

**Business Services**

1 **AP 6340 BIDS AND CONTRACTS**

2 **References:**

- 3 Education Code Sections 81641 et seq.;
- 4 Public Contract Code Sections 2600, 2600.5, 20103.7, 20112, 20650 et seq., and
- 5 22000 et seq.;
- 6 Labor Code Sections 1770 et seq.;
- 7 Government Code Section 53060;
- 8 2 Code of Federal Regulations Part 200.318;
- 9 Title 5 Sections 59130 et seq.;
- 10 Cerritos Community College District California Uniform Public Construction Cost
- 11 Accounting Act (CUPCCAA) 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/their designee shall be responsible  
16 for the coordination of the planning and programming of new construction, District-  
17 initiated new construction, additions to existing plants, alterations, leasing of facilities, and  
18 repairs of existing plants, buildings, and grounds.

19 The Vice President of Business Services or his/her/their designee shall be responsible  
20 for the coordination of the preparation of drawings and specifications for new buildings,  
21 leased 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. The  
41 bid minimums are annually readjusted by the Board of Governors as required by  
42 Public Contract Code, Section 20651(d); The current bid minimum shall be  
43 maintained on file with the District and made available upon request.
- 44 • Construction contracts shall be let in accordance with Public Contract Code  
45 Section 22030 et seq.

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

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

## 51 **Small Business and Disabled Veteran Business Enterprise Procurement and** 52 **Contracting**

53 In accordance with applicable legal codes, statutes, and regulations, the Vice President  
54 of Business Services or his/her/their designee may procure goods, services, or  
55 information technology that has an estimated value greater than \$5,000, but less than  
56 \$250,000, to a certified small business, including microbusiness, or to a disabled veteran  
57 business enterprise, if the District obtains price quotations from two or more certified small  
58 businesses, including microbusinesses, or from two or more disabled veteran business  
59 enterprises, subject to the following:

- 60 • The District shall determine that the procurement is between \$5,000 and \$250,000  
61 either through an independent cost estimate, market place pricing, historical  
62 averages, or other reasonable means.
- 63 • Award of contract shall be made to the lowest responsible certified small business  
64 (SB), including microbusiness, or disabled veteran business enterprise (DVBE)  
65 who substantially meets the requirements of the specifications.
- 66 • Prior to award of contract the District shall verify SB/DVBE status through the  
67 Department of General Services (DGS) Office of Small Business & Disabled  
68 Veteran Business Enterprise Services or other means to verify SB/DVBE status.
- 69 • If any change or alteration of a contract awarded pursuant to this provision exceeds  
70 \$250,000, then the Board of Trustees, by adoption of a resolution by majority vote,  
71 may authorize proceeding with the performance of the change or alteration.
- 72 • The procurement shall be ratified by the Board of Trustees no less than every 60  
73 days or as required by law.

74 **Bid Specifications**

75 Bid specifications shall include a definite, complete statement of what is required and,  
76 insofar as practical, shall include pertinent details of size, composition, construction,  
77 and/or texture of what is specified and minimum standards of efficiency, durability, and/or  
78 utility required of what is specified. Additionally, when the use of a skilled and trained  
79 workforce to complete a contract or project is required, the bid documents and  
80 construction contracts shall state that the project is subject to the skilled and trained  
81 workforce requirement.

82 **Notice Calling for Formal Advertised Bids**

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

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

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

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

98 When required or determined to be appropriate, bids shall be accompanied by a certified  
99 or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee  
100 that the bidder will enter into contract and furnish the required contract bonds. When no  
101 longer required for the protection of the District, any certified or cashier's check received  
102 shall be returned to the respective bidder.

103 The Office of Business Services or designated department shall make available to the  
104 prospective bidders bid forms with sets of specifications and drawings and shall provide  
105 a convenient place where bidders, subcontractors, and materiel personnel may examine  
106 the specifications and drawings. Availability of bid forms with sets of specifications and  
107 drawings may be electronic.

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

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

#### 114 **Awarding of Bids and Contracts**

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

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

- 155                   ▪ The reliability of delivery and installation schedules.
- 156                   ▪ The terms and conditions of product warranties and vendor
- 157                    guarantees.
- 158                   ▪ The financial stability of the vendor.
- 159                   ▪ The vendor's quality assurance program.
- 160                   ▪ The vendor's experience with the provisions of equipment, supplies,
- 161                    materials, and services within the institutional marketplace.
- 162                   ▪ The consistency of the vendor's proposed equipment, supplies,
- 163                    materials, and services with the District's overall supplies and
- 164                    materials procurement program.
- 165                   ▪ The economic benefits to the local community, including, but not
- 166                    limited to, job creation and retention.
- 167                   ▪ The environmental benefits to the local community.
- 168           ○ The District will award a contract to the lowest responsible bidder, whose
- 169            proposal offers the best value to the District based solely on the criterial set
- 170            forth in the request for proposal. The District shall document its
- 171            determination in writing.
- 172           ○ The District shall issue a written notice of intent to award supporting its
- 173            contract award and stating in detail the basis of the award. The notice of
- 174            the intent to award and the contract file must be sufficient to satisfy an
- 175            external audit.
- 176           ○ The District shall publicly announce its award, identifying the bidder to which
- 177            the award is made, the price proposal of the contractor awarded the
- 178            contract, and the overall combined rating on the request for proposal
- 179            evaluation factors. The announcement shall also include the ranking of the
- 180            contractor awarded the contract in relation to all other responsive bidders
- 181            and their respective price proposals and summary of the rationale for the
- 182            contract award.
- 183           ○ The District shall ensure that all businesses have a fair and equitable
- 184            opportunity to compete for, and participate in, district contracts and shall
- 185            also ensure that discrimination on the basis of sex, race, color, religion,
- 186            ancestry, national origin, ethnic group identification, age, mental disability,
- 187            physical disability, medical condition, genetic information, marital status, or
- 188            sexual orientation, does not occur in the award and performance of
- 189            contracts.

190   **Purchase without Advertising for Bids**

191   The Vice President of Business Services or his/her/their designee is authorized to make

192   purchases from firms holding any California public agency contracts without calling for

193   bids where it appears advantageous to do so and when and where provided by law. The

194   procurement shall be ratified by the Board of Trustees no less than every 60 days or as

195   required by law.

196   The Vice President of Business Services or his/her/their designee may, without calling for

197   bids, make purchases through the Cooperative Purchasing Programs. The procurement

198 shall be ratified by the Board of Trustees no less than every 60 days or as required by  
199 law.

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

204 The Vice President of Business Services or his/her/their designee, may make purchases  
205 through the CollegeBuys Program for the Procurement of Goods and Services for  
206 Community College Districts, without conducting an independent local bidding process, if  
207 the District determines that doing so would result in a lower contract price upon the same  
208 terms, conditions and specifications. The procurement shall be ratified by the Board of  
209 Trustees no less than every 60 days or as required by law.

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

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

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

#### 218 **Emergency Repair Contracts without Bid**

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

#### 226 **Unlawful to Split Bids**

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

#### 230 **Record Retention**

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

234 **Prequalification of Bidders**

235 (Public Contract Code, Section 20651.5)

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

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

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

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

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

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

- 268 • Reviewed or Audited Financial Statement per the District's prequalification
- 269 instructions to contractors
- 270 • Letter of Bondability,
- 271 • Certificate of Insurance issued to the District,
- 272 • Accountant's Release Letter, and

- 273       • Letter of Credit (optional).

274 Further, prospective bidders shall be required to:

- 275       • Submit as the prime contractor (or prequalified subcontractor as required in the  
276       Formal Bid Prequalification Package and bid and contract documents);
- 277       • Be appropriately licensed, insured, and bondable;
- 278       • Have an audited or reviewed financial statement, (as appropriate), that is less than  
279       14 months old;
- 280       • Completed at least two public works building projects within the last five years, or  
281       as otherwise required in the Formal Bid Prequalification Package and bid and  
282       contract documents (Public Works is defined as facilities built for government  
283       agencies including school districts, special districts, local, county, state and federal  
284       agencies requiring prevailing wage rates paid to workers); and
- 285       • Be eligible to bid a Public Works Contract as per Section 1777.1 of the Labor Code.

286 **Alternate Bidding Procedure**

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

293 **Methods for Determining The Lowest Bid**

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

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

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

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

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

- 318 • As each bid is received, the designated employee shall write an assigned number  
319 on the front top right corner of the bid envelope and inform the bidder of  
320 his/her/their assigned number.
- 321 • As the designated employee opens each bid, the assigned number shall be written  
322 in the top right-hand corner of the page(s) of the Bid Form that contain the bid  
323 amount.
- 324 • After all bids have been opened, the designated employee shall read each bid by  
325 assigned number, without reference to the name of the bidder.
- 326 • After reading all bids, the designated employee shall either (1) prepare a separate  
327 tabulation of each bid, to include only the assigned number and amounts of the  
328 base bid and all alternate bids, or (2) photocopy the page(s) of each Bid Form  
329 which include the base bid and alternate bid amounts, and excise any reference  
330 to the name of such bidder.
- 331 • The designated employee shall re-insert the original Bid Forms into the  
332 corresponding bid envelopes and shall retain custody of the bid envelopes in a  
333 secure area at the District until the low apparent bidder has been determined.
- 334 • Once the bid opening has been completed, the designated employee shall give to  
335 the Director of Purchasing and Contract Administration or his/her/their designee  
336 either the bid tabulation or the photocopied pages from the Bid Form containing  
337 the base bid and alternate bid amounts.

### 338 **Bid Protests**

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

- 343 a. Only a bidder who has actually submitted a bid, and who could be awarded a  
344 contract if the bid protest is upheld, is eligible to submit a bid protest.  
345 Subcontractors are not eligible to submit bid protests. A bidder may not rely on  
346 the bid protest submitted by another bidder.
- 347 b. The written bid protest shall set forth, in detail, all grounds for the bid protest,  
348 including, without limitation, all facts, supporting documentation, legal authorities,  
349 and argument in support of the grounds for the bid protest. Any matters not set  
350 forth in the written bid protest shall be deemed waived. All factual contentions  
351 must be supported by competent, admissible and creditable evidence. Any bid

- 352 protest not conforming with the foregoing shall be rejected by the District as  
353 invalid. Materials or information submitted after the bid protest deadline will not  
354 be considered.
- 355 c. The bidder's protest must refer to the specific portions of all documents that form  
356 the basis for the protest.
- 357 d. The bidder's protest must include the legal name, address, and license number  
358 of the company submitting the bid protest, as well as the telephone number, fax  
359 number, and email address of the person representing the protesting party.
- 360 e. The party filing the protest must concurrently transmit a copy of the protest and  
361 any attached documentation to all other parties with a direct financial interest that  
362 may be adversely affected by the outcome of the bidder's protest. Such parties  
363 shall include all other bidders or proposers who appear to have a reasonable  
364 prospect of receiving an award of contract depending upon the outcome of the  
365 protest.
- 366 f. Provided that a bid protest is filed in strict conformity with the foregoing, the  
367 Director of Purchasing and Contract Administration or designee shall review and  
368 evaluate the basis of the bid protest. The Director of Purchasing and Contract  
369 Administration or designee shall provide the bidder submitting the bid protest with  
370 a written statement concurring with or denying the bid protest.
- 371 g. A bidder may appeal the decision of the Director of Purchasing and Contract  
372 Administration or designee to the Vice President of Business Services within  
373 three (3) business days of notification thereof. The bidder's appeal shall conform  
374 to the requirements as noted in Items a through e above. Any appeal not  
375 conforming with the foregoing shall be rejected by the District as invalid.
- 376 h. Provided that a bidder's appeal to the District's decision is filed in strict  
377 conformity with the foregoing, the Vice President of Business Services shall  
378 review and evaluate the basis for the bidder's appeal. The Vice President of  
379 Business Services shall provide the bidder submitting the appeal a written  
380 statement concurring with or rescinding the District's determination of the  
381 bidder's bid protest, which shall be a final determination of the District.
- 382 i. The procedure and time limits set forth in this procedure are mandatory and are  
383 each bidder's sole and exclusive remedy in the event of bid protest. Failure to  
384 comply with these procedures shall constitute a waiver of any right to further  
385 pursue a bid protest, including filing a Government Code claim or legal  
386 proceedings.
- 387 j. The rendition of written statements by the District to adopt, modify, or reject the  
388 disposition of the bid protest or appeals reflected in such written statements shall  
389 be the expressed conditions precedent to the District of any legal or equitable

390 proceedings relative to the bidding process, the District's award of a contract, the  
391 District's disposition of any bid protest, or the District's decision to reject all bids.  
392 In the event that any such legal or equitable proceedings are instituted and the  
393 District is named as a party thereto, the prevailing party(ies) shall recover from  
394 the other party(ies), as costs, all attorneys' fees and costs incurred in connection  
395 with any such proceeding, including any appeal arising therefrom.

396 **Adoption of Standards for Materials, Products, Things, and Services for Use in**  
397 **Public Works of Improvement**

398 From time to time the Cerritos Community College District lets contracts for the  
399 construction, alteration, or repair of public works of improvement and, in connection  
400 therewith, drafts or causes to be drafted specifications for bids for such construction,  
401 alteration, or repair of public works of improvement.

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

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

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

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

427 **Potential Exceptions to Bid Rules**

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

430 **Electronic data-processing**

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

435 Except as otherwise stated here, bids shall be solicited and contracts shall be awarded  
436 in accordance with Procedure 6340 titled Bids and Contracts unless otherwise  
437 promulgated by law.

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

440 Supplemental instructional software packages may be purchased without taking  
441 estimates or advertising for bids.

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

447 **Professional Experts**

448 Contracts for the services of persons who qualify as professional experts may be let  
449 without competitive bidding. Professional experts are persons specially qualified to  
450 provide services and advise in financial, economic, accounting, engineering, legal, or  
451 administrative matters. They must be specially trained, experienced, and competent to  
452 perform the services required. Compensation for special services and advice from  
453 professional experts may be paid from available funds in the amounts deemed proper for  
454 the services rendered.

455 **Energy Conservation Contracts**

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

458 Office of Primary Responsibility: Vice President, Business Services

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**Date Approved:** March 26, 2007

**Dates Revised:** April 11, 2011; January 24, 2020; March 24, 2025

**Date Reviewed:** March 20, 2019;