

Chapter 6 - Business and Fiscal Affairs

AP 6340 Bids and Contracts

References:

Education Code Sections 81641 et seq.; Labor Code Sections 1770 et seq.; Public Contract Code Sections 20112 et seq., 20650 et seq. and 22000 et seq.

Limits

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

- purchase of goods or services up to the limits set out in the Public Contracts Code will require documented quotes; and
- purchase of goods or services in excess of the limits set out in the Public Contracts Code will require formal advertised bids.

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

Bid limits for supplies, equipment, and services are annually adjusted by the Board of Governors as required by Public Contracts Code Section 20651(d). The current bid minimum can be found at the California Department of Education's website (<http://www.cde.ca.gov/>). The bid limits for Public Projects and Maintenance Work are set pursuant to the provisions of the Uniform Public Construction Cost Accounting Act (UPCCAA), adopted by the Board of Trustees on December 17, 2008, where contracts shall be awarded pursuant to the procedures described in Administrative Procedure 6345.

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 College shall publish at least once a week for two weeks in a newspaper of general circulation within the District 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 College may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by the Vice President, Administrative Services or his/her designee. All applicable statutory provisions and Board Policies shall be observed in preparation of the forms.

The Vice President, Administrative Services or his/her designee shall be responsible for ensuring 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 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.

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 College, any such bid security shall be returned to the respective bidder.

The Vice President, Administrative Services or his/her 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 material personnel may examine the specifications and drawings.

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:

- any and all bids and contract proposals may be rejected by the College for good and sufficient reason;
- all bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received;
- any and all bids and contract proposals shall be reviewed by the Director of Purchasing, Printing, and Mail Services for conformance with College competitive requirements prior to recommendation for award to the Board of Trustees.
- bid and contract award recommendations to the Board of Trustees shall show a tabulation of the bids received in reasonable detail;
- bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The College 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;
- any bid for construction services may be subject to the College's Contractor Prequalification Program, which requirement shall be advertised;

- for the purposes of bid evaluation and selection when the College 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 College may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section; and
- “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.

Purchase without Advertising for Bids

The Vice President, Administrative Services or designee is authorized to make purchases from firms holding county or other educational agency contracts with appropriate “piggyback” clauses without calling for bids where it appears advantageous to do so.

The Vice President, Administrative Services or designee 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. The Vice President, Administrative Services or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the College 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 College President/CEO or designee may make a contract on behalf of the College for labor, materials, and supplies without advertising for or inviting bids, subject to ratification by the Board of Trustees.

Insurance Requirements

Service providers including consultants and contractors, who provide services at the College’s facilities, are required to provide proof of insurance as follows:

- general liability, in an amount specified by the College and listing the College as additional insured;
- vehicle liability, if driving on College grounds, in an amount specified by the College and listing the College as additional insured;
- Workers’ Compensation, if providing employees, for statutory limit; and
- other insurance coverage as deemed necessary by the College and by law including, but not limited to, surety bonds, professional liability, and hazardous materials handling.

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.

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