

# SixTen and Associates

## MANDATE REIMBURSEMENT SERVICES

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### LEGAL REQUIREMENTS

#### 1. Local Agency Public Construction Act

- 1A) Pursuant to the Local Agency Public Construction Act, Articles 1 and 2, (commencing with Public Contract Code Section 20100) and other sections cited above, to establish, periodically update and maintain policies and procedures to implement the requirements of the laws pertaining to public contracts.
- 1B) Pursuant to Public Contract Code Section 3300, subdivision (a), specifying the classification of the license which a contractor shall possess at the time a contract is awarded, including that specification in any plans prepared for a public project and in any notice inviting bids.
- 1C) Pursuant to Public Contract Code Section 6610, including the time, date, and location of the mandatory prebid site visit, conference or meeting, and when and where project documents are available, including final plans and specifications, when a notice inviting formal bids includes a requirement for any type of mandatory prebid conference, site visit, or meeting.
- 1D) Pursuant to Public Contract Code Section 7104, subdivision (a), when any public works contract involves digging trenches or other excavations that extend deeper than four feet below the surface, including a clause which requires the contractor to promptly notify the district, in writing, of any:
  - (1) Material that the contractor believes may be material that is hazardous waste, as defined in Section 25117 of the Health and Safety Code, and that is required to be removed to a Class I, Class II, or Class III disposal site in accordance with provisions of existing law.
  - (2) Subsurface or latent physical conditions at the site differing from those indicated.
  - (3) Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the contract.
- 1E) Pursuant to Public Contract Code Section 7104, subdivision (b), when a notice is received from the contractor pursuant to subdivision (a), promptly investigating the conditions, and upon finding that the conditions do materially so differ, or do involve hazardous waste, and cause a decrease or increase in the contractor's cost of, or the time required for, performance of any part of the work, issuing a change order under the procedures described in the contract.
- 1F) Pursuant to Public Contract Code Section 7104, subdivision (c), in the event that a dispute arises between the district and the contractor as to whether conditions materially differ, or involve hazardous waste, or cause a decrease or increase in the contractor's cost of, or time required for, performance of any part of the work, to respond to actions taken by the contractor to resolve disputes and protests between the contracting parties.
- 1G) Pursuant to Public Contract Code Section 7107, subdivision (c), releasing retentions withheld within 60 days after the completion of the work, and in the event of a dispute, withholding an amount not to exceed 150 percent of the disputed amount from the final payment. Pursuant to subdivision (f), paying a charge of 2 percent per month on any improperly withheld amounts and, in the event of litigation paying the contractor's

- attorney's fees and costs should he or she prevail.
- 1H) Pursuant to Public Contract Code Section 7109, subdivision (b), upon a determination that a project may be vulnerable to graffiti, the district shall do one or more of the following:
    - (1) Include a provision in the public works contract that specifies requirements for antigraffiti technology in the plans and specifications for the project.
    - (2) Establish a method to finance a graffiti abatement program.
    - (3) Establish a program to deter graffiti.
  - 1I) Pursuant to Public Contract Code Section 9203, retaining no less 5 percent of the value of the actual work completed and of the value of material delivered on the ground or stored until final completion and acceptance of the project.
  - 1J) Pursuant to Public Contract Code Section 10299, subdivision (b), acquiring information technology, goods, and services without further competitive bidding, by utilizing contracts, master agreements, multiple award schedules, cooperative agreements, or other types of agreements established by the department of general services.
  - 1K) Pursuant to Public Contract Code Section 12109, complying with the terms and conditions of the Director of General Services for assisting the district in the acquisition of information technology goods or services.
  - 1L) Pursuant to Business and Professions Code Section 7028.15, subdivision (e), unless one of certain exceptions applies, verifying that a contractor was properly licensed when the contractor submitted a bid with the district before awarding a contract or issuing a purchase order to that contractor.
  - 1M) Pursuant to Public Contract Code Section 20101, subdivision (a), requiring each prospective bidder for a contract 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 experience in performing public works.
  - 1N) Pursuant to Public Contract Code Section 20101, subdivision (a), maintaining the questionnaires and financial statements as confidential records not open to public inspection; however, records of the names of contractors applying for prequalification status shall be public records subject to disclosure.
  - 1O) Pursuant to Public Contract Code Section 20101, subdivision (b), adopting and applying a uniform system of rating bidders on the basis of the completed questionnaires and financial statements in order to determine both the minimum requirements permitted for qualification to bid, and the type and size of the contracts upon which each bidder shall be deemed qualified to bid. The uniform system of rating prospective bidders shall be based on objective criteria.
  - 1P) Pursuant to Public Contract Code Section 20101, subdivision (c), establishing a process for prequalifying prospective bidders on a quarterly basis.
  - 1Q) Pursuant to Public Contract Code Section 20101, subdivision (d), establishing a process that will allow prospective bidders to dispute their proposed prequalification rating prior to the closing time for receipt of bids. The appeal process shall include the following:
    - (1) Upon request of the prospective bidder, providing notification to the prospective bidder, in writing, of the basis for disqualification and any supporting evidence that has been received from others or adduced as a result of an investigation by the district.
    - (2) Giving the prospective bidder an opportunity to rebut any evidence used as a basis for disqualification and to present evidence to

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- the district as to why the prospective bidder should be found qualified.
- (3) If the prospective bidder chooses not to avail itself of this process, adopting the proposed prequalification rating without further proceedings.
- 1R) Pursuant to Public Contract Code Section 20102, where plans and specifications have been prepared by a district, justifying with detailed specific reasons any change or changes and filing those change(s) and reasons in the project file before electing to perform the work by day's labor.
- 1S) Pursuant to Public Contract Code Section 20103.5, before making the first payment for work or material under any contract where federal funds are involved, verifying through the Registrar of Contractors that the contractor was properly licensed at the time the contract was awarded. Including a statement to that effect in the standard form of prequalification questionnaire and financial statement.
- 1T) Pursuant to Public Contract Code Section 20103.6, subdivision (a), in the procurement of architectural design services requiring an expenditure in excess of ten thousand dollars (\$10,000), disclosing any contract provision that would require the contracting architect to indemnify and hold the local agency harmless against any and all liability, whether or not caused by the activity of the contracting architect in any request for proposals for those services or invitations to bid.
- 1U) Pursuant to Public Contract Code Section 20103.6 subdivision (b), in the event a district fails to comply with subdivision (a), that district shall (1) be precluded from requiring the selected architect to agree to any contract provision requiring the selected architect to indemnify or hold harmless, (2) cease discussions with the selected architect and reopen the request for proposals or invitations to bid from a qualification list, or (3) mutually agree to an indemnity clause acceptable to both parties.
- 1V) Pursuant to Public Contract Code Section 20103.8, when a district requires a bid for a public works contract to include prices for items that may be added to, or deducted from, the scope of work in the contract for which the bid is being submitted, specifying in the bid solicitation which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided by subdivision (a) will be used:
- (a) The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
  - (b) The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
  - (c) The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items taken in order from a specifically identified list of those items that, when added to, or subtracted from, the base contract, are less than, or equal to, a funding amount publicly disclosed by the local agency before the first bid is opened.
  - (d) The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.
- 1W) Pursuant to Public Contract Code Section 20104, subdivision (c), setting forth the provisions of Article 1.5 (Resolution of Construction Claims), or a summary thereof, in the plans and specifications for any work that may give rise to a claim under the Article.
- 1X) Pursuant to Public Contract Code Section 20104.2, subdivision (b), responding in writing within 45 days, subject to conditions for extension, upon receipt of any written claim of \$50,000, or less, for (1) a time extension, (2) payment of money or damages arising

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- from work done, (3) or an amount, the payment of which is disputed by the district.
- 1Y) Pursuant to Public Contract Code Section 20104.2, subdivision (c), to respond in writing within 60 days, subject to conditions for extension, upon receipt of any written claim of more than \$50,000 and less than \$375,000, for (1) a time extension, (2) payment of money or damages arising from work done, or (3) an amount, the payment of which is disputed by the district
  - 1Z) Pursuant to Public Contract Code Section 20104.2, subdivision (d), to meet and confer, for settlement of issues in dispute, with a claimant who demands such a conference and who disputes the district's written response, or when a district fails to respond timely,
  - 1AA) Pursuant to Public Contract Code Section 20104.2, subdivision (e), filing responsive pleadings and appearing and defending any civil action brought by a claimant if the claim or any portion thereof remains in dispute after the meet and confer conference.
  - 1BB) Pursuant to Public Contract Code Section 20104.4, subdivision (a), appearing and defending in nonbinding mediation which may be ordered by the court, unless waived by all parties.
  - 1CC) Pursuant to Public Contract Code Section 20104.4, subdivision (b), if the matter remains in dispute after mediation, appearing and defending in judicial arbitration as follows:
    - (1) Participate in discovery proceedings pursuant to the Civil Discovery Act of 1986 (commencing with Section 2016 of the Code of Civil Procedure);
    - (2) Paying one-half of the necessary and reasonable fees of the arbitrator; and
    - (3) Paying costs, fees and attorney's fees of the claimant when a more favorable result is not obtained after requesting a trial de novo.
  - 1DD) Pursuant to Public Contract Code Section 20104.6, subdivision (b), paying interest at the legal rate on any arbitration award or judgment arising out of any suit filed pursuant to Section 20104.4.
  - 1EE) Pursuant to Public Contract Code Section 20104.50, subdivision (b), paying interest to the contractor equivalent to the legal rate set forth in subdivision (a) of Section 685.010 of the Code of Civil Procedure when the district fails to make any progress payment within 30 days after receipt of an undisputed and properly submitted payment request from a contractor on a construction contract.
  - 1FF) Pursuant to Public Contract Code Section 20104.50, subdivision (c), upon receipt of a payment request, acting in accordance with both of the following:
    - (1) Reviewing each payment request as soon as practicable after receipt for the purpose of determining that the payment request is a proper payment request.
    - (2) Returning any payment request determined not to be a proper payment request suitable for payment to the contractor as soon as practicable, but not later than seven days, after receipt. A request returned pursuant to this provision shall be accompanied by a document setting forth in writing the reasons why the payment request is not proper.Pursuant to subdivision (f), setting forth the terms of the article (or a summary thereof) in any contract subject to this article.
  - 1GG) Pursuant to Public Contract Code Section 20107, requiring all bidders for construction work to present their bids under sealed cover and accompanied by one of the following forms of bidder's security:
    - (a) Cash.
    - (b) A cashier's check made payable to the school district.
    - (c) A certified check made payable to the school district.

- (d) A bidder's bond executed by an admitted surety insurer, made payable to the school district.
- 1HH) Pursuant to Public Contract Code Section 20107, upon an award to the lowest bidder, returning the security of all unsuccessful bidders in a reasonable period of time, but in no event beyond 60 days from the time the award is made.
- 1II) Pursuant to Public Contract Code Section 22300, including a provision in any invitation for bid and in any contract documents permitting the substitution of securities for any moneys withheld by the district to ensure performance under a contract, except for certain federal contracts and, upon satisfactory completion of the contract, returning the securities to the contractor.

**2. Laws Pertaining to School Districts**

- 2A) Pursuant to the Local Agency Public Construction Act, Article 3 - School Districts (commencing with Public Contract Code Section 20110), to establish, periodically update and maintain policies and procedures to implement Article 3 of the Act.
- 2B) Pursuant to Public Contract Code Sections 2000, subdivision (a) and 20111, requiring that a contract be awarded to the lowest responsible bidder who also does either of the following:
  - (1) Meets goals and requirements established by the district relating to participation in the contract by minority business enterprises and women business enterprises. If the bidder does not meet the goals and requirements established by the district for that participation, to then evaluate the good faith effort of the bidder to comply with those goals and requirements as provided in paragraph (2).
  - (2) Makes a good faith effort, in accordance with the criteria established pursuant to subdivision (b), prior to the time bids are opened, to comply with the goals and requirements established by the district relating to participation in the contract by minority or women business enterprises.
- 2C) Pursuant to Public Contract Code Section 2000, subdivision (b), determining if a bidder made a good faith effort to comply with the district's goals and requirements relative to participation in the contract by minority business enterprises and women business enterprises by obtaining information relative to, and analyzing, the following factors:
  - (1) Whether or not the bidder attended any presolicitation or prebid meetings that were scheduled by the district to inform all bidders of the minority and women business enterprise program requirements for the project for which the contract will be awarded. A district may waive this requirement if it determines that the bidder is informed as to those program requirements.
  - (2) Whether or not the bidder identified and selected specific items of the project which would be performed by minority or women business enterprises to provide an opportunity for participation by those enterprises.
  - (3) Whether or not the bidder advertised, not less than 10 calendar days before the date the bids were opened, in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media, specified by the district for minority or women business enterprises that are interested in participating in the project.
  - (4) Whether or not the bidder provided written notice of his or her interest in bidding on the contract to the number of minority or women business enterprises required to be notified by the project specifications not less than 10 calendar days prior to the opening of bids. To the extent possible, for the district to make

available to the bidder, not less than 15 calendar days prior to the date the bids are opened, a list or a source of lists of enterprises which are certified by the district as minority or women business enterprises. If the district does not provide that list or source of lists to the bidder, whether or not the bidder utilized the list of certified minority or women business enterprises prepared by the Department of Transportation pursuant to Section 14030.5 of the Government Code for this purpose.

- (5) Whether or not the bidder followed up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested in performing specific items of the project.
  - (6) Whether or not the bidder provided interested minority and women business enterprises with information about the plans, specifications, and requirements for the selected subcontracting or material supply work.
  - (7) Whether or not the bidder requested assistance from minority and women community organizations, minority and women contractor groups, local, state, or federal minority and women business assistance offices, or other organizations that provide assistance in the recruitment and placement of minority or women business enterprises, if any are available.
  - (8) Whether or not the bidder negotiated in good faith with the minority or women business enterprises, and did not unjustifiably reject as unsatisfactory bids prepared by any minority or women business enterprises, as determined by the district.
  - (9) Whether or not, where applicable, the bidder advised and made efforts to assist interested minority and women business enterprises in obtaining bonds, lines of credit, or insurance required by the district or contractor.
  - (10) Whether or not the bidder's efforts to obtain minority and women business enterprise participation could reasonably be expected by the district to produce a level of participation sufficient to meet the goals and requirements of the district.
- 2D) Pursuant to Public Contract Code Section 2001, when requiring that contracts be awarded to the lowest responsible bidder meeting, or making a good faith effort to meet, participation goals for minority, women, or disabled veteran business enterprises, providing in the general conditions under which bids will be received that any person making a bid or offer to perform a contract shall, in his or her bid or offer, set forth the following information:
- (1) The name and the location of the place of business of each subcontractor certified as a minority, women, or disabled veteran business enterprise who will perform work or labor or render service to the prime contractor in connection with the performance of the contract and who will be used by the prime contractor to fulfill minority, women, and disabled veteran business enterprise participation goals.
  - (2) The portion of work that will be done by each subcontractor under paragraph (1).
- 2E) Pursuant to Public Contract Code Section 20111, subdivision (a), letting all contracts involving an expenditure of more than fifty thousand dollars (\$50,000) for any of the following:
- (1) The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district,
  - (2) Services, except construction services, or
  - (3) Repairs, including maintenance as defined in Section 20115, that are not a public project as defined in subdivision (c) of Section 22002,
- to the lowest responsible bidder who shall give security as the board requires, or else

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- reject all bids.
- 2F) Pursuant to Public Contract Code Section 20111, subdivision (b), letting all contracts involving an expenditure of more than fifty thousand dollars (\$50,000) for any of the following:
- (1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition or repair work involving any publicly owned, leased or operated facility, or
  - (2) Painting or repainting of any publicly owned, leased, or operated facility,
- to the lowest responsible bidder who shall give security as the board requires, or else reject all bids.
- 2G) Pursuant to Public Contract Code Section 20111, subdivision (b), having all bidders for construction work present their bids under sealed cover and accompanied by one of the following forms of bidder's security:
- (1) Cash.
  - (2) A cashier's check made payable to the school district.
  - (3) A certified check made payable to the school district.
  - (4) A bidder's bond executed by an admitted surety insurer, made payable to the school district.
- 2H) Pursuant to Public Contract Code Section 20111, subdivision (b), upon an award to the lowest bidder, returning the security of all unsuccessful bidders in a reasonable period of time, but in no event beyond 60 days from the time the award is made.
- 2I) Pursuant to Public Contract Code Section 20111.5, subdivision (a), requiring each prospective bidder for a contract, as described in Section 20111, 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.
- 2J) Pursuant to Public Contract Code Section 20111.5, subdivision (a), maintaining the questionnaires and financial statements confidential as public records not open to public inspection.
- 2K) Pursuant to Public Contract Code Section 20111.5, subdivision (b), adopting and applying a uniform system of rating bidders on the basis of the completed questionnaires and financial statements in order to determine the size of contracts upon which each bidder shall be deemed qualified to bid.
- 2L) Pursuant to Public Contract Code Section 20111.5, subdivision (c), furnishing each prospective bidder with a standardized proposal form that, when completed and executed, shall be submitted to the district as his or her bid, and disregarding bids not presented on the forms furnished.
- 2M) Pursuant to Public Contract Code Section 20111.5, subdivision (e), establishing a process for prequalifying prospective bidders on a quarterly basis.
- 2N) Pursuant to Public Contract Code Section 20116, maintaining job orders or similar records indicating the total cost expended on each project in accordance with the procedures established in the most recent edition of the California School Accounting Manual for a period of not less than three years after completion of the project.
- 2O) Pursuant to Public Contract Code Section 20116, for the purpose of securing informal bids, publishing annually in a newspaper of general circulation published in the district, or if there is no such newspaper, then in some newspaper in general circulation in the county, a notice inviting contractors to register to be notified of future informal bidding projects. Giving notice of all informal bid projects to all contractors included on the informal bidding list.

**3. Laws Pertaining to Community College Districts**

- 3A) Pursuant to the Local Agency Public Construction Act, Article 41 - Community College Districts (commencing with Public Contract Code Section 20650), to establish, periodically update and maintain policies and procedures to implement Article 41 of the Act.
- 3B) Pursuant to Public Contract Code Sections 2000, subdivision (a) and 20111, requiring that a contract be awarded to the lowest responsible bidder who also does either of the following:
  - (1) Meets goals and requirements established by the community college district relating to participation in the contract by minority business enterprises and women business enterprises. If the bidder does not meet the goals and requirements established by the community college district for that participation, to then evaluate the good faith effort of the bidder to comply with those goals and requirements as provided in paragraph (2).
  - (2) Makes a good faith effort, in accordance with the criteria established pursuant to subdivision (b), prior to the time bids are opened, to comply with the goals and requirements established by the community college district relating to participation in the contract by minority or women business enterprises.
- 3C) Pursuant to Public Contract Code Section 2000, subdivision (b), determining if a bidder made a good faith effort to comply with the community college district's goals and requirements relative to participation in the contract by minority business enterprises and women business enterprises by obtaining information relative to and analysis of the following factors:
  - (1) Whether or not the bidder attended any presolicitation or prebid meetings that were scheduled by the community college district to inform all bidders of the minority and women business enterprise program requirements for the project for which the contract will be awarded. A community college district may waive this requirement if it determines that the bidder is informed as to those program requirements.
  - (2) Whether or not the bidder identified and selected specific items of the project which would be performed by minority or women business enterprises to provide an opportunity for participation by those enterprises.
  - (3) Whether or not the bidder advertised, not less than 10 calendar days before the date the bids were opened, in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media, specified by the community college district for minority or women business enterprises that are interested in participating in the project.
  - (4) Whether or not the bidder provided written notice of his or her interest in bidding on the contract to the number of minority or women business enterprises required to be notified by the project specifications not less than 10 calendar days prior to the opening of bids. To the extent possible, for the community college district to make available to the bidder, not less than 15 calendar days prior to the date the bids are opened, a list or a source of lists of enterprises which are certified by the community college district as minority or women business enterprises. If the community college district does not provide that list or source of lists to the bidder, whether or not the bidder utilized the list of certified minority or women business enterprises prepared by the Department of Transportation pursuant to Section 14030.5 of the Government Code for this purpose.



- (5) Whether or not the bidder followed up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested in performing specific items of the project.
  - (6) Whether or not the bidder provided interested minority and women business enterprises with information about the plans, specifications, and requirements for the selected subcontracting or material supply work.
  - (7) Whether or not the bidder requested assistance from minority and women community organizations, minority and women contractor groups, local, state, or federal minority and women business assistance offices, or other organizations that provide assistance in the recruitment and placement of minority or women business enterprises, if any are available.
  - (8) Whether or not the bidder negotiated in good faith with the minority or women business enterprises, and did not unjustifiably reject as unsatisfactory bids prepared by any minority or women business enterprises, as determined by the community college district.
  - (9) Whether or not, where applicable, the bidder advised and made efforts to assist interested minority and women business enterprises in obtaining bonds, lines of credit, or insurance required by the community college district or contractor.
  - (10) Whether or not the bidder's efforts to obtain minority and women business enterprise participation could reasonably be expected by the community college district to produce a level of participation sufficient to meet the goals and requirements of the community college district.
- 3D) Pursuant to Public Contract Code Section 2001, when requiring that contracts be awarded to the lowest responsible bidder meeting, or making a good faith effort to meet, participation goals for minority, women, or disabled veteran business enterprises, providing in the general conditions under which bids will be received that any person making a bid or offer to perform a contract shall, in his or her bid or offer, set forth the following information:
- (1) The name and the location of the place of business of each subcontractor certified as a minority, women, or disabled veteran business enterprise who will perform work or labor or render service to the prime contractor in connection with the performance of the contract and who will be used by the prime contractor to fulfill minority, women, and disabled veteran business enterprise participation goals.
  - (2) The portion of work that will be done by each subcontractor under paragraph (1).
- 3E) Pursuant to Public Contract Code Section 20651, subdivision (a), letting all contracts involving an expenditure of more than fifty thousand dollars (\$50,000) for any of the following:
- (1) The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district,
  - (2) Services, except construction services, or
  - (3) Repairs, including maintenance as defined in Section 20656, that are not a public project as defined in subdivision (c) of Section 22002,
- to the lowest responsible bidder who shall give security as the board requires, or else reject all bids.
- 3F) Pursuant to Public Contract Code Section 20651, subdivision (b), having all bidders for construction work present their bids under sealed cover and accompanied by one of the following forms of bidder's security:
- (1) Cash.

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- (2) A cashier's check made payable to the school district.
- (3) A certified check made payable to the school district.
- (4) A bidder's bond executed by an admitted surety insurer, made payable to the school district.
- 3G) Pursuant to Public Contract Code Section 20651, subdivision (b), upon an award to the lowest bidder, returning the security of all unsuccessful bidders in a reasonable period of time, but in no event beyond 60 days from the time the award is made.
- 3H) Pursuant to Public Contract Code Section 20651.5, subdivision (a), maintaining the questionnaires and financial statements confidential as public records not open to public inspection.
- 3I) Pursuant to Public Contract Code Section 20651.5, subdivision (b), adopting and applying a uniform system of rating bidders on the basis of the completed questionnaires and financial statements in order to determine the size of contracts upon which each bidder shall be deemed qualified to bid.
- 3J) Pursuant to Public Contract Code Section 20651.5, subdivision (c), furnishing each prospective bidder with a standardized proposal form that, when completed and executed, shall be submitted to the community college district as his or her bid, and to reject bids not presented on the forms furnished.
- 3K) Pursuant to Public Contract Code Section 20657, maintaining job orders or similar records indicating the total cost expended on each project in accordance with the procedures established in the most recent edition of the California School Accounting Manual for a period of not less than three years after completion of the project.
- 3L) Pursuant to Public Contract Code Section 20657, for the purpose of securing informal bids, publishing annually in a newspaper of general circulation published in the community college district, or if there is no such newspaper, then in some newspaper in general circulation in the county, a notice inviting contractors to register to be notified of future informal bidding projects. Giving notice of all informal bid projects to all contractors included on the informal bidding list.
- 3M) Pursuant to Public Contract Code Section 20659, specifying in writing all changes or alterations of a contract, and the costs thereof, which are ordered by the governing board of the community college district.

**4. Minority, Women, and Disabled Veteran Business Enterprise Participation**

- 4A) Pursuant to Subchapter 9 entitled "Minority, Women, and Disabled Veteran Business Enterprise Participation Goals for the California Community Colleges" (commencing with Title 5, California Code of Regulations, Section 59500), to establish, periodically update and maintain policies and procedures to implement the requirements of Subchapter 9 of the Regulations.
- 4B) Pursuant to Title 5, California Code of Regulations, Section 59500, subdivision (a), providing opportunities for minority, women, and disabled veteran business enterprise participation in the award of district contracts consistent with this subchapter. The statewide goal for such participation is not less than 15 percent minority business enterprise participation, not less than 5 percent women business enterprise participation, and not less than 3 percent disabled veteran business enterprise participation of the dollar amount expended by all districts each year for construction, professional services, materials, supplies, equipment, alteration, repair, or improvement.
- 4C) Pursuant to Title 5, California Code of Regulations, Section 59504, undertaking appropriate efforts to provide participation opportunities for minority, women, and disabled veteran business enterprises in district contracts, including providing vendor and service contractor orientation programs related to participating in district contracts

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- or in understanding and complying with the provisions of the subchapter, and/or developing a listing of minority, women, and disabled veteran business enterprises potentially available as contractors or suppliers, and/or such other activities that may assist interested parties in being considered for participation in district contracts.
- 4D) Pursuant to Title 5, California Code of Regulations, Section 59504, undertaking efforts to contribute to achievement of the systemwide goals established in Section 59500 by seeking minority, women, and disabled veteran business enterprises as contractors for such contracts as the district may deem appropriate pursuant to Section 59505.
  - 4E) Pursuant to Title 5, California Code of Regulations, Section 59505, subdivision (a), when electing to apply MBE/WBE/DVBE goals to any particular contract which is to be awarded to the lowest responsible bidder, including in bidding notices a statement that at the time of bid opening, bidders shall be considered responsive only if they document to the satisfaction of the district that they meet or have made a good faith effort to meet minority, women, and disabled veteran business enterprise participation goals.
  - 4F) Pursuant to Title 5, California Code of Regulations, Section 59505, subdivision (b), obtaining and verifying, as satisfactory, proffered evidence from bidders showing that efforts were made to seek out and consider minority, women, and disabled veteran business enterprises as potential subcontractors, materials and/or equipment suppliers, or both subcontractors and/or suppliers.
  - 4G) Pursuant to Title 5, California Code of Regulations, Section 59505, subdivision (c), seeking minority, women and disabled veteran business enterprises to serve as contractors for any other contracts not covered by subsection (a).
  - 4H) Pursuant to Title 5, California Code of Regulations, Section 59505, subdivision (d), assessing the status of each of its contractors to determine if the contractor is a certified or self-certified minority, women, and disabled veteran business enterprise subcontractor and/or supplier to the satisfaction of the district in order to include the actual dollar amount attributable to minority, women, and disabled veteran business enterprise participation in reporting its participation activity pursuant to Section 59509.
  - 4I) Pursuant to Title 5, California Code of Regulations, Section 59506, subdivision (a), collecting and retaining certification information provided by a business enterprise claiming minority, women, and disabled veteran business enterprise status.
  - 4J) Pursuant to Title 5, California Code of Regulations, Section 59506, subdivision (b), including notification to responsive bidders subject to Section 59505(a) of the requirements for qualification as a responsive bidder.
  - 4K) Pursuant to Title 5, California Code of Regulations, Section 59509, monitoring its participation as specified in the subchapter and reporting to the Chancellor, on forms prescribed by the Chancellor, the level of participation by minority, women, and disabled veteran business enterprises pursuant to the subchapter for the previously completed fiscal year. Even if a district elects not to apply minority, women, and disabled veteran business enterprise goals to one or more particular contract(s), all such contracts shall be reported to the Chancellor and shall be taken into account in determining whether the community college system as a whole has achieved the goals set forth in Section 59500.