

**BIDS, AWARD/REJECTION**

<b>BP No. 6345</b>
------------------------

Board Adopted: 12/12/63; 1/10/79; 5/4/82; 2/23/83; 11/10/93; 11/10/04

Page 1 of 3

## I. Award of Bid(s)

Award of bids for goods or services shall be made by the Board in strict adherence to the terms and conditions of the Request for Bids and applicable legal regulations (Government Code Sections 54202 and 54204; Public Contract Coded Section 20651). However, the Board of Trustees reserves the right to reject any or all bids, or to waive any informality in the bidding process.

- A. The Board shall award the contract to the lowest responsible bidder provided it meets or exceeds specifications, or else reject all bids. Cash discounts shall be considered in determination of a low bid when enough time is allowed to make the payment. (This clause must be stated in the bid)
- B. The decision of the Board of Trustees shall be final in determining whether or not an item meets bid specifications. No bid will be considered if it fails to meet the terms and conditions of the Request for Bids, or if the bidder fails to submit a sample or to demonstrate his/her product when requested to do so.
- C. The Board of Trustees authorizes the public opening of bids for materials and services during a working day. At least two employees (one delegated by the Superintendent/President) shall be present during the bid opening.
- D. As required, bids publicly opened will be summarized and presented to the Board of Trustees for acknowledgement and award.
- E. When soliciting proposals which are below bid threshold and two or more identical bids are received, preference shall be given in the following priority:
  - 1. Service record of bidder;
  - 2. Bidder whose business is located within the Rio Hondo Community College District boundaries;
  - 3. District may draw by lot which bid is accepted. (G.C. 53064)

**BIDS, AWARD/REJECTION**

<b>BP No. 6345</b>
------------------------

Board Adopted: 12/12/63; 1/10/79; 5/4/82; 2/23/83; 11/10/93; 11/10/04

Page 2 of 3

- II. Pursuant to a provision requiring competitive bidding when two or more identical lowest or highest bids as the case may be the District may draw by lot which bid shall be accepted. (G.C. 53064)
- III. In determining the lowest responsible bidder for an energy management system, the District shall consider the net cost savings of each system. Net cost or savings means the cost of the system to the district, if any, less the projected energy savings to be realized from the energy management system. Independent evaluation of the projected energy savings may be required. (EC81661)
- IV. When the lowest bid from a California manufacturer does not exceed by five (5) percent the lowest bid from an out-of-state manufacturer, provisions of G.C. Section 4334 may be exercised and the award made to the California manufacturer, if it is deemed in the best interests of the District to do so.
- V. Fitness and quality being equal, all local and state public agencies shall purchase recycled paper products instead of non-recycled paper products whenever available at no more than the total cost of non-recycled paper products. The District may give preference to the supplier of recycled paper products. The District may define the amount of this preference except when a small business that offers non recycled paper products and is lowest responsible bidder, or is eligible in accordance with Government Code Section 14838. (PCC 12168)
- VI. State funded construction projects require a Disabled Veteran Business Enterprise (DVBE) participation percentage of 3%. Bids or proposals that fail to fully document one of the DVBE program requirement options shall be considered non-responsive and ineligible for award. (PCC10115)
- VII. Vendor Release from Bid

A vendor may be released from a bid due to a clerical error when the following conditions exist:

  - A. If the error in the bid is very obvious, the vendor may be released upon written request prior to the award of the bid.
  - B. Subsequent to the award, the bidder may be released from his/her bid under the following circumstances:
    - 1. The amount of the mistake must be material to the total amount of the contract.
    - 2. The mistake is not the result of neglect or a legal duty.

**BIDS, AWARD/REJECTION**

<b>BP No. 6345</b>
------------------------

Board Adopted: 12/12/63; 1/10/79; 5/4/82; 2/23/83; 11/10/93; 11/10/04

Page 3 of 3

---

3. The enforcement of the contract as made would be unconscionable.
4. The District could be placed in status quo.
5. The bidder gives prompt notice of his election to rescind the bid.
6. The bidder restores or offers to restore everything of value which he has received under the contract.

VIII. Grounds for Relief on a Public Works Bid

A Contractor shall establish to the satisfaction of the court that the following conditions exist in accordance with Public Contract Code Section 5103:

- A. A mistake was made.
- B. S/he gave college written notice within five days after the opening of the bids of the mistake specifying in the notice how the mistake occurred.
- C. The mistake made the bid materially different than s/he intended it to be.
- D. The mistake was made in filling out the bid and not due to error in judgment or to carelessness in inspecting the site of work, or in reading plans or specifications.