

**Business Services**

1 **AP 6340 BIDS AND CONTRACTS**

2 **References:**

- 3 Education Code Sections 81641 et seq.;
- 4 Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et
- 5 seq.;
- 6 Labor Code Sections 1770 et seq.;
- 7 Government Code Section 53060;
- 8 ACCJC Accreditation Standard III.D.16;
- 9 2 Code of Federal Regulations Part 200.318
- 10 Cerritos Community College District California Uniform Public Construction Cost
- 11 Accounting Act (CUPCAA) Manual

12 The President/Superintendent delegates the authority to the Vice President of Business  
13 Services to manage the District's processes for procuring bids and securing contracts.

14 **Overview**

15 The Vice President of Business Services or his/her designee shall be responsible for the  
16 coordination of the planning and programming of new construction, District-initiated new  
17 construction, additions to existing plants, alterations, leasing of facilities, and repairs of  
18 existing plants, buildings, and grounds.

19 The Vice President of Business Services or his/her designee shall be responsible for the  
20 coordination of the preparation of drawings and specifications for new buildings, leased  
21 facilities, additions, major alterations, and improvements to buildings and grounds  
22 together with estimates of costs, as appropriate.

23 When applicable, the working drawings, specifications, and revised cost estimates, if any,  
24 will be submitted for approval to the California Community Colleges Chancellor's Office  
25 and the State Department of General Services as required by statute in the name of the  
26 Board of Trustees.

27 The letting of contracts for construction shall comply with procedures of the District  
28 regarding contracts that exceed the statutory minimums for competitive bidding. Such  
29 contracts for construction shall be submitted to the Board of Trustees for approval and  
30 authorization.

31 **General Bidding Dollar Limits**

32 In general, contracts exceeding specified dollar amounts (as set out in the Public Contract  
33 Code) require documented bids. The specified dollar limits vary by type of contract (e.g.  
34 goods, equipment, services, or construction). In addition, certain types of contracts are

35 exceptions to these general rules on bid processes (e.g., certain electronic systems,  
36 personal services, energy saving products).

37 Bids shall be secured as may be necessary to obtain the lowest possible prices (or “best  
38 value”, as applicable) as follows:

- 39 • Purchase of goods, equipment, or services in excess of the limits set out in the  
40 Public Contract Code, Section 20651(d) shall require formal advertised bids.  
41 Current Code specifies \$95,200.00 as the bid threshold (as of January 2020). The  
42 bid minimums are annually readjusted by the Board of Governors as required by  
43 Public Contract Code, Section 20651(d); The current bid minimum shall be  
44 maintained on file with the District and made available upon request.
- 45 • Construction contracts shall be let in accordance with Public Contract Code  
46 Section 22030 et seq., as follows:
  - 47 ○ Projects of \$60,000 or less may be performed by force account, negotiated  
48 contract, or purchase order
  - 49 ○ Projects of \$200,000 or less may be let to contract by “informal bidding  
50 procedures” as established in the Act
  - 51 ○ Projects of more than \$200,000 remain subject to standard formal bidding  
52 procedures

53 In securing bids or quotations, the District will avoid acquisition of unnecessary or  
54 duplicative items. Contracts involving expenditures that require formal competitive  
55 bidding require approval by the Board of Trustees prior to award of contract.

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57 Contracts that do not require formal competitive bidding shall be ratified by the Board of  
58 Trustees no less than every 60 days or as required by law.

### 60 **Small Business and Disabled Veteran Business Enterprise Procurement and** 61 **Contracting**

62 In accordance with applicable legal codes, statutes, and regulations, the Vice President  
63 of Business Services or his/her designee may procure goods, services, or information  
64 technology that has an estimated value greater than \$5,000, but less than \$250,000, to a  
65 certified small business, including microbusiness, or to a disabled veteran business  
66 enterprise, if the District obtains price quotations from two or more certified small  
67 businesses, including microbusinesses, or from two or more disabled veteran business  
68 enterprises, subject to the following:

- 69 • The District shall determine that the procurement is between \$5,000 and \$250,000  
70 either through an independent cost estimate, market place pricing, historical  
71 averages, or other reasonable means.
- 72 • Award of contract shall be made to the lowest responsible certified small business  
73 (SB), including microbusiness, or disabled veteran business enterprise (DVBE)  
74 who substantially meets the requirements of the specifications
- 75 • Prior to award of contract the District shall verify SB/DVBE status through the  
76 Department of General Services (DGS) Office of Small Business & Disabled  
77 Veteran Business Enterprise Services or other means to verify verify SB/DVBE  
78 status through the Department of General Services (DGS) Office of Small  
79 Business & Disabled Veteran Business Enterprise Services status.

- 80       • If any change or alteration of a contract awarded pursuant to this provision exceeds  
81       \$250,000, then the Board of Trustees, by adoption of a resolution by majority vote,  
82       may authorize proceeding with the performance of the change or alteration.  
83       • The procurement shall be ratified by the Board of Trustees no less than every 60  
84       days or as required by law.

85       **Bid Specifications**

86       Bid specifications shall include a definite, complete statement of what is required and,  
87       insofar as practical, shall include pertinent details of size, composition, construction,  
88       and/or texture of what is specified and minimum standards of efficiency, durability, and/or  
89       utility required of what is specified.

90       **Notice Calling for Formal Advertised Bids**

91       The District shall advertise in a manner consistent with applicable legal codes, statutes,  
92       and regulations. At the district's discretion, the District may accept a bid that was  
93       submitted either electronically or on paper.

94       Bid and contract forms shall be prepared and maintained by the Office of Business  
95       Services or designated department. All applicable statutory provisions and Board Policies  
96       shall be observed in preparation of the forms.

97       The Vice President of Business Services or his/her designee shall be responsible for  
98       insuring that the bid specifications are sufficiently broad to encourage and promote open  
99       competitive bidding.

100       All bid notices for work to be done shall contain an affirmative statement requiring  
101       compliance with California Labor Code, Sections 1775 and 1776 governing payment of  
102       prevailing wages and California Labor Code, Section 1777.5 governing employment of  
103       apprentices. All bid submissions shall contain all documents necessary to assure  
104       compliance with these California Labor Code Sections. Failure to provide such  
105       documentation shall cause any such bid to be deemed incomplete.

106       When required or determined to be appropriate, bids shall be accompanied by a cash  
107       payment, certified or cashier's check, or bid bond, in the amount specified in the bid form,  
108       as a guarantee that the bidder will enter into contract and furnish the required contract  
109       bonds. When no longer required for the protection of the District, any certified or cashier's  
110       check received shall be returned to the respective bidder.

111       The Office of Business Services or designated department shall make available to the  
112       prospective bidders bid forms with sets of specifications and drawings and shall provide  
113       a convenient place where bidders, subcontractors, and materiel personnel may examine  
114       the specifications and drawings. Availability of bid forms with sets of specifications and  
115       drawings may be electronic.

116 The Office of Business Services or designated department shall provide an electronic  
117 copy of the plans and specifications and other contract documents to a contractor plan  
118 room service at no charge upon request from that contractor plan room.

119 When permitted, a deposit for sets of plans and specifications may be required and may  
120 be refunded when such documents are returned and shall be at the sole discretion of the  
121 District.

## 122 **Awarding of Bids and Contracts**

123 The awarding of bids and contracts shall be in accordance with applicable legal codes,  
124 statutes, and regulations subject to the following conditions:

- 125 • Any and all bids and contract proposals may be rejected by the District.
- 126 • All formal bids shall be opened publicly and bidder shall be given the opportunity  
127 to make record of the bids received. Public openings may be by an electronic  
128 means.
- 129 • Bid and contract award recommendations to the Board of Trustees shall show a  
130 tabulation of the bids received in reasonable detail.
- 131 • Selection and Award to Lowest Responsible Bidder:  
132 ○ Bid and contract awards shall be made to the lowest responsible bidder  
133 substantially meeting the requirements of the specifications.
- 134 • Selection and Award Based on Best Value  
135 ○ For the purposes of bid evaluation and selection when the District  
136 determines that it can expect long-term savings through the use of life-cycle  
137 cost methodology, the use of more sustainable goods and materials, and  
138 reduced administrative costs, the District may provide for the selection of  
139 the lowest responsible bidder on the basis of best value in accordance with  
140 applicable legal codes, statutes, and regulations.  
141 ○ "Best value" means the most advantageous balance of price, quality,  
142 service, performance, and other elements, as defined by the District,  
143 achieved through methods in accordance with this section and determined  
144 by objective performance criteria that may include price, features, long-term  
145 functionality, life-cycle costs, overall sustainability, and required services.  
146 ○ The District will consider all of the following in a best value selection and  
147 award:
  - 148 ▪ Price and service level proposals that reduce the District's overall  
149 operating costs, including end-of-life expenditures and impact.
  - 150 ▪ Equipment, services, supplies, and materials standards that support  
151 the District's strategic acquisition and management program  
152 direction.
  - 153 ▪ A procedure for protest and resolution in the request for proposal.
- 154 ○ The District may also consider any of the following in a best value selection  
155 and award:
  - 156 ▪ The total cost to of its purchase, use, and consumption of equipment,  
157 supplies, and materials.
  - 158 ▪ The operational cost or benefit incurred by the District.

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- 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 criteria 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.

198 **Purchase without Advertising for Bids**

199 The Vice President of Business Services or his/her designee is authorized to make  
200 purchases from firms holding any California public agency contracts without calling for  
201 bids where it appears advantageous to do so and when and where provided by law. The  
202 procurement shall be ratified by the Board of Trustees no less than every 60 days or as  
203 required by law.

204 The Vice President of Business Services or his/her designee may, without calling for bids,  
205 make purchases through the Cooperative Purchasing Programs. The procurement shall  
206 be ratified by the Board of Trustees no less than every 60 days or as required by law.

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208 The Vice President of Business Services or his/her designee may, without calling for bids,  
209 make piggy-back purchases on other public agency contracts when and where provided  
210 by law. The procurement shall be ratified by the Board of Trustees no less than every 60  
211 days or as required by law.

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213 Further, the District may purchase materials, equipment, supplies, or services under the  
214 same conditions as those specified in a contract lawfully awarded by the University of  
215 California (UC) or the California State University (CSU) without calling for bids. The  
216 procurement shall be ratified by the Board of Trustees no less than every 60 days or as  
217 required by law.

#### 218 **Duration of Continuing Contracts for Services and Supplies**

219 Continuing contracts for work or services furnished to the District are not to exceed five  
220 years. Contracts for materials and supplies are not to exceed three years.

#### 221 **Emergency Repair Contracts without Bid**

222 When emergency repairs or alterations are necessary to continue existing classes or to  
223 avoid danger of life or property, the Vice President of Business Services or his/her  
224 designee may make a contract on behalf of the District for labor, materials, and supplies  
225 without advertising for or inviting bids, subject to ratification by the Board of Trustees and  
226 approval by the Los Angeles County Office of Education (LACOE). Specific resolutions  
227 declaring the emergency are required from the District Board of Trustees as well as  
228 approval by the Los Angeles County Office of Education (LACOE).

#### 229 **Unlawful to Split Bids**

230 It shall be unlawful to split or separate into smaller work orders or projects any project for  
231 the purpose of evading the provisions of the Public Contract Code requiring work to be  
232 done by contract after competitive bidding.

#### 233 **Record Retention**

234 The District will retain records sufficient to detail the history of procurement. These  
235 records include: rationale for the method of procurement, selection of contract type,  
236 contractor selection and rejection, and the basis for the contract price.

#### 237 **Prequalification of Bidders**

238 (Public Contract Code, Section 20651.5)

239 Each contractor wishing to bid as a prime contractor for projects at Cerritos College must  
240 fully complete the District's required questionnaire and provide all materials requested  
241 herein. The contractor's pre-qualification status will remain current for 12 months from  
242 the notice of qualification, and its public works rating, or financial rating may be updated  
243 at any time. The contractor will receive advance notice from the District of upcoming

244 projects for which it has been deemed prequalified to bid and may choose to bid any or  
245 all of the projects for which it is prequalified.

246 Answers to questions contained in the questionnaire and Financial Statement are  
247 required, including a complete statement of prospective bidder's financial ability and  
248 experience in performing public works. These documents will be the basis of rating  
249 bidders in respect to the size and scope of contracts upon which each bidder is qualified  
250 to bid. The District reserves the right to check other sources available.

251 In addition to disqualification for failure to meet the District's criteria, a contractor may be  
252 automatically disqualified for any one of the following: (1) omission of requested  
253 information; (2) falsification of information; (3) excessive stop notices and/or prevailing  
254 wage violations; (4) debarment from the Division of Labor Standards Enforcement; (5)  
255 payment of liquidated damages within the last five years; (6) declaration or filing of  
256 bankruptcy or placement in receivership within the last five years; (7) involved in any  
257 litigation (whether in court or arbitration) with the District within the last ten years; and (8)  
258 any other reasons as established in the Formal Bid Prequalification Package.

259 The questionnaire responses and financial statements are not public records and are not  
260 open to public inspection. All information provided will be kept confidential to the extent  
261 permitted by law. The District reserves the right to reject any and all prequalification  
262 questionnaires and to waive any non-material irregularities in the information contained  
263 therein.

264 Each questionnaire must be signed under penalty of perjury by an individual who has the  
265 legal authority to bind the contractor on whose behalf that person is signing. If any  
266 information provided by a contractor becomes inaccurate, the contractor must  
267 immediately notify the awarding body and provide updated accurate information in writing  
268 and under penalty of perjury.

269 In addition, each contractor wishing to bid must mail or deliver the questionnaire along  
270 with the following):

- 271 • Reviewed or Audited Financial Statement per the District's prequalification  
272 instructions to contractors
- 273 • Letter of Bondability,
- 274 • Certificate of Insurance issued to the District,
- 275 • Accountant's Release Letter, and
- 276 • Letter of Credit (optional).

277 Further, prospective bidders shall be required to:

- 278 • Submit as the prime contractor (or prequalified subcontractor as required in the  
279 Formal Bid Prequalification Package and bid and contract documents);
- 280 • Be appropriately licensed, insured, and bondable;
- 281 • Have an audited or reviewed financial statement, (as appropriate), that is less than  
282 14 months old;

- 283 • Completed at least two public works building projects within the last five years, or  
284 as otherwise required in the Formal Bid Prequalification Package and bid and  
285 contract documents (Public Works is defined as facilities built for government  
286 agencies including school districts, special districts, local, county, state and federal  
287 agencies requiring prevailing wage rates paid to workers); and  
288 • Be eligible to bid a Public Works Contract as per Section 1777.1 of the Labor Code.

### 289 **Alternate Bidding Procedure**

290 To comply with the Public Contract Code, whenever the District is required to formally bid  
291 a project and additive or deductive items are included in the bid form, the Notice of  
292 Contractors Calling for Bids shall specify one of the four methods described below which  
293 the District will use to determine the lowest bid. In the absence of such a specification,  
294 the lowest bid shall be the lowest bid price on the base bid without consideration of the  
295 prices on the additive or deductive items.

#### 296 **Methods for Determining The Lowest Bid**

297 If alternate bids are called for, the Notice to Contractors Calling for Bids shall specify  
298 which one of the following methods will be used to determine the lowest bid.

- 299 a. The lowest bid shall be the lowest bid price on the base bid without consideration  
300 of the prices on the additive or deductive items;
- 301 b. The lowest bid shall be the lowest total bid prices on the base bid and those  
302 additive or deductive items that are specifically identified in the Notice To  
303 Contractors Calling For Bids as being used for the purpose of determining the  
304 lowest bid price;
- 305 c. The lowest bid shall be the lowest total of the bid prices on the base bid and those  
306 additive or deductive items taken in order from the specifically identified list of  
307 those items, depending upon available funds as identified in the Notice To  
308 Contractors Calling For Bids; or
- 309 d. The lowest bid shall be determined in a manner that prevents any information that  
310 would identify any of the bidders from being revealed to the District before the  
311 ranking of all bidders from lowest to highest has been determined.

312 In the event the District selects method (d) above, the procedure set forth below shall be  
313 followed:

314 Designated Employee – The Director of Purchasing and Contract Administration or  
315 his/her designee shall designate an employee to perform the clerical functions described  
316 hereinafter. Said designated employee shall not be involved or participate in the decision-  
317 making process of determining the low apparent bidder based upon the base bid and  
318 selected additive and/or deductive alternate bids.

319 Receipt of Bids – The following procedure shall be followed by the designated employee  
320 when receiving bids:

- 321 • As each bid is received, the designated employee shall write an assigned number  
322 on the front top right corner of the bid envelope and inform the bidder of his/her  
323 assigned number.



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- As the designated employee opens each bid, the assigned number shall be written in the top right-hand corner of the page(s) of the Bid Form that contain the bid amount.
  - After all bids have been opened, the designated employee shall read each bid by assigned number, without reference to the name of the bidder.
  - After reading all bids, the designated employee shall either (1) prepare a separate tabulation of each bid, to include only the assigned number and amounts of the base bid and all alternate bids, or (2) photocopy the page(s) of each Bid Form which include the base bid and alternate bid amounts, and excise any reference to the name of such bidder.
  - The designated employee shall re-insert the original Bid Forms into the corresponding bid envelopes and shall retain custody of the bid envelopes in a secure area at the District until the low apparent bidder has been determined.
  - Once the bid opening has been completed, the designated employee shall give to the Director of Purchasing and Contract Administration or his/her designee either the bid tabulation or the photocopied pages from the Bid Form containing the base bid and alternate bid amounts.

341 **Bid Protests**

342 Any bid protest by any bidder regarding any other bid received must be submitted in  
343 writing to the District's Purchasing Department, Director of Purchasing and Contract  
344 Administration before 4:30 p.m. within three (3) business days following bid opening,  
345 provided that each and all of the following are complied with:

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- a. Only a bidder who has actually submitted a bid, and who could be awarded a contract if the bid protest is upheld, is eligible to submit a bid protest. Subcontractors are not eligible to submit bid protests. A bidder may not rely on the bid protest submitted by another bidder.
  - b. The written bid protest shall set forth, in detail, all grounds for the bid protest, including, without limitation, all facts, supporting documentation, legal authorities, and argument in support of the grounds for the bid protest. Any matters not set forth in the written bid protest shall be deemed waived. All factual contentions must be supported by competent, admissible and creditable evidence. Any bid protest not conforming with the foregoing shall be rejected by the District as invalid. Materials or information submitted after the bid protest deadline will not be considered.
  - c. The bidder's protest must refer to the specific portions of all documents that form the basis for the protest.
  - d. The bidder's protest must include the legal name, address, and license number of the company submitting the bid protest, as well as the telephone number, fax number, and email address of the person representing the protesting party.

- 368 e. The party filing the protest must concurrently transmit a copy of the protest and  
369 any attached documentation to all other parties with a direct financial interest that  
370 may be adversely affected by the outcome of the bidder's protest. Such parties  
371 shall include all other bidders or proposers who appear to have a reasonable  
372 prospect of receiving an award of contract depending upon the outcome of the  
373 protest.  
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- 375 f. Provided that a bid protest is filed in strict conformity with the foregoing, the  
376 Director of Purchasing and Contract Administration or designee shall review and  
377 evaluate the basis of the bid protest. The Director of Purchasing and Contract  
378 Administration or designee shall provide the bidder submitting the bid protest with  
379 a written statement concurring with or denying the bid protest.  
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- 381 g. A bidder may appeal the decision of the Director of Purchasing and Contract  
382 Administration or designee to the Vice President of Business Services within  
383 three (3) business days of notification thereof. The bidder's appeal shall conform  
384 to the requirements as noted in Items a through e above. Any appeal not  
385 conforming with the foregoing shall be rejected by the District as invalid.  
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- 387 h. Provided that a bidder's appeal to the District's decision is filed in strict  
388 conformity with the foregoing, the Vice President of Business Services shall  
389 review and evaluate the basis for the bidder's appeal. The Vice President of  
390 Business Services shall provide the bidder submitting the appeal a written  
391 statement concurring with or rescinding the District's determination of the  
392 bidder's bid protest, which shall be a final determination of the District.  
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- 394 i. The procedure and time limits set forth in this procedure are mandatory and are  
395 each bidder's sole and exclusive remedy in the event of bid protest. Failure to  
396 comply with these procedures shall constitute a waiver of any right to further  
397 pursue a bid protest, including filing a Government Code claim or legal  
398 proceedings.  
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- 400 j. The rendition of written statements by the District to adopt, modify, or reject the  
401 disposition of the bid protest or appeals reflected in such written statements shall  
402 be the expressed conditions precedent to the District of any legal or equitable  
403 proceedings relative to the bidding process, the District's award of a contract, the  
404 District's disposition of any bid protest, or the District's decision to reject all bids.  
405 In the event that any such legal or equitable proceedings are instituted and the  
406 District is named as a party thereto, the prevailing party(ies) shall recover from  
407 the other party(ies), as costs, all attorneys' fees and costs incurred in connection  
408 with any such proceeding, including any appeal arising therefrom.  
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410 **Adoption of Standards for Materials, Products, Things, and Services for Use in**  
411 **Public Works of Improvement**

412 From time to time the Cerritos Community College District lets contracts for the  
413 construction, alteration, or repair of public works of improvement and, in connection

414 therewith, drafts or causes to be drafted specifications for bids for such construction,  
415 alteration, or repair of public works of improvement.

416 Public Contract Code, Section 3400 (b)(2) provides that such specifications shall not call  
417 for a designated material, product, thing, or service by specific brand or trade name unless  
418 the specification is followed by the words "or equal" so that bidders may furnish any equal  
419 material, product, thing, or service, except when the awarding authority, or its designee,  
420 makes a finding that is described in the invitation for bids or request for proposals that a  
421 particular material, product, thing, or service is designated by specific brand or trade  
422 name in order to match other products in use on a particular public improvement either  
423 completed or in the course of completion.

424 District staff determines that it is necessary to adopt standards for materials, products,  
425 things, and services for use in public works of improvement, to promote the integrity,  
426 functionality, operation, maintenance, and/or use of existing systems and/or structures  
427 which constitute all or part of a particular public improvement either completed or in the  
428 course of completion by the District.

429 In order to promote the integrity, functionality, operation, maintenance, and/or use of  
430 existing systems and/or structures which constitute all or part of a particular public  
431 improvement either completed or in the course of completion by the Cerritos Community  
432 College District, the Board of Trustees finds it necessary and proper that the District adopt  
433 standards for materials, products, things, and services for use in public works of  
434 improvement.

435 The Board of Trustees designates the President/Superintendent and the Vice President  
436 of Business Services, or their designee, to collectively and/or individually develop said  
437 standards and make findings as may be required from time to time and to implement such  
438 findings with regard to the adoption of standards for materials, products, things, and  
439 services for use in public works of improvement, and for designation in specifications for  
440 bids for construction, alteration, or repair of public works of improvement.

#### 441 **Potential Exceptions to Bid Rules**

442 Certain types of contracts are exceptions to these general rules on bid processes. The  
443 following are some common examples:

#### 444 **Electronic data-processing**

445 The District may contract with any vendor who has submitted one of the three lowest  
446 responsible competitive proposals or competitive bids for the purchase or maintenance  
447 of electronic data-processing systems and equipment, electronic telecommunication  
448 equipment, supporting software, and related material, goods and services.

449 Except as otherwise stated here, bids shall be solicited and contracts shall be awarded  
450 in accordance with Procedure 6340 titled Bids and Contracts unless otherwise  
451 promulgated by law.  
452

453 Criteria to determine what constitutes a responsive bid shall be established by the Office  
454 of Business Services or designated department.

455 Supplemental instructional software packages may be purchased without taking  
456 estimates or advertising for bids.

457 Sale and leaseback of data-processing equipment or another major item of equipment is  
458 permissible if the purchaser agrees to lease the item back to the District for use by the  
459 District following the sale. The Board of Trustees shall first adopt a resolution finding that  
460 the sale or leaseback is the most economical means for providing electronic data-  
461 processing equipment or other major items of equipment to the District.

462 **Professional Experts**

463 Contracts for the services of persons who qualify as professional experts may be let  
464 without competitive bidding. Professional experts are persons specially qualified to  
465 provide services and advise in financial, economic, accounting, engineering, legal, or  
466 administrative matters. They must be specially trained, experienced, and competent to  
467 perform the services required. Compensation for special services and advice from  
468 professional experts may be paid from available funds in the amounts deemed proper for  
469 the services rendered.

470 **Energy Conservation Contracts**

471 Contracts for services, product installations, equipment and/or fixtures may be let without  
472 competitive bidding. Government Code Sections define the processes to be followed.

473 Office of Primary Responsibility: Vice President, Business Services

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**Date Approved: March 26, 2007**

**Date Revised: April 11, 2011; January 24, 2020**

**Date Reviewed: March 20, 2019; January 24, 2020**

*(Replaces former Cerritos CCD Policies 5006.5 and 5006.6)*