

## **CITRUS COMMUNITY COLLEGE DISTRICT ADMINISTRATIVE SERVICES**

### **AP 6340      BIDS AND CONTRACTS**

**References:** 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.  
Government Code Section 53060  
Accrediting Commission for Community and Junior Colleges  
Standard III.D.16; 2 Code of Federal Regulations Part 200.318

#### **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 Contract Code will require documented quotes.
- Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

**Note:** *The bid minimums are annually readjusted 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/>.*

#### **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 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 bids or proposals, stating the work to be done or 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 Purchasing Department. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Director 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 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 certified or cashier's check, or a 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 Director 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.

The Director of Business Services shall also 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.

### **Awarding of Bids and Contracts**

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

1. Any and all bids and contract 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 and contract award recommendations to the Board of Trustees shall show a tabulation of the bids received in reasonable detail.
4. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications.
5. Selection and Award Based on Best Value:
  - For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and

materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value.

- "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board of Trustees, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
- The District will consider all of the following in a best value selection and award:
  - Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.
  - Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.
  - A procedure for protest and resolution in the request for proposal.
- The District may also consider any of the following in a best value selection and award:
  - The total cost of purchase, use, and consumption of equipment, supplies, and materials.
  - The operational cost or benefit incurred by the District.
  - The added value to the District, as defined in the request for proposal, of vendor-added services.
  - The quality and effectiveness of equipment, supplies, materials, and services.
  - The reliability of delivery and installation schedules.
  - The terms and conditions of product warranties and vendor guarantees.
  - The financial stability of the vendor.
  - The vendor's quality assurance program.
  - The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
  - The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.
  - The economic benefits to the local community, including, but not limited to, job creation and retention.
  - The environmental benefits to the local community.
- The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on\_

the criteria set forth in the request for proposal. The District shall document its determination in writing.

- The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
- The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
- The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.

#### **Purchase without Advertising for Bids**

The Vice President of Finance and Administrative Services or the Director of Business Services are authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The Vice President of Finance and Administrative Services or the Director of Business Services may, without advertising for bids within the same county, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Vice President of Finance and Administrative Services or the Director of Business Services may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The Vice President of Finance and Administrative Services or the Director of Business Services is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

#### **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 Vice President of Finance and Administrative Services may enter into a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board of Trustees.

### **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.

### **Record Retention**

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

### **Kindergarten-University Public Education Bond Act Projects**

For projects funded by 2002, 2004, or 2006 Bond Funds, the Vice President of Finance and Administrative Services, or the Director of Business Services, will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by the Director of Business Services or an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.
- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.
- The Vice President of Finance and Administrative Services or the Director of Business Services shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations, or any successor agency that is responsible for the oversight of employee wage and work hour laws.

See Board Policy 6340 Bids and Contracts.

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