

Regulation 3311: Bids

~~Advertised Bids for Public Projects~~

~~↵~~

~~The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project, unless, as here, the district has elected to adopt the California Uniform Public Construction Cost Account Act, in which case, the bid threshold is as proscribed by Public Contract Code 22000 et seq.~~

~~↵~~

~~Public project means/Competitive Bids~~

~~The district shall advertise for any of the following: (Public Contract Code 20111)~~

- ~~1. A public project contract that involves an expenditure of \$15,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and, or repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)~~

~~↵~~

~~Procedures for California Uniform Public Construction Cost Accounting Act (CUPCAA) Negotiated Contracts, Informal Bids, and Formal Bids~~

~~↵~~

~~The district has elected to adopt the California Uniform Public Construction Cost Accounting Act, in which case, the current bid threshold is over \$60,000, for a public project. Public project means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility. (Public Contract Code 22002)~~

- ~~2. Projects of \$60,000 or less may be performed by force account, negotiated contract, or purchase order. (Public Contract Code 22032)~~

~~¶~~

- ~~3. Projects of more than \$60,000 up to and including \$200,000 may be let to contract by informal bidding procedures.~~

~~¶~~

- ~~a. The district shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the California Uniform Construction Cost Accounting Commission.~~

~~¶~~

- ~~b. All contractors on the list for the category of work being bid or all construction trade journals specified in Public Contract Code section 22036, or both all~~

~~contractors on the list for the category of work being bid and all construction trade journals specified in Public Contract Code section 22036, shall be mailed a notice inviting informal bids unless the product or service is proprietary.~~

~~¶~~

- ~~e. All mailing of notices to contractors and construction trade journals pursuant to subdivision (b) of section 22032 of the Public Contract Code shall be completed not less than ten (10) calendar days before bids are due.~~

~~¶~~

- ~~d. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project and state the time and place for the submission of bids.~~

~~¶~~

- ~~e. The governing board of the district may delegate the authority to award informal contracts by majority vote in compliance with Board Policy 3312. (Education Code 17604)~~

~~¶~~

- ~~f. The district shall review the informal bids and award the contract, except that:~~

~~¶~~

- ~~i. If all bids received are in excess of \$200,000, the governing board of the district may, by adoption of a resolution by a 4/5 vote, award the contract, at \$212,500 or less, to the lowest responsible bidder, if it determines the cost estimate of the district was reasonable~~

~~¶~~

- ~~ii. If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.~~

~~3. Projects of more than \$200,000 remain subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)~~

~~Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:~~

~~¶~~

- ~~a. Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in~~

~~at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.~~

~~¶~~

~~b. By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.~~

~~¶~~

~~1. In addition to the notice required above, the district may give such other notice as it deems proper.~~

~~▪~~

2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:

- a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
- b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
- c. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance also includes landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems. Maintenance does not include painting, repainting, or decorating, other than minor repainting; janitorial or custodial services; and protection provided by security forces. (Public Contract Code 20115, 22002)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. Additionally, the Superintendent or designee may post the notice on the district's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

For lease-leaseback, design-build, and alternative design-build projects, the notice shall additionally specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; Public Contract Code 2600, 6610)

Bid instructions and specifications shall include the following requirements and information:↵

▪

1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover.↵ (Public Contract Code 20111)

The district may accept a bid that has been submitted electronically or on paper.↵ (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash↵, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded (Public Contract Code 20111.5~~(e)~~)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may ~~accept the one it chooses.~~
~~determine by lot which bid shall be accepted~~ (Public Contract Code 20117)
6. If the district requires that the bid ~~include~~ includes prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid~~;~~ (Public Contract Code 20103.8)

In the absence of such a specification, only the method provided in ~~item #A~~Item #6a below shall be used. (Public Contract Code 20103.8)

- a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items~~;~~
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price~~;~~
 - i. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.~~;~~

~~ff~~

~~e.~~ (Public Contract Code 20103.8)

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from

being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract

- a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give ~~him/her~~the bidder an opportunity to respond to the determination
- b. When the lowest bidder is determined to be nonresponsible, the Superintendent or designee shall notify the bidder of ~~their~~the right to present evidence of ~~their~~the bidder's responsibility at a hearing before the Board
- c. After being opened, all submitted bids become public records pursuant to Government Code ~~6252~~7920.530 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.¶¶

~~4. Award of Contract for Public Works Formal or Informal Bid Pursuant to CUPCCAA.¶¶~~

~~¶¶~~

~~The district shall award the contract as follows.¶¶~~

~~¶¶~~

~~The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the district may accept the one it chooses.¶¶~~

~~¶¶~~

~~At its discretion, the Board may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid. If all bids are rejected, after reevaluating its cost estimates for the project, the District can either: (i) abandon the project; (ii) re-advertise for bids; or (iii) have the project performed by force account by the Board's passage of a resolution by a four-fifths (4/5) vote that the project can be performed more economically by District employees.¶¶~~

~~¶¶~~

~~If no bids are received through the formal or informal bid procedure, the project may be performed by district employees by force account or negotiated contract.¶¶~~

~~¶~~
~~5. In cases of emergency when repair or replacements are necessary, the Board may proceed at once to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, in accordance with the contracting procedures in Public Contract Code 22050. The work may be done by day labor under the direction of the Board and/or contractor. (Public Contract Code 22035)¶~~

~~¶~~
~~These CUPCCAA bid limits will apply to maintenance projects, as the district has elected to subject its maintenance projects to the CUPCCAA requirements. "Maintenance" means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or eustodial services and protection provided by security forces, nor does it include painting, repainting, or decorating other than touchup. (Public Contract Code 20115)¶~~

~~¶~~
~~**Protests by Bidders for Formal Bidding of Public Works Projects under CUPCCAA**¶~~

~~¶~~
~~A bidder may protest a bid award if they believe that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee before 5:00 p.m. of the third (3rd) business days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of their right to protest the award of the contract. Only a bidder who has actually submitted a bid, and who could be awarded the 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.¶~~

~~¶~~
~~A bid protest must contain a complete statement of any and all bases for the protest and all supporting documentation. Materials submitted after the bid protest deadline will not be considered.¶~~

~~¶~~
~~The protest must refer to the specific portions of all documents that form the basis for the protest.¶~~

~~¶~~
~~Without limitation to any other basis for protest, an inadvertent error in listing the California contractor's license number on the Designated Subcontractors List shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive if the correct contractor's license~~

~~number is submitted to the District within 24 hours after the bid opening and the corrected number corresponds with the submitted name and located for that subcontractor.¶~~

~~¶~~

~~Without limitation to any other basis for protest, an inadvertent error listing an unregistered subcontractor shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive provided that any of the following apply.¶~~

~~a) The subcontractor is registered prior to the bid opening.↵~~

~~↵~~

~~b) The subcontractor is registered and has paid the penalty registration fee within 24 hours after the bid opening.↵~~

~~↵~~

~~c) The Subcontractor is replaced by another registered subcontractor pursuant to Public Contract Code section 4107.¶~~

~~The protest must include the name, address and telephone number of the person representing the protesting party.↵~~

~~↵~~

~~The party filing the 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 appear to have a reasonable prospect of receiving and award depending upon the outcome of the protest.↵~~

~~↵~~

~~The procedure and time limits set forth in this paragraph are mandatory and are each bidder's sole and exclusive remedy in the event of bid protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the bid protest, including legal proceedings.↵~~

~~↵~~

~~**Procedures for Equipment, Materials, Supplies, and Non-Public Works Contracts**↵~~

~~↵~~

~~The amount by which contracts for the purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district shall be competitively bid, and the bid threshold shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction. (Public Contract Code 20111(a), Government Code 53060)↵~~

~~↵~~

~~Competitive bids shall be sought through advertisement for contracts exceeding \$72,400 for the following:¶~~

1. ~~The purchase of equipment, materials or supplies to be furnished, sold, or leased to the district.~~
2. ~~Services, not including construction services, or special services and advice in accounting, financial, legal, or administrative matters.~~
3. ~~Repairs, including maintenance that is not a public project.~~
8. ~~Maintenance means routine, recurring and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes~~

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by state general funds, the School Facilities Program funds, or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

~~Prospective bidders, including, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services, and protection provided by security forces, nor does it include painting, repainting, or decorating other than touchup. (Public Contract Code 20115).~~

~~Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111).~~

↵

~~The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)~~

↵

~~No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)~~

↵

~~When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)~~

↵

~~Instructions and Procedures for Advertised Bids for Equipment, Materials, Supplies, and Non-Public Works Contracts~~

↵

~~The Superintendent or designee shall call for bids by advertising in a local newspaper of general circulation published in the district, or if no such paper exists, then in some newspaper of general circulation, circulated in the county at least once a week for two weeks.~~

↵

~~The district may also post the notice on the district's web site or other electronic portal and may accept a bid submitted electronically or on paper. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)~~

↵

~~The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)~~

↵

~~Bid instructions and specifications shall include the following requirements and information:~~

- ~~1. All bidders shall certify the minimum, if not exact, percentage of post consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)~~

~~¶~~

- ~~2. All bids for equipment, materials, supplies, and non-construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's~~

~~security: (Public Contract Code 20107, 20111)~~

~~¶~~

~~a. Cash~~

~~¶~~

~~b. A cashier's check made payable to the district~~

~~¶~~

~~c. A certified check made payable to the district~~

~~¶~~

~~d. A bidder's bond executed by an admitted surety insurer and made payable to the district~~

~~¶~~

~~The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)~~

~~¶~~

~~3. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)~~

~~¶~~

~~4. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)~~

~~¶~~

~~5. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a below will be used: (Public Contract Code 20103.8)~~

~~¶~~

~~a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.~~

~~¶~~

~~b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.~~

~~¶~~

~~c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically~~

~~identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.~~

~~¶~~

- ~~d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined.~~

~~¶~~

- ~~6. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the contract.~~

~~¶~~

- ~~a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give them an opportunity to respond to the determination.~~

~~¶~~

- ~~b. When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of their right to present evidence of their responsibility at a hearing before the Board.~~

~~¶~~

- ~~7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.~~

~~¶~~

- ~~8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation~~

~~Technology Contracts~~

~~¶~~

~~Upon a finding by the Board that a particular procurement qualifies for the alternative procedure, the district may acquire computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through competitive negotiation. This procedure shall not apply to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)~~

←

~~The competitive negotiation shall include, but not be limited to, the following requirements:
(Public Contract Code 20118.1)~~¶

- ~~1. The Superintendent or designee shall prepare a request for proposals that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.~~←
¶
- ~~2. Notice of the request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.~~←
¶
- ~~3. The district shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposals is received.~~←
¶
- ~~4. The request for proposals shall identify all significant evaluation factors, including price, and their relative importance.~~←
¶
- ~~5. The district shall provide reasonable procedures for the technical evaluation of the proposals received, the identification of qualified sources, and the selection for the award of the contract.~~←
¶
- ~~6. An award shall be made to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.~~←
¶
- ~~7. If an award is not made to the bidder whose proposal contains the lowest price, then the district shall make a finding setting forth the basis for the award.~~←
¶
- ~~8. The district, at its discretion, may reject all proposals and request new proposals.~~←
¶
- ~~9. Provisions in any contract concerning utilization of small business enterprises, that are in accordance with the request for proposals, shall not be subject to negotiation with the successful proposer.~~¶

~~1. Bids Not Required~~

~~↳~~

~~Piggyback~~

~~↳~~

~~Upon a determination that it is in the best interest of the district, the Board may authorize the purchase, lease, or contract for data processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property through a public corporation or agency ("piggyback") without advertising for bids. (Public Contract Code 20118)~~

~~↳~~

~~California Multiple Award Schedule (CMAS)~~

~~↳~~

~~The Board may, without advertising for bids, enter into master agreements, multiple award schedules, cooperative agreements, including agreements with entities outside the state, and other types of agreement for acquisitions in accordance with Public Contract Code Sections 10298 and 10299, and 12101.5, upon the same terms and conditions agreed upon by the California Department of General Services and the respective awarded vendor, pursuant to the California Multiple Award Schedules (CMAS).~~

~~↳~~

~~Joint Purchasing Agreement (JPA)~~

~~↳~~

~~In accordance with Government Code Section 6500 et seq., the Board may, by agreement with one or more public agencies, jointly exercise any power common to the contracting parties, including, but not limited to, the authority to levy a fee, assessment, or tax, even though one or more of the contracting agencies may be located outside this state, without advertising for bids. It shall not be necessary that any power common to the contracting parties be exercisable by each such contracting party with respect to the geographical area in which such power is to be jointly executed.~~

~~↳~~

~~Supplementary Educational Materials~~

~~↳~~

~~Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)~~

~~↳~~

~~Special Services~~

~~↵~~

~~Without advertising for bids, the Board may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required. The authority given to contract shall include the right of the district to contract for the issuance and preparation of payroll checks. The district may pay from any available funds such compensation to such persons as it deems proper for the services rendered. (Government Code 53060)~~

~~↵~~

~~Professional Services~~

~~↵~~

~~Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)~~

~~↵~~

~~Transportation Services~~

~~↵~~

prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids

2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, the district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Limitation on Use of Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)

1. Does not directly or indirectly limit bidding to any one specific concern
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

~~When the contract bid is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder. (Education Code 39802)~~

↵

~~**Perishable Commodities**~~

↵

~~Perishable commodities, such as foodstuffs, needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)~~

↵

~~**Emergencies**~~

↵

~~In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent~~

~~of Schools, contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)~~

~~↵~~

~~Day Labor~~

~~↵~~

~~Bids shall also not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)~~

~~↵~~

~~Lease-Leaseback~~

~~↵~~

~~When procuring a lease-leaseback contract, in which case the Board shall award the contract based on either the lowest responsible bidder or the best value to the district, taking into consideration, at a minimum, relevant experience, safety record, price proposal, and other factors specified by the school district in accordance with Education Code 17400 *et seq.*~~

~~↵~~

~~Design-Build~~

~~↵~~

~~When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20 *et seq.*, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, unless a stipulated sum is specified, technical design and construction expertise, and life-cycle costs over 15 or more years. (Education Code 17250.20, 17250.25)~~

~~↵~~

~~Energy Service Contracts~~

~~↵~~

~~Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost and savings comparison findings specified in Government Code 4217.12. (Government Code 4217.12)~~

~~↵~~

~~Sole Sourcing~~

~~↵~~

~~Specifications for contracts for construction, alteration, or repair of school facilities may not limit bidding, either directly or indirectly, to any one specific concern. Specifications designating a particular brand name shall follow the description with the words "or equal" so that bidders may furnish any equal material, product, thing, or service. (Public Contract Code 3400)~~

↵

~~Specifications for contracts may designate a product by brand or trade name (sole sourcing) a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)~~

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name, also known as sole sourcing, if the ~~district~~Board has made a finding, described in the invitation for bids or request for proposals (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the ~~Board's~~Board's declaration of an emergency, ~~also~~ so long as the declaration has been approved by four-fifths of the Board ~~that issued~~when issuing the invitation for bid or ~~request for proposals~~ff

~~5. Prequalification Procedure~~↵

↵

~~For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. (Public Contract Code 20111.5)~~↵

↵

~~Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)~~↵

↵

~~The Superintendent or designee shall establish a uniform system for rating bidders on the~~

~~basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the district at least one day before the fixed bid opening date. (Public Contract Code 20111.5)~~

~~↵~~

~~The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded.~~RFP

Bids Not Required

Without taking estimates or advertising for bids, supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount. (Public Contract Code 20118.3)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20111.5)

~~↵~~

20114)

~~The district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)~~

~~↵~~

Protests by Bidders

~~↵~~

~~A bidder may protest a bid award if they believe that the award was inconsistent with Board policy, the bid's specifications, or was not in compliance with law.~~

~~↵~~

~~A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of their right to protest the award of the contract.~~

~~↵~~

~~The Superintendent or designee shall review the documents submitted with the bidder's claims~~

~~and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.~~

~~↵~~

~~The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the contract award. The Board's decision shall be final.~~

purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids.
(Education Code 17602)