

CHAPTER 8: Business Operations
ADMINISTRATIVE PROCEDURE NO. 8.16.2 (AP 6340)

ADMINISTRATIVE PROCEDURE
San Mateo County Community College District

Subject: AP 8.16.2 Bids and Contracts Other than UPCCAA
Adoption Date: 10/13; 8/14, 2/17
References: Education Code Sections 81641 et seq.; Labor Code Sections 1770 et seq.; Public Contract Code Sections 20103.7, 20112, 20650 et seq. and 22000 et seq.; 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 under \$2,000**
Purchase and selection of vendor is at the discretion of the Requestor/Requisitioner.
- b. Purchases between \$2,000 and \$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 between \$5,001 and \$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 between \$20,001 and current legal bid limit* 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 limit* except Public Contract Code 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.**

* *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>. As of January 2017, the legal bid limit is \$88,300.*

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.

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

The Executive Vice Chancellor 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 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 Department of Facilities Planning, Maintenance and Operations 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.

The Department of Facilities Planning, Maintenance and Operations shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

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.

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- 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.

5. Purchase 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 Executive Vice 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 Executive Vice Chancellor or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services;
- c. the Executive Vice 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 Executive Vice 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.

Purchases made under this section that are in excess of the legal bid limit are to be reported to the board.

6. 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.

7. 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 Executive Vice Chancellor or designee may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

8. 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.