



## SAN DIEGO COMMUNITY COLLEGE DISTRICT

### Administrative Procedure

### CHAPTER 6 – BUSINESS AND FINANCIAL SERVICES

### AP 6330.5 Bids and Contracts

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Office of Primary Responsibility:

Vice Chancellor of Business Services  
Director of Purchasing and Contract Services

#### PURPOSE/SCOPE

The purpose is to achieve the following objectives:

1. To clarify the law with respect to competitive bidding requirements.
2. To ensure full compliance with competitive bidding statutes as a means of protecting the public from misuse of public funds.
3. To provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices.
4. To eliminate favoritism, fraud, and corruption in the awarding of public contracts.

#### DEFINITIONS

##### 1 Limits

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

- a. Purchase of goods or services up to the limits (set out in the Public Contracts Code) will require documented quotes.
- b. Purchase of goods or services in excess of the limits (set out in the Public Contracts Code) will require formal advertised bids.

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

The bid threshold limit is adjusted annually by the Board of Governors of the California Community Colleges as required by Public Contracts Code Section 20651(d). The current amount may be found at <http://www.cde.ca.gov/fg/ac/co/>.

## 2. Bid Specifications

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.

## 3. Notice Calling for Formal Advertised Bids

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.

Bid and contract forms shall be prepared and maintained by Purchasing and Contract Services. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Purchasing Director shall be responsible for insuring 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 California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. 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 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 office of Purchasing and Contract Services shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

## 4. Awarding of Bids and Contracts Awards

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

- a. Any and all bids and contract proposals may be rejected by the district for good and sufficient reason.
- b. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- c. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.

- d. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

5. Purchase without Advertising for Bids

The Director of Purchasing and Contract Services is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

The Director of Purchasing and Contract Services may, without advertising for bids within the same county, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Director of Purchasing and Contract Services may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

6. Duration of Continuing Contracts for Services and Supplies

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

7. Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Vice Chancellor Facilities, or the Director Facilities Services may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

8. Unlawful to Split Bids

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

References: BP 6330  
Education Code Section 81641 et seq.; Public Contracts Code Sections 100, 20112 and 20650 et seq., 22000 et seq. ; Labor Code 1770 et seq.

Approved by Chancellor:

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Date

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Constance M. Carroll, Ph.D.

Reviewed by Cabinet on 9-22-09 and approved by concurrence.