

AP 6340 Bids and Contracts

Reference:

Education Code Section 81641 et seq.; Public Contracts Code Sections 20650 et seq.; ACCJC Accreditation Standard III.D.16

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.
- 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 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 circulated within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the college'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. 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 Chief Business Officer. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Business Officer 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 District, any certified or cashier's check received shall be returned to the respective bidder.

The Chief Business Officer 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.

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 Awards

- Any and all bids and contract proposals may be rejected by the District 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.
- Bid and contract award recommendations to the Board 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 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 Chief Business Officer is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

The Chief Business Officer 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 Chief Business Officer 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 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 Superintendent/President or Chief Business Officer may enter into a contract on behalf of the District for labor, equipment, 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.

Contracts

The District shall define "contract" to be a written agreement describing the mutual intent of the parties, the scope of work or product to be provided, the form and amount of consideration, and the requirement of mutual signatory acceptance of the parties. In accordance with Education Code §81655, all contracts must be either approved or ratified by the Board of Trustees.

All contracts valued at more than the current Public Code bid level will be presented to the Board for prior approval. When bids are required, the Board shall award each such contract to the lowest responsive and responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids.

No matter what the expected dollar value of a contract for legal or public auditing services, such a contract will be presented to the Board for prior approval, unless it is determined by the Superintendent/President and Chief Business Officer, that time is of the essence, and that the District's best interests are best served by issuing a contract on an immediate basis. Any such contract issued under these circumstances shall be brought forward to the Board of Trustees for formal approval at the next board meeting.

Contracts valued at less than the current Public Code bid level specified in Public Contract Code §20651 et seq. may be presented to the Board for ratification rather than prior to execution of the agreement by the Superintendent/President or Chief Business Officer. A summary list of contracts to be ratified shall be presented to the board as a consent item at each monthly business meeting. While a member of the Board may request a copy of any contract from the Superintendent/President, all contracts presented to the Board for ratification shall be deemed to be fully executed District commitments and may not be subsequently cancelled, withheld, or amended unless determined by the Chief Business Officer, to be a legally unenforceable obligation.

Reference Updated: January 21, 2016

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Approvals:

Cabinet: November 6, 2014