

CONSTRUCTION BIDDING GUIDELINES

The Uniform Public Construction Cost Accounting Act (Act) (Public Contract Code 22000, *et seq.*) was developed to promote uniformity of bidding procedures and cost accounting standards on construction projects performed or contracted by public entities. The Act simplifies the bidding process for public projects by having informal and formal monetary limits that guide the bidding process. The value of the bidding thresholds are amended from time to time by the California Uniform Construction Cost Accounting Commission (Commission). Under the Act, there are two alternatives for bidding projects, one alternative utilizing a contractors list and one when deciding not to use a contractors list.

A. Informal and Formal Bidding Procedures

Public projects, as defined by Public Contract Code section 22002 and in accordance with the monetary limits described in Public Contract Code section 22032 (as amended from time to time by the Commission), shall be let to contract by procedures described in Public Contract Code section 22030, *et seq.*

B. Procedures Not Established by the Act

When the Act does not establish a procedure for bidding public projects, the procedures described in Public contract Code section 20650, *et seq.* shall govern.

C. Contractors List

Lists of contractors shall be developed and maintained in accordance with the provisions of Public Contract Code section 22034 and criteria promulgated from time to time by the Commission.

D. Award to Low Bidder; No Bids

All contracts must be awarded to the lowest bidders. If two (2) or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform public projects with District employees or through a negotiated contract without further complying with the Administrative Regulation.

E. Notice Inviting Informal Bids

When a public project which is anticipated to fall within the monetary limits on informal bids described in Public Contract Code section 22032 (as amended from time to time by the Commission) is to be performed, the District shall prepare a notice of the opportunity to bid which describes the project in general terms, states the time and place for the submission of bids and describes how to obtain more detailed information about the project. The District shall mail the notice to all contractors for the category of work to be bid, as shown on the list developed in accordance with section C. It may also be mailed to all construction trade journals as specified by the Commission in accordance with Public Contract Code section 22036. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing shall be completed at least ten (10) days before bids are due.

F. Award of Informally-Bid Contracts

The Chancellor or its designee is authorized to award informal contracts as defined in Public Contract Code section 22032, except those described in Section M.

G. Bids Exceed Informal Bidding Limit

If all informal bids received exceed the monetary limits on informal bids described in Public Contract Code section 22032 (as amended from time to time by the Commission) and the District determines that the cost estimate was reasonable, the District may award the contract at up to the limit described in Public Contract Code section 22034, subdivision (f), by resolution approved by a four-fifths (4/5) vote of the Governing Board.

H. Bid Documents for Formal Bids

The Governing Board shall adopt plans, specifications and working details for all public projects which are anticipated to fall outside the monetary limits on informal bids described in Public Contract Code section 22032 (as amended from time to time by the Commission).

I. Notice Inviting Formal Bids

When a public project which is anticipated to fall outside the monetary limits on informal bids described in public Contract Code section 22032 (as amended from time to time by the Commission) is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation as described in Public Contract Code section 22037. The notice shall also be mailed to all construction trade journals as specified by the Commission in accordance with Public Contract Code section 22036. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least thirty (30) days before bids are due.

J. When Contractors List Has Not Been Prepared: Proprietary Product or Service

Notwithstanding sections E and I:

- (1) If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals specified by the Commission.
- (2) If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code section 3400, the notice inviting informal bids may be sent exclusively to such contractor(s).

K. Contracts for Maintenance and Other Work

Contracts for maintenance, as defined by Public Contract Code section 22002, and for any other work which does not fall within that section's definition of public projects, may be bid pursuant to the Informal Bidding Procedures described in section E and the Formal Bidding Procedures described in section I.

L. Rejection of Bids; Use of Community College District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two (2) business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- (a) abandon the project;
- (b) readvertise the project; or
- (c) perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Governing Board declaring that the project can be performed more economically by District employees.

M. Emergency Procedures

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in Public Contract Code sections 22035 and 22050.

N. Uniform Cost Accounting Procedures

Whenever the District uses its own employees to perform a public works or maintenance project valued at more than the monetary limit on informal bidding projects described in Public Contract Code section 22032 (as amended from time to time by the Commission) it must implement the Uniform Construction Cost Accounting Policies and Procedures described in Public Contract Code section 22042, *et seq.* and the Commission's policies and procedures manual.

Accounting Policies and Procedures are described in Public Contract Code section 22042, *et seq.* and the Commission's policies and procedures manual.