

## 8.16 Construction Bids – Prequalification of Bidders

1. The District shall seek bids involving expenditures for work to be done, or for materials to be furnished, sold or leased to the District pursuant to the limitations prescribed in the Public Contract Code.
2. The District will seek bids from diverse sources able to offer the best price for materials and supplies to be furnished, sold or leased to the District as set forth in the Public Contract Code. In seeking bidders, the District will advertise widely and through a variety of sources in order to assure that the maximum number of bidders is recruited representing various sized businesses ~~and businesses owned by persons from diverse cultures, ethnic and language groups.~~
3. Prequalification of Bidders
  - a. Pursuant to Public Contract Code section 20651.5, the District may require prequalification of prospective bidders on public works projects subject to public bidding requirements. Only prequalified bidders will be eligible to submit bids for the project(s) subject to prequalification, and the lowest among these will be selected as the "lowest responsible bidder."
  - b. The District may prequalify prospective bidders on a project by project basis or for a specific class of public works projects. The District may require prequalified bidders to present evidence of continuing qualification in the form of updated information during the prequalification period.
  - c. For prequalification, prospective bidders will be required to complete and submit a standardized questionnaire and financial statement in a form specified by the District. The questionnaire shall include a complete statement of the prospective bidder's financial ability; experience in performing public works projects; and compliance with State and Federal laws pertaining to public contract work. Bidder questionnaires and financial statements shall be verified under oath by the bidder. The questionnaire and financial statement are not public records and not open to public inspection.
  - d. The District shall adopt and apply a uniform system of rating prospective bidders on the basis of the standard questionnaires and financial statements. The District shall also adopt minimum requirements for financial status, public works experience and any other factors that the District deems necessary to determine a bidder's capability for competing projects. The District may prequalify prospective bidders for different sized projects based upon their financial data and experience.
  - e. In developing the prequalification questionnaire and rating instrument, the District will consult with a wide variety of persons and organizations, including local unions, businesses and contractors, other school districts and local public agencies.
  - f. If, in reviewing submittals, the District determines that a prospective bidder's submittal is "non-responsive," the District will notify the bidder of the failure and an opportunity to respond to the determination.
  - g. If the District determines that a prospective bidder is not qualified, the District will notify the bidder of the grounds for the determination and give the bidder an opportunity to respond to the determination in ~~a hearing before the Board~~ writing and request a hearing with Administrative staff.

## 8.16 Construction Bids – Prequalification of Bidders (continued)

- h. The District reserves the right to reject all prospective bidders.
- i. The District reserves the right to disqualify a bidder during the term of prequalification if information that would impact the bidder's ability to perform is brought to the District's attention. In that event, the District shall afford the bidder the notice and opportunity to be heard as described in section ~~7~~ 3.g above.
- j. The Board authorizes the Chancellor to adopt regulations and procedures to implement this policy to the extent authorized by law.

### 4. Informal Bidding Procedures

~~Public projects, as defined by the Uniform Public Construction Cost Accounting Act, of \$15,000 or less may be let to contract by informal procedures as set forth in the Public Contract Code.~~ Informal bidding of public projects is defined under Public Contracts Code Section 22000 through 22045. Public projects of \$45,000 or less may be performed by negotiated contract or by purchase order [PCC 22032(a)]. Public projects of \$175,000 or less may be let to contract by the informal procedures set forth in the Act [PCC 22032(b)]. Public projects of more than \$175,000 shall be let to contract by formal bidding procedures [PCC 22032(c)].

(~~Adopted 5/99~~ Revised xx/xx)

**References:** Public Contract Code Sections 22000 through 22045 and Section 20651.5