



**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.***

Limits

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

- Less than \$5,000 may be purchased without solicitation of written bids
- \$5,000 to \$20,000 requires two (2) written quotations (can be catalog prices, internet pricing, or written responses to informal requests for quotation)
- \$20,000 to current bid minimum* requires formal Request For Quotation (RFQ) and purchase must be from the lowest and most responsive bidder
- 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/fq/ac/co/>.*

Formal Bid Specifications

Formal 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 may post on the district's web site or through an electronic portal, a notice calling for sealed bids or proposals, stating the materials, supplies, equipment, or services to be furnished and the time and place when bids will be opened. The Vice Chancellor of Business Services will designate if a bid response will be accepted if submitted either electronically or on paper via mail or delivery service.

Bid and contract forms shall be prepared and maintained by the office of the district architect. All applicable statutory provisions and Board policies shall be observed in preparation of the forms. Bid responses shall be maintained by the office of the Vice Chancellor of Business Services.

Administrative Procedure 6340
Bids and Contracts

The Vice Chancellor of Business Services 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 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 the 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 Vice Chancellor of Business Services 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, or they shall also be provided via electronic copy upon request from any bidders.

The Vice Chancellor of Business Services 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.

The Vice Chancellor of Business Services may require a bid security in an amount not less than 5% of any bid in excess of \$78,900. Bid security shall be in the form of a certified check, performance bond, or payment bond. If the bidder chooses to use a performance or payment bond it is to be in an amount equal to 100% of the contract price quoted. When no longer required for the protection of the district, any certified or cashier's check received shall be returned to the respective bidder.

Awarding of Bids and Contracts Awards

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

1. Any and all bid 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 or contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.

**Administrative Procedure 6340
Bids and Contracts**

4. Bid or 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, equipment 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 Vice Chancellor of Business Services or his/her designee is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

The Vice Chancellor of Business Services or his/her designee may, without advertising for bids within the district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Vice Chancellor of Business Services or his/her designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services or any other cooperative purchasing agency or organization open to State of California agencies or special districts, and the State of California Community College System.

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 supplies, materials and equipment 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 Vice Chancellor of Business Services may make a contract on 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 purchases any purchase for the purpose of evading the provisions of the Public Contract Code requiring competitive bidding.

Approved: 10/25/11