

## BIDS AND CONTRACTS

The purchasing of services and materials shall be centralized in the Purchasing Department under the Director of Purchasing and Contract Services. In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. All purchasing shall be in accordance with state law, as follows.

- Price quotations shall be solicited from vendors who offer the services, supplies and equipment needed by the District. In all cases where the same price is submitted by two or more vendors on the same or equal services or merchandise and one vendor has a place of business in the Contra Costa Community College District service area, the award shall be made to the local vendor.
- The Purchasing Department shall maintain a mailing list of vendors who are interested in quoting prices. Since publishing of the Notices to Bidders constitutes official notice of a bid, the District assumes no responsibility for the failure of a vendor to receive a bid unless the request is in response to the published notice. Bids shall be opened at public bid opening conducted by the Purchasing Department. The price quotations of each bid shall either be read in public or a tabulation prepared for interested bidders.

### Limits

Contracts for lease or purchase of equipment, materials, or supplies, or for services or repairs must follow the limits set forth by Public Contract Code (PCC) §20651(a)<sup>1</sup>. The purchase of goods or services under the formal bid threshold shall require a minimum solicitation of three quotations, except on purchases of \$10,000 or below buyers may exercise discretionary judgement on the number of bids solicited and the firm to which award is made, consistent with quality, delivery, and service. The District has implemented the Uniform Public Construction Cost Accounting Act (UPCCA) for public projects and construction (see Business Procedure 11.02).

### Bid Specifications

Bid specification 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.

### 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, 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.

Bid and contract forms shall be prepared and maintained by the Purchasing Department. All applicable statutory provisions and Board policies shall be observed in preparation of the forms.

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<sup>1</sup> The Board of Governors of the California Community Colleges shall annually adjust the amount specified in PCC § 20651(a) to reflect the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States. The current inflation adjusted bid threshold can be found at <http://www.cccco.edu>.

The Purchasing Department 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 §1775 and §1776 governing payment of prevailing wages and Labor Code §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 contact 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 Purchasing Department 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 material personnel may examine the specifications and drawings.

The Purchasing Department 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.

### **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 responsive and 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. For the purposes of bid evaluation and selection 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 or on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.
- f. "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance

with this section and determines by objective performance criteria that may include price, feature, long-term functionality, life-cycle costs, overall sustainability, and required services.

### **Purchase without Advertising for Bids**

The Chief Administrative Services Officer or designee is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The Chief Administrative Services Officer or designee may, without advertising for bids within the same county, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Chief Administrative Services Officer or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The Chief Administrative Services Officer or designee is authorized to make purchases with a value between amounts specified in Assembly Bill 173 from a certified small business, microbusiness, or disabled veteran business enterprise.

Purchase of supplementary textbooks, library books, educational films, audio-visual materials, test materials, workbooks, instructional computer software packages, or periodicals in any amount needed for the operation of the District may be made without securing quotations or advertising for bids. (Education Code §81651)

Professional Services (i.e., architects, engineers, environmental consultants, etc.) are not required to be bid. The District, however, may solicit proposals, as determined by the Chief Administrative Services Officer or designee (Government Code §4525 and §4526).

### **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.

### **Unlawful to Split Bids**

Per PCC §22033, it shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the bidding process.

### **Emergency Repair Contracts without Bid<sup>2</sup>**

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Chancellor 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.

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<sup>2</sup> The District Governing Board passed the Resolution to Delegate Authority to Take Emergency Action (report no. 29-E) at its November 10, 2010, meeting.

Historical Annotation:  
Administrative Procedure 8601.01, 1/1/82  
Adopted 12/1/84  
Revised 1/1/85, 11/19/90, 8/1/96, 8/15/00, 10/23/12, 1/16/14, 1/12/16, 9/12/17

Related Board Policies:  
Board Policies 5013, 5014

Related Procedures:  
Business Procedures 3.42, 11.14