



Butte-Glenn Community College District

ADMINISTRATIVE PROCEDURE

AP 6340 Bids and Contracts

References: Education Code Sections 81641 et seq.; Public Contract Code Sections 20103.7, 20650 et seq., and 22000 et seq.; Labor Code Sections 1770 et seq.; Government Code Section 53060

The Superintendent/President or the Vice President for Administration are the only individuals authorized to enter into contracts covered by this procedure.

The Vice President for Administration shall have the authority to issue operating procedures and authorize standard forms for the implementation of this procedure within the limits established in the laws pertaining to the taking of bids and issuance of contracts.

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.

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

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://extranet.cccco.edu/Divisions/FinanceFacilities/FacilitiesPlanning/FPUMemorandums.aspx>

Uniform Public Construction Cost Accounting Act

Contracts for public works projects of \$175,000 or less are bid and awarded under the Uniform Public Construction Cost Accounting Act (UPCCAA) procedures described in detail in Public Contract Code Sections 22000 et seq., and in accordance with the Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act set forth in the Board of Trustees' Resolution No. 698. See AP 6345 Bids and Contracts UPCCAA.

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.

The Vice President for Administration shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

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 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. Whether or not bids or proposals are opened exactly at the time fixed in the public notice for opening bids or proposals, a bid or proposal shall not be received after that time. [Education Code § 81641]

Bid and contract forms shall be prepared and maintained by the Vice President for Administration or designee. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

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 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 Vice President for Administration 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.

Upon request from a contractor plan room service, the Vice President for Administration or designee shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge.

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 awards will be presented to the Board of Trustees showing a tabulation of the bids received in reasonable detail for ratification.
- 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.
- The District may contract with a party who has submitted one of the three lowest responsive, responsible proposals or bids, for the acquisition, procurement or maintenance of electronic data processing systems equipment, electronic telecommunication equipment, supporting software, and related materials, goods and services. [Education Code § 81645]

Purchase without Advertising for Bids

The Vice President for Administration or designee is authorized to make purchases of materials, supplies, equipment, vehicles, and other personal property, or lease data-processing equipment, from any public corporation or agency, including any county, city, town or district, without calling for bids where it appears advantageous to do so. [Public Contract Code § 20652]

The Vice President for Administration or designee is authorized to make purchases from vendors holding public agency contracts for the lease or purchase of personal property under the same terms that are available to the public corporation or agency under the contract without calling for bids where it appears advantageous to do so. [Public Contract Code § 20652]

The Vice President for Administration or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services. [Public Contract Code § 20653]

The Vice President for Administration or designee may award a contract for the purchase of goods, services, or information technology with a value between \$5,000 and \$250,000 to a certified small business, microbusiness, or disabled veteran business enterprise, after obtaining price quotations from two or more certified small businesses, including microbusinesses, or from two or more disabled veteran business enterprises, subject to Education Code § 88003.1. [Public Contract Code § 20651.2]

The Vice President for Administration or designee may make purchases of food stuffs and seasonal commodities needed in the operation of cafeterias and food services without calling for bids. [Public Contract Code §20660]

The Vice President for Administration or designee may purchase supplementary textbooks, library books, and educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals in any amount needed for the operation of the college without taking estimates or advertising for bids. [Education Code § 81651]

The Vice President for Administration or designee may purchase from the federal government or any agency thereof any surplus property, as defined in the Surplus Property act of 1944, in any amount needed for the operation of the college without taking estimates or advertising for bids. [Education Code § 81653]

The Vice President for Administration or designee may purchase special services and advice in financial, economic, accounting, engineering, legal, or administrative matter if such persons are specially trained and experienced and competent to perform the special services required without calling for bids. See AP 6370 Contracts Personal Services. [Government Code § 53060]

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. [Education Code § 81644]

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 for Administration or designee 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. [Public Contract Code 20654]

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.

Change or Alteration of Contract

Any change or alteration of a contract governed by this procedure shall be specified in writing and the cost agreed upon between the district and contractor. The Superintendent/President or Vice President for Administration may authorize the contractor to proceed with performance of the change or alteration without the formality of security bids, if the cost does not exceed the greater of: (a) The amount specified in Public Contract Code § 20651 or 20655, whichever is applicable to the original contract; or (b) Ten percent of the original contract price. [Public Contract Code §20659]

Approved: 3/15