

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) §20651¹. 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 California Uniform Public Construction Cost Accounting Act (CUPCCA) for public projects and construction (see Business Procedure 11.02).

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. Additionally, when the use of a skilled and trained workforce to complete a contract or project is required, the bid documents and construction contracts shall state that the project is subject to the skilled and trained workforce requirement.

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

¹ The Board of Governors of the California Community Colleges shall annually adjust the amount specified in PCC § 20651 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>.

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. The Purchasing Department shall be responsible for ensuring 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.

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Selection and Award to Lowest Responsible Bidder:
 - Bid and contract awards shall be made to the lowest responsive and responsible bidder substantially meeting the requirements of the specifications.
- Selection and Award Based on Best Value:
 - 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 on the basis of best value
 - "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.
- The District will consider all of the following in a best value selection and award:
 - Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.
 - Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.
 - A procedure for protest and resolution in the request for proposal.
 - The District may also consider any of the following in a best value selection and award:
 - The total cost of its purchase, use, and consumption of equipment, supplies, and materials.
 - The operational cost or benefit incurred by the District.
 - The added value to the District, as defined in the request for proposal, of vendor-added services.
 - The quality and effectiveness of equipment, supplies, materials, and services.
 - The reliability of delivery and installation schedules.
 - The terms and conditions of product warranties and vendor guarantees.
 - The financial stability of the vendor.
 - The vendor's quality assurance program.
 - The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
 - The consistency of the vendor's proposed equipment, supplies materials, and services with the District's overall supplies and materials procurement program.
 - The economic benefits to the local community, including, but not limited to, job creation and retention.
 - The environmental benefits to the local community.
 - The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criterial set forth in the request for proposal. The District shall document its determination in writing.
 - The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
 - The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
 - The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.

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 may make purchases through the Foundation for California Community Colleges CollegeBuys Program for the Procurement of Goods and Services for Community College Districts, without conducting an independent local bidding process, if the District determines that doing so would result in a lower contract price upon the same terms, conditions, and specifications.

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 Bid²

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.

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