HARTNELL COMMUNITY COLLEGE DISTRICT

BP 6340 Bids and Contracts

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

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:

- Contracts are not enforceable obligations until they are ratified by the Board.

- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contracts Code Section 20651 shall require prior approval by the Board.

- 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 reject all bids.

If the Superintendent/President or the Superintendent/President’s delegate concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contracts Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition, or purchase order through any other public corporation or agency in accordance with Public Contracts Code Section 20652, the Superintendent/President is authorized to proceed with a contract.

See Administrative Procedures 6340, 6341, 6345, 6346, 6350, 6365, and 6370

Approved by the Board of Trustees: ________________________________
HARTNELL COMMUNITY COLLEGE DISTRICT

AP 6340 Bids and Contracts

References: Education Code Section 81641 et seq.; Public Contracts Code Sections 20103.7, 20112, 20650 et seq., 22000 et seq.; Labor Code 1770 et seq.

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 Contracts Code shall not require bids or quotations.
- Purchase of goods or services in excess of the limits set out in the Public Contracts Code will require formal advertised bids.

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

California Community Colleges Chancellor’s Office link to the Annual Change in Contract Bid Threshold for Inflation Memo:


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 of if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the Hartnell Community College District website or through an electronic portal, a notice calling for bids or proposals, stating the materials or supplies to be furnished and the time and place when bids will be opened. Hartnell Community College District may accept a bid that was submitted either electronically or on paper.
Bid and contract forms shall be prepared and maintained by the Chief Business Officer or designee. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Business Officer or designee shall be responsible for insuring 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 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.

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 Chief Business Officer or designee 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 materiel personnel may examine the specifications and drawings. 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:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- 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.
- 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.
pursuant to policies and procedures adopted by the governing board in accordance with this section.

- "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, 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.

**Purchase without Advertising for Bids**

The Chief Business Officer is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

The Chief Business Officer may, without advertising for bids within the same county, city, town or district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Chief Business Officer may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

**Duration of Continuing Contracts for Services and Supplies**

Continuing contracts for work or services furnished to the district 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 Chief Business Officer 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 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.

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*Note: The following sections apply if funds from the Kindergarten-University Public Education Facilities Bond Acts of 2002, 2004 or 2006 are used for a public works project.*
Kindergarten-University Public Education Bond Act Projects

For projects funded by 2002, 2004 or 2006 Bond Funds, the Chief Business Officer will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code 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 Chief Business Officer or designee or an independent third party, but not the third party with whom the Districts 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 Chief Business Officer 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

Approved by Superintendent/President: ________________________________