

AP 6340 Bids and Contracts

Reference:

Education Code Sections 81641, et seq.;
Public Contract Code Sections 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
2 Code of Federal Regulations Part 200.318
Title 5 Sections 59130 et seq.

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.

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 incorporated into the forms of Bid and Contract Documents.

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 or bid bond 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; the CFO is authorized to exercise the District's right to reject all bids.
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. Selection and Award to Lowest Responsible Bidder:
 - Bid and contract awards shall be made to the lowest responsible bidder submitting the lowest priced responsive bid.
5. Selection and Award Based on Best Value:
 - For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value.
 - "Best value" means the most advantageous balance of price, quality, service, performance, and other elements as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
 - The District will consider all of the following in a best value selection and award:
 - Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.

- Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.
 - A procedure for protest and resolution in the request for proposal.
- The District may also consider any of the following in a best value selection and award:
 - The total cost to of its purchase, use, and consumption of equipment, supplies, and materials.
 - The operational cost or benefit incurred by the District.
 - The added value to the District, as defined in the request for proposal, of vendor-added services.
 - The quality and effectiveness of equipment, supplies, materials, and services.
 - The reliability of delivery and installation schedules.
 - The terms and conditions of product warranties and vendor guarantees.
 - The financial stability of the vendor.
 - The vendor's quality assurance program.
 - The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
 - The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.
 - The economic benefits to the local community, including, but not limited to, job creation and retention.
 - The environmental benefits to the local community.
- The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criteria set forth in the request for proposal. The District shall document its determination in writing.
- The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of intent to award and the contract file must be sufficient to satisfy an external audit.
- The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor

awarded in the contract in relation to all other responsible bidders and their respective price proposals and summary of the rationale for the contract award.

- The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance contracts.

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 may make purchases through the CollegeBuys Program for the Procurement of Goods and Services for Community College Districts, without conducting an independent local bidding process, if the District determines that doing so would result in a lower contract price upon the same terms, conditions and specifications.

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 (Public Contract Code §20654)

*WKCCD Board Policies & Procedures
Revised ??/??/??
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If emergency circumstances affect continuation of existing classes or pose danger to life or property and the Board takes action, by unanimous vote, declaring an emergency pursuant to Public Contract Code § 20654, the CFO is authorized to procure labor, materials or supplies necessary in the reasonable judgment of the CFO to permit continuation of existing classes or to mitigate danger to life or property without advertising or inviting bids. The authority of the CFO hereunder is in addition to authority of the CFO to procure labor, materials or supplies without bidding to complete emergency repairs or replacements under the CUPCCAA provisions of this AP 6340.

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.

Alternative Bidding Procedures under California Uniform Public Construction Cost Accounting Act (CUPCCAA)

Utilization of CUPCCA Alternative Bidding Procedures. The CFO is authorized to procure goods and services under the alternative bidding procedures permitted by CUPCCAA (Public Contract Code §22030) when such alternative bidding procedures are determined by the CFO to be in the best interests of the District. CUPCCAA alternative bidding procedures may be utilized for public projects or maintenance projects (as defined in Public Contract Code §22002) or when contracting for any other work that does not fall within the definition of a “public project” as authorized by Public Contract Code §22003.

Non-Bid Projects. A project valued at \$45,000 or less may be procured without a bidding process. The CFO is authorized to award a non-bid contract.

Informal Bid Projects. A project valued between \$45,001 and \$175,000 may be procured by informal bidding procedures pursuant to Public Contract Code §22034. The CFO is authorized to award an informally bid contract.

Formal Bid Project. A project valued at \$175,001 or more shall be bid by the formal bid procedures pursuant to Public Contract Code §22037. Unless the CFO rejects all bids for a Formal Bid Project, award of the contract for a Formal Bid Project shall be by action of the Governing Board to the responsible bidder submitting the lowest priced responsive bid.

Adjustment of Dollar Value Thresholds. If the dollar value thresholds for Non-Bid Projects, Informal Bid Projects or Formal Bid Projects are amended by legislative action or by the State Controller, the foregoing described dollar value thresholds are deemed amended as of the effective date of such legislative action or action of the State Controller's Office.

Negotiated Contract. If no bids are received for a project subject to CUPCCAA informal bidding or formal bidding procedures, the CFO is authorized to contract for such a project by negotiated contract pursuant to Public Contract Code §22038(c).

Emergencies. In the event of an emergency, the CFO is delegated authority under Public Contract Code §22050 to take directly related and immediate action required by the emergency to repair or replace a public facility without advertising for, or taking, bids. In such event, the CFO shall report to the Governing Board in accordance with Public Contract Code §22050.

Rejection of All Bids. The CFO is authorized to reject bids solicited pursuant to CUPCCAA alternative bidding procedures.

Identical Bids. If two (2) or more bidders submit same lowest bid price for a project subject to CUPCCAA alternative bidding procedures, the CFO is authorized to accept the bid she/he chooses pursuant to Public Contract Code §22038(b).

Governing Board Ratification. Contracts awarded by the CFO for Non-Bid or Informal Bid CUPCCAA projects pursuant to the foregoing shall be submitted to the Governing Board for ratification pursuant to Education Code §81655.