

7 days prior to the proposed bid opening, the school board shall give written
8 notice of the board's determination to each contractor that submitted
9 qualifications. The school board shall consider all bids submitted by
10 prequalified bidders meeting the deadline.

11 (c) Contract award.

12 (1) A contract for any such item or service to be obtained pursuant to
13 subsection (a) of this section shall be ~~awarded to one of~~ selected from among
14 the three or fewer lowest responsible bids conforming to specifications, with
15 consideration being given to quantities involved, time required for delivery,
16 purpose for which required, competency and responsibility of bidder, and ~~his~~
17 ~~or her~~ the bidder's ability to render satisfactory service. A board shall have
18 the right to reject any or all bids.

19 (2) A contract for any property, construction, good, or service to be
20 obtained pursuant to subsection (b) of this section shall be awarded to the
21 lowest responsible bid conforming to specifications. However, when
1 considering the base contract amount and without considering cost overruns,
if
2 the two lowest responsible bids are within one percent of each other, the
board
4 may award the contract to either bidder. A board shall have the right to reject
5 any bid found not to be responsible or conforming to specifications or to
reject
6 all bids.

* * *

8 (e) Application of this section. Any contract entered into or purchase made
9 in violation of the provisions of this section shall be void; provided, however,
10 that:

11 (1) The provisions of this section shall not apply to contracts for the
12 purchase of books or other materials of instruction.

13 (2) A school board may name in the specifications and invitations for
14 bids under this section the particular make, kind, or brand of article or articles
15 to be purchased or contracted.

16 (3) Nothing in this section shall apply to emergency repairs.

17 (4) Nothing in this section shall be construed to prohibit a school board
18 from awarding a school nutrition contract after using any method of bidding or
19 requests for proposals permitted under federal law for award of the contract.

20 Notwithstanding the monetary amount in subsection (a) of this section for
21 which a school board is required to advertise publicly or invite three or more
22 bids or requests for proposal, a school board is required to publicly advertise
or

1 invite three or more bids or requests for proposal for purchases made from
the

2 nonprofit school food service account for purchases in excess of the federal

3 simplified acquisition threshold when purchasing food or in excess of

4 \$25,000.00 when purchasing nonfood items, unless a municipality sets a
lower

5 threshold for purchases from the nonprofit school food service account The

6 provisions of this section shall not apply to contracts for the purchase of food

7 made from a nonprofit school food services account.