

CHAPTER 8: Business Operations
ADMINISTRATIVE PROCEDURE NO. 8.15.3

ADMINISTRATIVE PROCEDURE
San Mateo County Community College District

Subject: AP 8.15.3 Bids and Contracts for Goods and Services (non-construction)
Adoption Date: 10/13; 8/14, 2/17,4/19
References: Education Code Sections 81641 et seq.; Public Contract Code Sections 20112, 20650 et seq. and; Government Code Section 53060

1. Limits

Bids or quotations covered under this Administrative Procedure shall be secured as may be necessary to obtain the lowest possible prices as follows

- a. Purchase of goods or services up to \$2,000**
Purchase and selection of vendor is at the discretion of the Requestor/Requisitioner.
- b. Purchases of \$2,001 and up to \$5,000**
One written quote should be obtained for purchases of goods or services when the total dollar amount of the order is between \$2,000 and \$5,000.
- c. Purchases of \$5,001 and up to \$20,000**
Three written quotes should be obtained for purchases of goods or services when the total dollar amount of the order is between \$5,001 and \$20,000.
- d. Purchases of \$20,001 and up to the current legal bid limit¹ as set out in the Public Contract Code**
For purchases of goods or services when the total dollar amount of the order is between \$20,001 and the current legal bid limit, a *Request for Quotations* is required and should be forwarded to multiple vendors.
- e. Purchases over the current bid limit¹ except Public Projects covered under UPCCAA, certain Professional Services (e.g. lawyers, architects, engineers) and purchases subject to paragraph 5 of this procedure.**
The formal bid process is required for purchases of goods or services when the total dollar amount of the order exceeds the current legal bid limit. Bids or Requests for Proposal are prepared, advertised and awarded as outlined in paragraphs 2, 3 and 4 of this procedure.
- f. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.**

¹ * *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/fg/ac/co>.*

2. 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.

3. 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 or request for proposal that was submitted either electronically or on paper. 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.

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

The Chancellor or designee shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

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. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

4. Awarding of Bids and Contracts

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

- a.** Any and all bids and contract proposals may be rejected by the District.
- b.** All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.

- c. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- d. 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.
- e. 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. When using the best value method, the District shall consider (1) price and service level proposals that reduce the district's overall operating costs, including end-of-life expenditures and impact (2) equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction (3) a procedure for protest and resolution and (4) the District may consider other factors available under the law.

"Best value" means the most advantageous balance of price, quality, service, performance, and other elements achieved through methods in accordance with Public Contract Code and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services. Authority to establish these elements and criteria is delegated to the Chancellor pursuant to Board Policy 8.02

5. Purchases without Advertising for Bids

When the Board of Trustees has determined it to be in the best interests of the District to do so,

- a. the Chancellor or designee is authorized to make purchases from any public corporation or agency including any county, city, town or district holding contracts without calling for bids. These agencies must have "Piggyback" language in their bid documents allowing other agencies to purchase from that bid;
- b. the Chancellor or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services;
- c. the Chancellor or designee 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;
- d. the Chancellor or designee may purchase materials, equipment, supplies or services under the same terms and conditions as are specified in a contract lawfully awarded by the University of California or California State University.

Each July, the Department of General services will prepare an informational board report describing activity pursuant to this section. All purchases in excess of the bid limit made under this section are reported to the board as part of the regular warrant reports.

6. Government Code 53060

Contracts and/or agreements for special services and advice, in financial, economic, accounting, engineering, legal or administrative matters will be issued without competitive bidding if the District finds that it is in the best interest of the District. Pursuant to Board Report No. 08-6-6C, board approval is needed for a new vendor or new services valued above the legal bid minimum or for continuing services in excess of \$500,000. The District may solicit a competitive bid process for these types of services.

7. 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.

8. Emergency Procedures

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 8.16.1 titled Bids and Contracts – Public Works / UPCCAA.

9. Bid Splitting is Prohibited

Bid splitting—that is to split or separate into smaller work orders or projects any work, project, service, or purchase for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding—is prohibited.