

Section 4000 – Business Management

4760 Responsible/Qualified Contractor Policy (Cf. 3660)

4760

In order to be selected as the successful bidder to construct or renovate buildings in the Grand Rapids Public School District, construction firms must be exemplary in their construction techniques and business practices. The purpose of this policy is to assure the Board that the District's construction and renovation projects utilize the specified materials and equipment, and employ qualified team members. The Board can refuse to hire any contractor who does not meet the requirements of this policy.

The Board may reject any bid proposals that, in the Board's opinion or findings, contain inaccurate information.

The Board's criteria in selecting a contractor(s) for school construction projects shall be determined from the lowest qualified bid(s) on the construction project(s) that meet the requirements of law, this policy, and the administrative rules for this policy developed by the Superintendent. The School Board reserves the right to accept or reject a bid or combination of bids.¹ The criteria and procedures for rejecting a bid or combination of bids shall be included in the construction bid documents, as appropriate to the type of work for which bids are solicited, and, as permitted by law, by the school Board's construction manager, and/or design professionals.

Suspension or Revocation

The Board may, for good cause, suspend a contractor for a specified period or revoke the contract according to rules and criteria developed by the Superintendent. A contractor whose contract with the Board has been suspended or revoked shall be given the benefit of reconsideration and appeal.

Approved: June 29, 2009

LEGAL REF: MCL 129.201 – 212; 380.1263; 380.1267; 388.851 – 855a; OAG 6789, 1994.

¹ School districts have significant discretion in awarding contracts, even when they are required to seek competitive bids, and this discretion allows school district to award a contract to a bidder other than the lowest monetary bidder so long as they have a reasonable and rational basis for such an award.

Michigan Courts have held that only the public, and not the disappointed bidders, has standing to object to the awarding of a contract. *Heaney General Contracting, Inc. v Clinton Community Schools Board of Education*, 2000 Mich App Lexis 405 (unpublished); *G.P. Graham Construction Co. v Chesaning Union Schools*, 2002 Mich App Lexis 695 (unpublished); *Malan Construction Corp. v Board of County Road Commissioners*, 187 F Supp 937 (ED Mich 1960). The reservation of the right to reject any and all bids, as contained in the competitive bid statutes for school districts, gives the public authority power to award the contract to any bidder and to reject the others, even though the one securing the contract is not the lowest bidder, provided the public authority acted in good faith in the exercise on an honest discretion. *Leavy v City of Jackson*, 247 Mich 447 (1929.)