

AP 6340 Bids and Contracts

Reference: Education Code Section 81641 et seq.; Public Contracts Code Sections 20112 and 20650 et seq., 22000 et seq. ; Labor Code 1770 et seq.

1. The Board of Trustees delegates to the Superintendent/President and/or the Chief Business Officer the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract award and management, subject to the following:

- a. Contracts are not enforceable obligations until they are ratified by the Board of Trustees.
- b. Contracts for work to be done or services to be performed; for the District that exceed the amounts specified in Public Contracts Code Section 20651 shall require prior approval by the Board of Trustees.
- c. When bids are required according to Public Contracts Code Section 20651, the Board of Trustees shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bid security: Cash; cashier's check made payable to the District; certified check made payable to the District; bidder's bond executed by an admitted surety insurer, made payable to the District. Upon award to the lowest bidder, the security shall be returned in a reasonable period of time, but in no event shall the security be held beyond 60 days from the time the award was made.
- d. Bid security of 10% is typical for public projects. Bid security is returned upon receipt of executed contract along with 100% payment and performance bonds from the successful contractor.
- e. If any change or alteration of a contract is ordered by the Superintendent/ President and/or the Chief Business Officer, such change or alteration shall be specified in writing. The Superintendent/President and/or the Chief Business Officer may authorize the contractor to proceed with performance of the change or alteration without the formality of security bids, if the cost agreed upon does not exceed the greater of either the amount specified in PCC 20651 or 20655, whichever is applicable to the original contract or ten percent of the original contract price. (PCC 20659)

2. Limits: Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- a. Purchase of goods or services up to the limits set out in the Public Contracts Code will require documented quotes.
- b. Purchase of goods or services in excess of the limits set out in the Public Contracts Code will require formal advertised bids.
- c. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

3. Bid Specifications: Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition,

construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

4. Notice Calling for Formal Advertised Bids: The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated within the District and may post on the District's web site or through an electronic portal, a notice calling for bids or proposals, stating the materials or supplies to be furnished and the time and place when bids will be opened. District may accept a bid that was submitted either electronically or on paper.

- a. Bid and contract forms shall be prepared and maintained by the Chief Business Officer, Purchasing Department or designee. All applicable statutory provisions and board policies shall be observed in preparation of the forms.
- b. The Chief Business Officer, Purchasing Department or designee shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.
- c. All bid notices for work to be done shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.
- d. When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.
- e. The Chief Business Officer, Purchasing Department or designee shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.
- f. A deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

5. Awarding of Bids and Contracts Awards: The awarding of bids and contracts shall be subject to the following conditions:

- a. Any and all bids and contract proposals may be rejected by the District for good and sufficient reason.
- b. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- c. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- d. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

6. Purchase without Advertising for Bids: The Chief Business Officer is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

- a. The Chief Business Officer may, without advertising for bids within the same County, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.
- b. The Chief Business Officer or Purchasing Department may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

7. Duration of Continuing Contracts for Services and Supplies:

- a. Continuing contracts for work or services furnished to the District are not to exceed five years.
- b. Contracts for materials and supplies are not to exceed three years.

8. Emergency Repair Contracts without Bid: When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Chief Business Officer may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the board.

9. Unlawful to Split Bids: It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.