

HARTNELL COMMUNITY COLLEGE DISTRICT

AP 6340 Bids and Contracts – Goods and Services

References: Education Code Section 81641 et seq.; Public Contracts Code Sections 20103.7, 20111, 20112, 20650 et seq., 22000 et seq. Labor Code 1720 et seq., 1770 et seq.

Limits

Bids or quotations for goods or services 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 (PCC) Section 20651 shall not require bids or quotations.
- Purchase of goods or services in excess of the limits set out in the PCC Section 20651 will require formal advertised bids.
- When bids are required according to PCC Section 20651, 20111(a) and 22002(c), 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.

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award. No contracts or purchase orders for goods or services that exceed the bid limits set forth in PCC Section 20651 will be issued without competitive bids and required notifications unless an emergency, as defined in PCC Section 20654, has been declared by the Board of Trustees.

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

<https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/College-Finance-and-Facilities-Planning/Facilities-Planning/Facilities-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 or 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.

Request for Proposal advertisement notices must meet the information required in the California Code of Regulations (CCR) Title 17 Section 58532. 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.

Compliance with Prevailing Wage Law

If a contract calls for labor requiring the payment of prevailing wages, then bid notices shall contain an affirmative statement requiring compliance with Labor Code (LC) Sections 1775 and 1776 governing payment of prevailing wages and LC Section 1777.5 governing employment of apprentices. The bid notice shall also provide that such work is subject to compliance monitoring and that pursuant to LC Section 1725.5, contractors must be registered and qualified to perform public work. All bid submissions shall contain all documents necessary to assure compliance with these 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 material personnel may examine the specifications and drawings

Pre-Qualification

- (a) The governing board of Hartnell Community College District, in its discretion, may require each prospective bidder for a contract, as described under PCC Section 20651, to complete and submit to the district a standardized questionnaire and financial statement in a form specified by the District, including a complete statement of the prospective bidder's financial ability and experience in performing public works. The questionnaire and financial statement shall be verified under oath by the bidder in the manner in which civil pleadings in civil actions are verified. The questionnaire responses of prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.
- (b) Should Hartnell Community College District require prospective bidders to complete and submit questionnaires and financial statements, as described in subdivision (a), District

shall adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements, in order to determine the size of the contracts upon which each bidder shall be deemed financially qualified to bid. The prequalification of a prospective bidder shall neither limit nor preclude the District's subsequent consideration of a prequalified bidder's responsibility on factors other than the prospective bidder's financial qualifications.

- (c) The District shall furnish each prospective bidder on any contract described under PCC Section 20651 that is subject to this section shall be furnished, by the Hartnell Community College District letting the contract, with a standardized proposal form that, when completed and executed, shall be submitted as his or her bid. Bids not presented on the forms so furnished shall be deemed non responsive and shall be rejected. A proposal form shall not be accepted from any person who, or other entity which, is required to submit a completed questionnaire and financial statement for prequalification pursuant to subdivision (a), but who or which has not done so at least five days prior to the date fixed for the public opening of sealed bids and has not been prequalified, pursuant to subdivision (b), at least one day prior to that date.

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 of Trustees 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 Board of Trustees in accordance with PCC Section 20651.
- "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 PCC Section 20651 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

In accordance with the provisions of PCC Section 20652, 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 in accordance with the provisions set forth in PCC Section 20652.

Alternatively, when there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of public property, the Chief Business Officer may authorize the lease or purchase of the personal property directly from the vendor by contract, lease, requisition or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the existing contract.

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 five years. Contracts for materials and supplies are not to exceed three years.

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 accepted vendor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, 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 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.

Note: The following sections apply if funds from the Kindergarten-University Public Education Facilities Bond Acts of 2024 are used for a public works project.

Kindergarten-University Public Education Bond Act Projects

For projects funded by November 2024 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.
- 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.

Approved by Superintendent/President: November 25, 2014

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See Board Policies 6300, 6340 and Administrative Procedures 6300, 6341