

1

Finance and Administrative Services

2

AP 6340 BIDS AND CONTRACTS

3

References:

4

Education Code Sections 81641 et seq.;

5

Public Contract Code Sections 20112, 22000 et seq., and 20650 et seq.

6

The Chief Business Officer is responsible for Bids and Contracts.

7

Limits

8

Bids or quotes shall be secured as may be necessary to obtain the lowest possible prices as follows:

9

10

- Purchase of goods or services up to the limit set out in the Public Contract Code will require documented quotes

11

12

- Purchase of goods or services in excess of the limit set out in the Public Contract Code will require formal advertised bids

13

14

Contracts involving expenditures that require competitive bidding require approval by the Governing Board prior to award.

15

16

The current bid minimum can be found on the Palomar College Business Services web page.

17

18

Bid Specifications

19

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.

20

21

22

23

Notice Calling for Formal Advertised Bids

24

The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated 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 or through an electronic portal, a notice calling for bids or proposals, stating the 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.

25

26

27

28

29

Date Approved: 3/18/2008 SPC

(This is a new procedure recommended by the CC League and the League's legal counsel)

30 Bid and contract forms shall be prepared and maintained by Business Services. All
31 applicable statutory provisions and Board Policies shall be observed in preparation of
32 the forms.

33 Business Services shall be responsible for ensuring that the bid specifications are
34 sufficiently broad to encourage and promote open competitive bidding.

35 All bid notices for work to be done shall contain an affirmative statement requiring
36 compliance with California Labor Code Sections 1775 and 1776 governing payment of
37 prevailing wages and California Labor Code Section 1777.5 governing employment of
38 apprentices. All bid submissions shall contain all documents necessary to assure
39 compliance with these California Labor Code Sections. Failure to provide such
40 documentation shall cause any such bid to be deemed incomplete.

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

46 Business Services shall make available to the prospective bidders bid forms with sets of
47 specifications and drawings and shall provide a convenient place where bidders,
48 subcontractors, and materiel personnel may examine the specifications and drawings.

49 A deposit for sets of plans and specifications may be required and may be refunded
50 when such documents are returned.

51 **Awarding of Bids and Contracts Awards**

52 The awarding of bids and contracts shall be subject to the following conditions:

- 53 • Any and all bids and contract proposals may be rejected by the District for good
54 and sufficient reason.
- 55 • All bids shall be opened publicly and bidder shall be given the opportunity to
56 make record of the bids received.
- 57 • Bid and contract award recommendations to the Governing Board shall show a
58 tabulation of the bids received in reasonable detail.
- 59 • Bid and contract awards shall be made to the lowest responsible bidder
60 substantially meeting the requirements of the specifications. The District
61 reserves the right to make its selection of materials or services purchased based
62 on its best judgment as to which bid substantially complies with the quality
63 required by the specifications.

Date Approved: 3/18/2008 SPC

(This is a new procedure recommended by the CC League and the League's legal counsel)

64 **Purchase without Advertising for Bids**

65 The Chief Business Officer is authorized to make purchases from firms holding county
66 contracts without calling for bids where it appears advantageous to do so.

67 The Chief Business Officer may, without advertising for bids within the same county,
68 purchase or lease from other public agencies materials or services by authorization of
69 contract or purchase order.

70 The Chief Business Officer may make purchases through the State of California
71 Cooperative Purchasing Program operated by the Department of General Services.

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

73 Continuing contracts for work or services furnished to the District are not to exceed five
74 years.

75 Contracts for materials and supplies are not to exceed three years.

76 **Emergency Repair Contracts without Bid**

77 When emergency repairs or alterations are necessary to continue existing classes or to
78 avoid danger of life or property, the Chief Business Officer may make a contract on
79 behalf of the District for labor, materials, and supplies without advertising for or inviting
80 bids, subject to ratification by the Governing Board.

81 **Unlawful to Split Bids**

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

85 Office of Primary Responsibility: Business Services

Date Approved: 3/18/2008 SPC

(This is a new procedure recommended by the CC League and the League's legal counsel)