

CONTRACTS

BP No. 6340

Board Adopted: 11/10/04

Page 1 of 4

- I. The Board delegates to the Superintendent/President the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:
- II. Contracts are not enforceable obligations until they are ratified by the Board
- III. Contracts for work to be done or services to be performed; for the District that exceed the amounts specified in Public Contracts Code Section 20651 shall require prior approval by the Board (Reference BP6100, III).
- IV. When bids are required according to Public Contracts Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or rejects all bids. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bid security: Cash; A cashier's check made payable to the District; A certified check made payable to the District; A bidder's bond executed by and admitted surety insurer, made payable to the District. Upon award to the lowest bidder, the security shall be returned in a reasonable period of time, but in no event shall the security be held beyond 60-days from the time the award is made.
- V. Bid security of 10% is typical for public projects. Bid security is returned upon receipt of executed contract along with 100% payment and performance bonds from the successful contractor.
- VI. If any change or alteration of a contract is ordered by the Superintendent/President, such change or alteration shall be specified in writing. The Superintendent/President may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost agreed upon does not exceed the greater of either the amount specified in PCC 20651 or 20655, whichever is applicable to the original contract or ten percent of the original contract price. (PCC 20659)
- VII. When soliciting proposals which are below bid threshold and two or more identical bids are received, preference shall be given in the following priority:
 - A. Performance and service record of bidder;
 - B. Bidder whose business is located within the Rio Hondo Community College District boundaries;
 - C. District may draw by lot which bid is accepted. (G.C. 53064)

CONTRACTS

BP No. 6340

Board Adopted: 11/10/04

Page 2 of 4

- VIII. Pursuant to a provision requiring competitive bidding when two or more identical lowest or highest bids as the case maybe the District may draw by lot which bid shall be accepted. (G.C. 53064)

- IX. The Superintendent/President shall notice the Board, on a regular Board Meeting Agenda, of contractors or contracts when the annual aggregate of multiple expenses or contracts to one contractor exceeds:
 - A. Public Projects/Public Works exceeding bid threshold of \$15,000;
 - B. Multi-year/long term contracts exceeding (3) three years and exceeding bid threshold.

- X. It is unlawful to split or separate into smaller work orders or projects any work, project, service, or purchase for the purpose of evading the provisions of contracting after competitive bid. (PCC 20657)

- XI. The District shall allow all businesses the opportunity to provide their services to the District by (PFC 9/21/04) reaching out to the local business community through advertisements, workshops and prequalification efforts.

- XII. The District shall conduct an annual contractor fair for the purpose of outreach, creating a prequalification pool of contractors, providing information on current, routine, emergency and foreseeable opportunities.

The District shall create a pool of pre-qualified contractors of various services to consider in future opportunities. Those on the list shall be given notice of opportunities within the scope of their services. The list shall be updated annually. Contractor applications shall be good for a period of two years after which shall expire. The District shall present procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements for pre-qualification for projects above & below bid threshold.

CONTRACTS

BP No. 6340

Board Adopted: 11/10/04

Page 3 of 4

- XIII. The Superintendent/President is encouraged to consider bidders from a prequalification pool.
- XIV. Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for the District, or for materials or supplies to be furnished or sold to the District may be made with an acceptable vendor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials and supplies, not to exceed three years. (EC81644)
- XV. The Superintendent/President is authorized to contract with a party who has submitted one of the three lowest responsible competitive proposals or competitive bids, for the acquisition, procurement, or maintenance of electronic data-processing systems and equipment, electronic telecommunication equipment, supporting software and related materials, goods, and services, in accordance with procedures and criteria established by the Board of Trustees. (EC81645)
- XVI. If the Superintendent/President concludes that the best interests of the District will not be served by prequalification of bidders in accordance with Public Contracts Code Section 20651.5, further consideration of the prequalification pool may not be conducted and the Board should be properly noticed
- XVII. The Superintendent/President will consider contracts to perform services for other governmental agencies whenever these services are in harmony with the services customarily performed by the College. It is understood that these services shall not interfere with the regular functions of the College.

The governing agencies involved in such service contracts shall be charged full costs (including direct and indirect costs) incurred by the College for all services performed. The Superintendent/President may consider exceptions when reducing or waiving costs would be in the best interest of the District and building community relations.

CONTRACTS

BP No. 6340

Board Adopted: 11/10/04

Page 4 of 4

- XVIII. If the best interests of the District will be served by a contract, lease, requisition or purchase order through any public corporation or agency in accordance with Public Contracts Code Section 20652, the Superintendent/President is authorized to proceed with a contract which will be ratified by the Board. Nothing shall preclude purchasing materials, equipment or supplies through the Department of General Services pursuant to Section 14814 of the Government Code. (PCC 20653)
- XIX. In an emergency when any repairs, alterations, work, or improvements are necessary, or to permit the continuance of existing college classes, or to avoid danger to life or property, the Board by unanimous vote, with the approval of the county superintendent of schools, will contract for the performance of labor and furnishing of materials or supplies for the purpose without advertising or inviting bids or notwithstanding PCC Section 20655 authorize the use expert college staff for the purpose. (PCC 20654)
- XX. Source/Reference
- Education Code Section 81641, et seq.; Public Contracts Code Sections 20650, et seq.