

AP 6340 Bids and Contracts

Reference:

Education Code Sections 81641, et seq.;
Public Contracts Code Section 20103.7, 20112, 20650, et seq. and 22000 et seq.
Labor Code Sections 1770 et seq.;
Government Code Section 53060;
ACCJC Accreditation Standard III.D.16

Limits

Supplies, lease/rental, goods, equipment, and services of:

1. Less than \$10,000 may be purchased without solicitation of written quotes.
2. \$10,000 - \$30,000 requires two (2) written quotes.
3. More than \$30,000 to bid limit requires three (3) written quotes.
4. Current bid minimum* or more requires Formal Bid Specifications.

*Bid minimums are annually adjusted by the Board of Governors as required by Public Contract Code Section 20651(d). The current bid minimum can be found at <http://www.cde.ca.gov/fg/ac/co/>.

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.

Notice Calling for Formal Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county and on the District's web site a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by the office of Administrative Services and/or the district architects. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Financial Officer (CFO) shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and 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.

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.

The College Architect or Administrative Office 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 material personnel may examine the specifications and drawings.

The College Architect or Administrative Office shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts

The awarding of bids and contracts shall be subject to the following conditions:

1. Any and all bids and contract proposals may be rejected by the District.
2. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
3. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.

4. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirement 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.

Purchase without Advertising for Bids

The CFO is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The CFO may, without advertising for bids within the same county, city, town or district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The CFO may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The CFO is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Duration of Continuing Contracts for Services and Supplies

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

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 CFO 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.

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.