - required written acknowledgment by each Proposer of pertinent information and receipt of all addenda and changes issued.
- (viii) Such other forms as determined necessary by the Buyer and the User Department.

C. All RFPs will be reviewed and ranked by an Evaluation Committee consisting of the following:

- (i) Five (5) or more voting committee members, as deemed appropriate, from a pool of qualified staff appointed by the Chief Procurement Officer. At least one (1) voting committee member will be from the User Department. The size of the committee may be determined based on dollar value or sensitivity of the procurement.
- (ii) One non-voting committee member from the Office of Business Diversity (OBD) shall be assigned to evaluate MBE/WBE compliance.
- (iii) One or more non-voting members from the Procurement Department, including the Chair of the Evaluation Committee, to monitor compliance with the pre-established evaluation criteria and Board Rules.
- (iv) A non-voting Project Manager from the User Department.
- (v) Non-voting technical advisors as necessary.

All members of the Evaluation Committee, the Project Manager, the OBD representative, and others that may advise the Evaluation Committee or participate in the review of proposals must sign a Confidentiality Agreement prior to their involvement in the RFP review process.

D. The evaluation factors that will be considered in evaluating proposals shall be tailored to each procurement. The evaluation factors for each procurement and the relative importance of those factors are determined by the User Department and the Buyer. The cost factor is only one evaluation criteria among several and "lowest cost" is not necessarily a determining factor in the selection process. Factors such as professional qualifications and experience of the firm or committed personnel, past performance, work or management plan, financial stability, utilization of M/WBE firms, in addition to other criteria, may outweigh the cost factor.

E. Every responsive proposal submitted shall be evaluated by the Evaluation Committee, whose evaluations must be as thorough, objective and well-documented as possible. The Buyer is responsible for ensuring that the

evaluation results are sufficiently documented and are placed in the contract file, along with a copy of the proposal.

- F. The Evaluation Committee may, but need not, conduct written or oral discussions with responsible proposers who submit proposals within the competitive range. Discussions are held between CPS and some of the Proposers separately with the intent of allowing CPS the best opportunity to obtain the best value based on the requirements and evaluation factors set forth in the RFP. The discussions may include negotiation of the price, schedule, technical requirements, or other terms of a proposed contract. The Buyer determines the scope and extent of the discussions.
- G. Upon completion of discussions, the Buyer shall ask all Proposers within the competitive range with whom negotiations have successfully concluded to submit their best and final offer. Oral requests for best and final offers shall be confirmed in writing. Best and final offers are requested only once in an RFP solicitation process, unless the Buyer determines that it is in the best interest of CPS to request revised proposals, conduct another round of negotiations, and request a second best and final offer.
- H. After evaluation of the best and final offers, the Evaluation Committee shall rank the Proposers and the Chief Procurement Officer shall select the responsible Proposer whose best and final offer is most advantageous to CPS.
- I. Once a firm is selected by the Chief Procurement Officer, notification is sent to the Law Department to prepare a contract. All contracts awarded pursuant to an RFP that meet or exceed a value of \$500,001 require the Board's approval before the contract may be executed.
- J. Promptly after the award of each contract, the Buyer shall notify unsuccessful Proposers in writing, unless pre-award notice was given.

5.4 Request for Qualifications (RFQ)

An RFQ is a solicitation requesting submission of proposals from vendors with the specified qualifications to determine the competence and expertise, including any specialized experience, of the firm and/or committed personnel. The award will establish a "pre-qualified pool" of vendors, who will have the opportunities to compete for work. The preparation of RFQs shall be authorized and managed by the Chief Procurement Officer and shall be approved as to legal form by the General Counsel prior to public advertisement.

- A. Qualifications submitted in response to an RFQ are evaluated based on criteria published in the RFQ. A contract award will be made to responsive and responsible qualified Proposers.

- B. After a contract is executed, the pool of prequalified vendors will participate in “mini-bids” or “mini-proposals”, depending on the underlying products and services being procured, for specific projects. Such mini-bids or mini-proposals will include the service requirements, dates of service performance, and any other details relevant to the specific project. Prequalified vendors will provide a cost and a statement regarding its capability of fulfilling the requested requirements. The parties will execute a statement of work or other documentation as described in the master contract setting forth the agreed-upon scope of the project that will be subject to the master contract.
- C. Generally, an RFQ will have one public notice published in a newspaper published in the District at least thirty (30) days before the due date of the RFQ.
- D. Each RFQ will include the following:
 - (i) General Invitation and Instructions - instructions and information to Respondents concerning the submission requirements, including the time and date set for receipt of the RFQ. This section also includes contact information for any inquiries related to the RFQ.
 - (ii) Terms and Conditions – the General and Specific Terms and Conditions will become the contract terms for the selected proposal. Proposers are expected to accept the terms and conditions without exception or modification.
 - a. General Terms and Conditions - standard terms for the purchase of the goods or services.
 - b. Specific Terms and Conditions – specific terms for the purchase of the goods or services.
 - c. Insurance Requirements – the specific lines of insurance and the minimum insurance coverage for each line to be provided by the Proposer
 - (iii) Scope of Services - a description of the Board’s needs and desired outcomes.
 - (iv) Submittal Requirements - a list of required documents to be completed and submitted with the RFQ.
 - (v) Evaluation Criteria and Basis of Award - the selection process, evaluation criteria, and basis for contract award.
 - (vi) Respondent’s Execution Page - required written acknowledgment by each Respondent of pertinent information and receipt of all addenda and changes issued.
 - (vii) Such other forms as determined necessary by the Buyer.
- E. All RFQs will be reviewed and ranked by an Evaluation Committee consisting of the following:

- (i) Five (5) or more voting committee members, as deemed appropriate, from a pool of qualified staff appointed by the Chief Procurement Officer. At least one (1) voting committee member will be from the User Department. The size of the committee may be determined based on dollar value or sensitivity of the procurement.
- (ii) One non-voting committee member from the Office of Business Diversity (OBD) shall be assigned to evaluate Diversity compliance.
- (iii) One or more non-voting members from the Procurement Department, including the Chair of the Evaluation Committee, to monitor compliance with the pre-established evaluation criteria and Board rules.
- (iv) A non-voting Project Manager from the User Department.
- (v) Non-voting technical advisors as necessary.

All members of the Evaluation Committee, the Project Manager, the OBD representative, and others that may advise the Committee or participate in the review of proposals, must sign a Confidentiality Agreement prior to their involvement in the RFQ review process.

- F. The evaluation factors that will be considered in evaluating proposals shall be tailored to each procurement. The evaluation factors for each procurement and the relative importance of those factors are determined by the User Department and the Buyer.
- G. Every responsive response submitted shall be evaluated by the Evaluation Committee. The Buyer is responsible for ensuring that the evaluation results are sufficiently documented and are placed in the contract file, along with a copy of the response.
- H. The Evaluation Committee may, but need not, conduct written or oral discussions with responsible Proposers who submit proposals within the competitive range. Discussions are held between CPS and some of the Proposers separately with the intent of allowing CPS the best opportunity to obtain the best value based on the qualifications set forth in the RFQ. The discussions may include negotiation of the price, schedule, technical requirements, or other terms of a proposed contract. The Buyer determines the scope and extent of the discussions.
- I. Upon completion of discussions, the Buyer may ask all Proposers within the competitive range with whom negotiations have successfully concluded to submit their best and final offer. Oral requests for best and final offers shall be confirmed in writing.

- J. After evaluation of the best and final offers, the Evaluation Committee shall propose the qualified Proposers to whom contract offers should be extended for the Chief Procurement Officer's approval.

- K. Once a firm is selected by the Chief Procurement Officer, notification is sent to the Law Department to prepare a contract. All contracts awarded pursuant to an RFQ that meet or exceed a value of \$500,001 require the Board's approval before the contract may be executed. Typically, contracts arising from an RFQ will include identical terms and conditions for all qualified vendors and will not deviate from one another except where vendors may qualify for different categories of services and those categories are identified in the contract.

Promptly after the award of each contract, the Buyer shall notify unsuccessful Proposers in writing, unless pre-award notice was given.

CHAPTER 6 - OTHER PROCUREMENT METHODS

In certain non-standard situations, the preferred procurement methods of Bid, CPOR, RFP, or RFQ may not be possible or the Procurement Department may determine that a different method complies with the applicable laws but better serves the Board's needs.

6.1 Emergency Purchases

In accordance with the Board Rules, the Chief Procurement Officer may determine that an emergency purchase is necessary when:

- A. It is necessary to make repairs and alterations, and purchase equipment, services or supplies (collectively, "Emergency Expenditures");
- B. The Emergency Expenditures are necessary as a result of circumstances which call for immediate action (the "Conditions Precedent"); and
- C. The Conditions Precedent are a result of fire, accident, threat to the health, safety, security of individuals or other conditions, and such action is necessary to prevent material loss or damage to property, bodily injury or loss of life of the occupants of the Board's buildings and third parties who may be present in its buildings or on its premises, to prevent interference with school sessions or to protect the health, safety, security or well-being of students, staff or third parties ("Emergency Condition(s)").

(Board Rule 7-5(a))

When any type of operational emergency arises, the first step is to determine if the need may be met through an existing contract even if this requires a modification to the contract. If no such contract exists, the next alternative is to use a competitive bidding process for this type of procurement. If time does not permit competitive bidding, then in accordance with the Board Rules, the following steps must be taken to obtain approval of an Emergency Expenditure:

1. Obtain the verbal or written approval of the Chief Executive Officer, Chief Education Officer, Chief Administrative Officer, Chief Operations Officer or such other chief officer charged with authority over the Conditions Precedent;
2. Obtain the verbal or written approval of the Chief Procurement Officer;
3. After the work has been completed, the purchases have been made or the services have been rendered to the satisfaction of the appropriate Department, complete a Request to Approve Emergency Expenditure on a form approved by the Chief Procurement Officer (the "Emergency Request Form");
4. Obtain the verification of the appropriate chief officer on the Emergency Request Form; and
5. Have the Emergency Request Form signed by the Chief Procurement Officer.

(Board Rule 7-5(b))

If an Emergency Condition occurs after business hours, on a weekend, on a holiday or at any other time when the appropriate chief officer and the Chief Procurement Officer cannot be contacted, each other appropriate Chief Officer of the Board, or their designee, has the authority to take the necessary action at his/her own discretion. The foregoing authority is limited to the minimum expenditure of funds necessary to stabilize an Emergency Condition and protect persons and property from further harm. After the Emergency Request Form has been completed, the Chief Procurement Officer shall prepare a Board Report and obtain approval of the Emergency Expenditure by a $\frac{3}{4}$ vote of the Board.

(Board Rule 7-5(c))

6.2 Piggyback on Other Public Entity Procurements

As the Board Rules set forth, the Chief Procurement Officer may determine that it wants to approve the purchase of certain Non-Biddable Items and Biddable Items based on contracts that are already in effect between another government entity and certain vendors for those items. This procurement and contract process are referred to by the Board as “piggybacking”. This method is often used regarding sister agency contracts. Refer to Chapter VII Procurement and Contracts Board Rules, [section 7-4 Substitute Competitive Solicitations for Certain Purchases](#) for information.

6.3 Request for Information (RFI)

A Request for Information (RFI) is not a procurement method, but it may assist the Board in developing a future RFP or RFQ. A general invitation is sent to firms in a specific industry requesting information to research the market or ask a series of questions regarding a potential procurement that is of interest to CPS. This method is most commonly used as a research and information gathering tool to determine the current market of which the Board may not have in-depth expertise or experience and to identify best practices for the intended services. No contracts are awarded through this process.

6.4 Illinois School Purchasing Network or Government Purchasing Cooperative Contracts

As the Board Rules set forth, the Chief Procurement Officer may approve the purchase of certain Non-biddable Items and Biddable Items through contracts authorized under the Illinois School Purchasing Network in accordance with Article 28A of the Illinois School Code, or procured from another governmental agency and offered by or through a government purchasing cooperative in which the contracts were entered into in accordance with the purchasing laws and regulations of the procuring government entity. Refer to Chapter VII Procurement and Contracts Board Rules, [section 7-4 Substitute Competitive Solicitations for Certain Purchases](#) for information.

CHAPTER 7 - NON-COMPETITIVE PROCUREMENT

Non-Competitive Procurements are defined as those that have not been competitively procured and are discouraged. If the requesting school or User Department has considered all available resources and still requests approval from the Chief Procurement Officer to move forward with a Single or Sole Source Procurement, the request must be submitted to the Non-Procurement Review Committee (hereinafter "Single/Sole Source Committee") for a recommendation to the Chief Procurement Officer.

Pursuant to the Board Rules, the Chief Procurement Officer maintains a Single/Sole Source Committee consisting of representatives from multiple departments to review and advise the Chief Procurement Officer on whether requests to make non-biddable contracts in excess of \$35,000 from a single source or sole source meet the criteria for single or sole source purchases. The General Counsel or his/her designee shall advise the Committee. (Board Rule 7-6(a))

The following Single or Sole Source purchases do not require approval of the Sole/Single Source Committee:

- (i) Payments of tuition to accredited institutions of higher education
- (ii) Engagements with organizations or institutions providing internship, practicum or other educational learning opportunities to students, including student stipend programs; or
- (iii) Payment of fees for membership in a professional association or organization providing educational programs and resources to support the professional capacity of Board employees, officers and members.

(Board Rule 7-6(d))

A sole or single source contract or purchase may be approved by the Chief Procurement Officer after the Single/Sole Source Committee determines that it meets one or more of the following criteria:

- (i) The contractor, supplier or vendor has unique qualifications or expertise that match the Board's needs;
- (ii) Only one contractor, supplier or vendor within the geographic area can meet the unique needs of the Board given nature of the services and/or goods and merchandise;
- (iii) The contractor(s), supplier(s) or vendor(s) is required by the US Department of Education, the Illinois State Board of Education, or other federal, state or local governmental agency to provide services under a grant or educational service program administered by the governmental agency, including e.g., payments of proportionate share federal education funds for the purchase of goods and services for private school students under various federal title programs, etc.;

- (iv) The contractor(s), supplier(s) or vendor(s) is required by a grantor in order for the Board to successfully meet the terms of the grant;
- (v) The contractor(s), supplier(s) or vendor(s) is required by the terms of a restricted grant, gift, donation or legacy to the Board including those described in 105 ILCS 5/16-1;
- (vi) The use of the contractor, supplier or vendor is required due to copyright or other intellectual property restrictions;
- (vii) The cost of replacing the existing vendor or product exceeds economic benefit; or
- (viii) The contract continuation is required for original business case to be met.

(Board Rule 7-6(c))

Sole and Single Source Contracts determined to meet the criteria for a sole or single source contract may be approved by the Chief Procurement Officer in amounts up to \$500,000 or by the Board in amounts in excess of \$500,000, provided that the following process is followed (Board Rule 7-6(b)):

- (i) The Single/Sole Source Committee determines by a majority vote of its members by secret ballot that the requested contract or purchase meets the criteria for a sole or single source purchase or contract.
- (ii) The Chief Procurement Officer determines that the requested contract meets the criteria for a sole or single source purchase or contract
- (iii) A notice of an intent to enter a sole or single source contract or purchase is posted on the Board's public-facing website for a period of at least three (3) calendar weeks prior to approval. This allows the public to submit any valid claims that it has provided a similar scope of services, work, supplies or materials in the past and has the capacity to do so now.
- (iv) No vendor or supplier presented a valid claim, as determined by the Single/Sole Source Committee, that it has provided a similar scope of services, work, supplies or materials in the past and has the capacity to do so now. If a valid claim is submitted, as determined by the Single/Sole Source Committee, then the Chief Procurement Officer shall require that the competitive process commence to award the contract for the work.

Once the Single/Sole Source Committee determines that the procurement meets the criteria for a sole or single source purchase, notification is sent to the Law Department to prepare a contract.

Amendments to a contract for products or services procured through a Single/Sole Source procurement process require separate review and approval from the Single/Sole Source Committee and may require further approval from the Chief Procurement Officer or the Board.

Authority for Goods/Services not Adaptable to Procurement Process. Per Board Rule 7-1(e), the Chief Procurement Officer has the authority to pre-approve certain categories of

goods and services which have been deemed not to be adaptable to competitive procurement procedures, including but not limited to public utility costs, airfare, conference or seminar attendance, advertising, and/or marketing services. Such purchases shall be authorized under this rule without a requisite procurement process. That List is attached to this Manual as Exhibit A.

CHAPTER 8 - BID PROTESTS AND DEBARMENT OR SUSPENSION

8.1 Bid Protests

The City of Chicago Board of Education (“Board”) Chief Procurement Officer (“CPO”) will consider a protest (as described in subsection C) regarding its procurement actions for the Board projects in accordance with the following procedures. All protests will be evaluated and finally decided by the CPO. Accordingly, the Board intends to provide a thorough review of all protests to the extent they conform to the requirements herein. The Board’s primary concern is the timely procurement of needed capital equipment, supplies, or services.

Notwithstanding the availability of these protest procedures, any interested party is encouraged to exhaust all methods of resolution described in the solicitation documents before filing a formal protest. In its consideration of a protest, the Board reserves the right to give consideration to the good faith efforts of the protestor to resolve the issue involved through informal methods.

A. Definitions

1. “Days” refers to business days of the Board.
2. “Federal Law” or “Regulation” means any valid requirement imposed by Federal statute or regulation governing contracts awarded pursuant to a grant agreement (including the requirement of FTA Circular 4220.1F).
3. “Interested party” means any person (a) who is an actual bidder or prospective bidder in the procurement process at issue; (b) whose direct economic interest would be affected by the award of the contract or by a failure to award the contract; and (c) who demonstrates compliance with these procedures, the terms of the invitation for bids, and the terms of the Request for Qualifications (RFQ) or Request for Proposals (RFP), as applicable.
4. “Chief Procurement Officer” or “CPO” means the Chief Procurement Officer of the Board of Education, including the Acting or Interim CPO as applicable.
5. “Submit” or “File” means the date of actual receipt by the Chief Procurement Officer.
6. “Award Date” means the date upon which the CPO transmits notice via email, or other electronic means, to the Vendor(s) that it has not been selected for award or pre-qualification. If the notice is transmitted by means other than email or other electronic notice, the award date shall be the date that the Vendor receives the notice.

B. Filing of a Protest

Any interested party may file a protest on the basis that the Board, or its employees, engaged in (1) fraud, (2) corruption or (3) illegal acts that undermine the integrity of the procurement process. The protest must be filed in accordance with the timing requirements set forth in subsection C herein, and must include:

1. The name, address, telephone and facsimile numbers of the protestor;
2. The number of the specification/contract solicitation;
3. All information indicating that the protestor is an interested party;
4. A written statement of the grounds for the protest. The bid protest must specify the basis for the protesters conclusion that CPS, and/or its employees, engaged in fraud, corruption or illegal acts that undermine the integrity of the procurement process. For competitive bidding solicitations, the statement should reference 105 ILCS 5/10-20.21, and include (1) why the protester believes the recommended Vendor is not the lowest Responsive and Responsible Bidder, and (2) why the protestor believes the recommended Respondent or Proposer(s) did not meet the qualification criteria of the advertised solicitation. If applicable, the statement supporting a bid protest of a competitively bid solicitation should also include a description of any corrupt acts, and any available supporting documentation for all allegations. For non-biddable item solicitations, the statement in support of a bid protest shall identify which statutes, if any, were violated. The statement should describe any alleged "fraud" with specificity. The statement should identify any CPS officials who engaged in corruption and describe any corrupt acts that support the conclusion. The statement should be accompanied by any relevant support documentation, and a statement regarding the course of action the protestor desires that the Chief Procurement Officer take. A protest based on an issue which could have been clarified through a request for clarification or information pursuant to the advertised solicitation will not be considered if the protesting Bidder/Proposer/Respondent failed to make such request. Protests should be submitted to:

Chief Procurement Officer
Chicago Board of Education
Department of Procurement
42 W. Madison 9th Fl
Chicago, Illinois 60602

5. All information establishing the timeliness of the protest; and

6. The signature of the protestor.

If the protest does not meet the time or content requirements, the CPO may, at his/her option, reject the protest or allow the protestor a reasonable time to cover the deficiencies of the protest. The CPO shall not be obliged to postpone contract awards in order to allow a protestor an opportunity to correct a deficient protest unless otherwise required by Federal law or regulation.

C. Subject of the Protest and Timing

The requirements for timely filing of a protest with the Chief Procurement Officer will depend upon the type of protest involved. The subject of the protest shall be limited to fraud, corruption, or illegal acts undermining the integrity of the procurement process. For purposes of this section and in accordance with Section I.B.4 of these procedures, deposit in the mail, postage prepaid does not constitute filing or receipt. A protest is considered filed when physically received by the CPO or duly appointed designee.

The Board will consider these types of protests:

1. Protest regarding solicitation (Pre-Bid Protest)

Any protest regarding the solicitation by the Board must be filed no later than five (5) days before the opening of bids (if bid) or the due date for submittals or proposals (if RFP/RFQ), as applicable. Any protest filed after that date which raises issues regarding the solicitation will not be considered.

2. Protests Regarding the Evaluation of Bids, Qualifications, or Proposals (Pre-Award Protest)

Any protest regarding the evaluation of bids, qualifications, or proposals must be filed with the Board no later than ten (10) days after the opening of bids (if bid), or due date (if RFQ/RFP), or notification that the protestor's status as a bidder/responder has changed, such as notification that a bid or proposal has been rejected. Any protest filed after such date, which raises issues regarding the evaluation, will not be considered.

3. Protest Regarding Award of Contract (Post-Award Protest)

Any protest regarding the award of the contract must be filed no later than ten (10) days after the Award Date. Any protest regarding the award of the contract filed after such date will not be considered.

D. Board Response

1. Types of Protest

Upon timely receipt of a protest, the Board may request additional information from the protestor. The Board may, in its discretion, meet with the protestor to review the matters raised in the protest. The Board's consideration of the particular types of protests will, except as otherwise provided in Paragraph 2 of this subsection, be in accordance with the following provisions:

a. Protest regarding solicitation (Pre-Bid Protest)

Upon receipt of a timely and properly filed protest regarding the solicitation, the Board may postpone the opening of bids, qualifications, or proposal packages until resolution of the protest, unless otherwise decided by the Chief Procurement Officer in accordance with Section D.2 of this procedure. If the Board postpones the opening of bids, submittals, or proposal packages, no additional bids will be accepted during the period of postponement.

b. Protests regarding the evaluation of bids, qualifications, or proposals (Pre-Award Protest)

Upon receipt of a timely and properly filed protest regarding the evaluation of bids, qualifications, or proposals, the Board may suspend its evaluation of all bids, qualifications, or proposals submitted until resolution of the protest, unless otherwise determined by the CPO in accordance with Section D.2 below.

c. Protest Regarding Award of Contract (Post-Award Protest)

Upon receipt of a timely and properly filed protest regarding the award of a contract, the Board will not issue a notice to proceed or submit an order for goods to the contractor until the protest has been resolved, unless the work or supplies are necessary to protect the interests of the Board in accordance with Section D.2 below. If necessary, the Board may issue a stop work order until the resolution of the protest.

2. Decisions by the Chief Procurement Officer

a. Continue Process during Protest Resolution

A decision on a protest will be made as expeditiously as possible after receiving all relevant information. The CPO reserves the right,

notwithstanding the pendency of a protest, to proceed with the appropriate action in the procurement process or under the contract in the following cases:

- (1) Where the item to be procured is urgently required;
- (2) Where the CPO determines that the protest was vexatious or frivolous; and
- (3) Where delivery or performance will be unreasonably delayed, or other undue harm will occur, by failure to make the award promptly.

b. Informal Conference

Five (5) days after a protest has been timely and properly filed, the protestor may submit a request for an informal conference. The CPO may, at his/her option, hold an informal conference on the merits of the protest with all interested and available parties. All interested parties will be given at least two (2) days' notice of the informal conference.

c. Final Determination

Upon receipt of a timely and properly filed protest and review by the CPO, the CPO will provide a written decision to the protestor within thirty (30) days, unless the CPO notifies the protestor that an additional period is needed for the CPO to prepare a final decision. The basis of the decision will be the information submitted by the protestor, the result of any meetings with the protestor, and the CPO's own investigation. The CPO will respond to protest submitted with the level of detail deemed appropriate by the CPO. The CPO's decision shall become final within five (5) days unless a timely request for reconsideration is filed as noted below.

d. Reconsideration of Protest Decision

A protestor may request the CPO's reconsideration of a decision if:

- (1) Information becomes available that was not previously known, or could not have reasonably become known, or
- (2) The CPO's decision contains an error of law or regulation.

The request must be submitted in writing to the CPO within five (5) days of the date of issuance of the initial decision. The request must include a detailed explanation of the basis for reconsideration and state the course of action the protestor desires that the CPO take. The CPO will review the Request for Reconsideration, and if the Request meets the criteria for reconsideration identified above, the CPO may respond within fourteen (14) days. The failure of the CPO to respond to any request for reconsideration within fourteen days will constitute a denial of the request, and the CPO's original determination will become final. A Request for Consideration shall not toll the deadlines set forth herein unless the CPO so advises in writing.

e. Actions after the Chief Procurement Officer's Decision

After a written decision is issued by the Chief Procurement Officer, the appropriate actions will take place. If the protest is upheld, the CPO's actions may include, but are not limited to, any appropriate steps to correct the procurement process, such as: re-solicitation of bids, revising evaluation of bids, CPO's determination, or termination of the contract. If the protest is denied, the CPO will lift any imposed suspension and proceed with the procurement process or the contract.

8.2 Debarment or Suspension

For the purpose of this section, the Board has adopted a policy formalizing Debarment or Suspension. The Debarment Policy may be found online at: <https://policy.cps.edu/download.aspx?ID=41>.

Exhibit A

Payment for Goods and Services Not Adaptable to Competitive Procurement Methods

Pre-Approved Categories pursuant to Board Rule 7-1(e)

Books, Subscriptions and Memberships

- Conference or Seminar Attendance
- License fee(s)
- Professional Organization and Association Dues
- Newspaper, Periodical, Magazine
- Notary Public fee(s)
- Electronic Media Subscriptions

Financial Obligations

- Debt Service
- Employee Reimbursement
- Inter-Governmental Payment
- Municipal Fine(s)
- Loan
- Airline agreements
- Stipends
- Taxes
- Refunds
- Rent Subsidies
- Land Acquisition

Public Utilities

- Electric
- Telephone
- Water/Sewer
- Other Utility costs as permitted by CPS Procurement

Insurance & Risk Management

- Premium(s)

- Experts
- Court Reporter
- Condemnation Expense
- Digital Government/Public Records Solutions Platform
- Information Retrieval
- Interpreter Services
- Law enforcement Investigative Software fee(s)
- Hearing Officer
- Process Server
- Mediation/Arbitration Services
- Litigation Support Material Consultant
- Settlement/Judgment
- Subpoena or Summons
- Appraisal Services

Miscellaneous Expenses

- Express Mail/Postage
- Messenger/Delivery Services
- Local Travel/Parking
- Festival, Exhibition and Performance Costs
- Program Incentives
- Advertising/Media Purchases
- Student Travel
- Venue Expenses including Third Party Vendor costs

Legal

January 2024