

**Coast Community College District  
ADMINISTRATIVE PROCEDURE**

Chapter 6

Business and Fiscal Affairs

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**AP 6340 BIDS AND CONTRACTS**

**References:**

Education Code Sections 81641 et seq.;  
Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;  
Labor Code Sections 1770 et seq.

**Limits**

Bids or quotations shall be secured as is legally required to obtain the lowest possible prices, or best value to the District, as follows:

- Purchase of goods or certain services up to the limits set out in the Public Contract Code will require documented quotes or measures indicating best value.
- Purchase of goods or certain services in excess of the limits set out in the Public Contract Code will require formal advertised bids.

**Bid Specifications**

Bid specifications shall include a definitive 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 a minimum of two consecutive weeks in newspaper(s) of general circulation published within the District. The District may post on the its web site or through an electronic portal, notices 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. The District may accept a bid that was submitted either electronically or on paper.

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

The Chief Business Officer 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 Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with the California Labor Code. 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 a contract and furnish the required contract 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 District Purchasing Department shall make available to 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 District Purchasing Department shall provide an electronic copy of the plans and specifications and other contract documents to a qualified agent who shall make such plans available to third parties at cost.

When permitted, the District may require a deposit for loaned sets of plans and specifications and shall refund deposits 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, in compliance with law.
- 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.
- Bid and contract awards shall be made to the lowest responsible bidder, or bidder showing best value to the District, that substantially meet the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on it's the District's reasonable judgment as to which bid substantially complies with the quality required by the specifications.
- 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 pursuant to policies and procedures adopted by the Board of Trustees in accordance with this section and pursuant to law.

- "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as may be defined by the District, achieved through methods in accordance with this section, and determined by objective performance criteria. Such criteria may include, but are not limited to, price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

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

The Chief Business Officer is authorized to make purchases utilizing existing public entity contracts without calling for bids where it appears advantageous to do so, subject to Board ratification.

The Chief Business Officer may purchase or lease materials or services from other public agencies with whom the District has contracted without advertising for bids within District boundaries, subject to Board ratification.

The Chief Business Officer may purchase materials or services through the State of California Cooperative Purchasing Program operated by the Department of General Services.

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

Contracts for work or services furnished to the District shall not exceed five years in duration. Contracts for acquisition of materials and/or supplies shall not exceed three years in duration.

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

In accordance with Public Contract Code, the Chief Business Officer may make a contract on behalf of the District for labor, materials, and supplies without advertising for or inviting bids when emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property. Such contracts shall be subject to ratification by the Board.

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

It is unlawful to split or separate bids or proposals into smaller work orders for any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

Ratified December 2, 2013