

Coast Community College District ADMINISTRATIVE PROCEDURE

Chapter 6 Business and Fiscal Affairs

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.

The Chancellor delegates the authority to the Vice Chancellor of Finance and Administrative Services to manage the District's processes for procuring bids and securing contracts.

Overview

The Vice Chancellor of Finance and Administrative Services or designee shall be responsible for the coordination of the planning and programming of District-initiated new construction; additions to existing plants; alterations; leasing of facilities; and repairs of existing plants, buildings, and grounds.

The Vice Chancellor of Finance and Administrative Services or designee shall be responsible for the coordination of the preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations, and improvements to buildings and grounds together with estimates of costs, as appropriate.

When applicable, the working drawings, specifications, and revised cost estimates, if any, will be submitted for approval to the California Community Colleges Chancellor's Office and the State Department of General Services as required by law.

Limits

In general, contracts exceeding specified dollar amounts (as set out in the Public Contract Code) require documented bids. The specified dollar limits vary by type of contract (e.g., goods, equipment, services, or construction). In addition, certain types of contracts fall within exceptions to these general rules on bid processes (e.g., certain electronic systems, personal services, energy saving products). Bids shall be secured as necessary to obtain the lowest possible prices (or "best value," as applicable) as follows:

- Purchase of goods, equipment, or services in excess of the limits set out in the Public Contract Code Section 20651(d) shall require formal advertised bids. Current law specifies \$109,300.00 as the bid threshold (as of January 2023). The

bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651(d).

- Public Works projects and construction services shall be let in accordance with Public Contract Code Sections 20111 and 20651 et seq., as follows:
 - Projects \$15,000 or less for new construction may be performed by force account, negotiated contract, or purchase order.
 - Projects of \$109,300 or less for routine maintenance, repair, or upkeep of existing facilities may be performed by force account, negotiated contract, or purchase order.

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

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 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 Vice Chancellor of Finance and Administrative Services 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 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.

Bid Protests

All bid protests must be submitted in writing to the District's Director of Purchasing before 4:30 p.m. within three business days following bid opening, provided that each and all of the following are complied with:

- a. Only a bidder who has 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 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 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 bid protest must refer to the specific portions of the documents that form the basis for the protest.
- d. The bid 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.
- e. The party filing the bid protest must concurrently transmit a copy of the protest and any attached documentation to all other parties with a direct financial interest that may be adversely affected by the outcome of the protest. Such parties shall include all other bidders or proposers who have a reasonable prospect of receiving an award of contract depending upon the outcome of the protest.
- f. Provided that a bid protest is filed in strict conformity with the foregoing, the Director of Purchasing or designee shall review and evaluate the basis of the bid protest. The Director of Purchasing or designee shall provide the bidder submitting the bid protest with a written statement concurring with or denying the bid protest.
- g. A bidder may appeal the decision of the Director of Purchasing or designee to the Vice Chancellor of Finance and Administrative Services within three business days of notification thereof. The bidder's appeal shall conform to the requirements as noted in Items "a" through "e" above, and the grounds for the appeal must be clearly stated. Any appeal not conforming with the foregoing shall be rejected by the District as invalid.
- h. Provided that an appeal is in strict conformity with the foregoing, the Vice Chancellor of Finance and Administrative Services shall review and evaluate the appeal. The Vice Chancellor of Finance and Administrative Services shall provide the bidder submitting the appeal a written statement concurring with or rescinding the District's determination of the bid protest, which shall be a final determination of the District.
- i. The Procedure and time limits set forth in this Procedure are mandatory and

constitute the exclusive remedy in the event of bid protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue a bid protest, including filing a Government Code claim or legal proceedings.

- j. In the event that any such legal or equitable proceedings are instituted and the District is named as a party thereto, the prevailing party shall recover from the other parties, as costs, all attorneys' fees and costs incurred in connection with any such proceeding, including any appeal arising therefrom.

Purchase without Advertising for Bids

The Vice Chancellor of Finance and Administrative Services or designee is authorized to make purchases from entities holding a contract with a California public agency without calling for bids where it appears advantageous to do so and when provided by law.

The Vice Chancellor of Finance and Administrative Services or designee may, without calling for bids, make piggy-back purchases on other public agency contracts when and where provided by law.

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 Vice Chancellor of Finance and Administrative Services 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

Ratified February 6, 2019

Ratified April 19, 2023