

**BIDS AND CONTRACTS**

AP No. 6340
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Board Reviewed: 2/68; Rev 10/77; 8/16/06

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I. Purchase of goods or services in excess of the limits set out in the Public Contracts Code Section 20651 will require formal advertised bids.

A. 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. Reference: Education Code Section 81641 et seq.; Public Contracts Code Sections 20650 et seq.

II. Purchase of goods or services up to the limits set out in the Public Contracts Code will require documented quotes.

III. Bid Specifications

A. Bid specifications shall include a definite, complete statement of what are composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

B. The Director Contract Management and Vendor Services shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

IV. Equal Value

Government Code 4333, provides that in advertising for supplies, no bid shall be asked for any article of a specific brand or patented item, when such requirement would prevent proper competition on the part of other vendors dealing in articles of equal value, utility, or merit.

V. California Manufacturing Preference

Government Code 4334, provides that contracts may be let and purchases made from California Manufacturers if (1) the price doesn't exceed by 5% the lowest quotation from an out-of-state manufacturer, (2) the major part of the manufactured article is not done outside of the state of California, or (3) public goodwill is served.

VI. Notice Calling for Formal Advertised Bids

The District shall publish at least once a week for two weeks in a paper of general circulation circulated within the District a notice calling for bids or

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proposals, stating the materials or supplies to be furnished and the time and place when bids will be opened.

## VII. Bid Forms

Bid and contract forms shall be prepared and maintained by the Office of Contract Management and Vendor Services. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

## VIII. Office of Contract Management and Vendor 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.

## IX. Prevailing Wages

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.

## X. Bid Security

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.

## I. Plan Fee

A deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

## J. Awarding of Bids and Contracts Awards

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

- A. Any and all bids and contract proposals may be rejected by the District for good and sufficient reason.

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- B. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
  - C. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
  - D. 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.
  - E. Notwithstanding any other provision of law, in the event there are two or more identical lowest or highest bids, as the case may be, submitted to a local agency for the purchase, sale, or lease of real property, supplies, materials, equipment, services, bonds, or the awarding of any contract, pursuant to a provision requiring competitive bidding, the local agency may determine by lot which bid shall be accepted. "Local Agency shall include any city, county, city and county, or public district.
- XI. Duration of Continuing Contracts for Services and Supplies
- A. 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. (Education Code Section 81644)
- XII. Use of District Personnel
- A. Use of District personnel shall be restricted to the parameters set forth in Public Contract Code Section 20655, union contracts and relevant Administrative Procedures.
  - B. Moreover, in any district whose number of full-time equivalent students is 15,000 or greater, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment, including painting or repainting and perform maintenance, as defined in Section 20656, by day labor or by force account whenever the total number of hours on the job does not exceed 750 hours, or when the cost of materials does not exceed twenty-one thousand dollars (\$21,000).
  - C. Day labor includes the use of maintenance personnel employed on a permanent or temporary basis by the District.