

## **MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT**

### **AP 6345 Bids and Contracts-UPCCAA**

*Reference:*

Education Code Section 81641 et. Seq.; Public Contracts Code Sections 20112 and 20650 et. Seq.

- Public Bid Contracts are not enforceable obligations until they are ratified by the Board.
- Contract for work to be performed, services to be rendered or for goods, equipment or supplies to be furnished or sold to the District that exceed the amount specified in Public Contract Code Section 20651 shall require a public bid with prior approval by the Board of Trustees. The bid threshold for goods varies each year with the issuance of the inflation index at the end of the first quarter. Any contract generated under the auspices of the Uniform Public Construction Cost Accounting regulations (UPCCAA) is subject to the limitations of the UPCCAA requirements.
- The Vice President for Administrative Services may bind the District without prior approval from the Board under the terms of the UPCCAA, with qualified vendors up to \$175,000, providing all terms of the Public Contracts Code and the Uniform Public Construction Cost accounting act have been met.
- When public bids are required according to Public Contracts Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires. The Board also has the right to reject all bids.
- The Board of Trustees may convey the authority to the Vice President for Administrative Services to sign and execute any and all contracts regardless of the amount of the contract for an assigned purpose or a particular fund of money.

If the Vice President for Administrative Services concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by using a contract, lease, requisition or purchase order through any other public agency in accordance with Public Contracts Code Section 20652, the Vice President for Administrative Services is authorized to proceed with such a contract.

*Reference:*

Education Code Section 81641 et. Seq.; Public Contracts Code Sections 20112 and 20650 et. Seq.

## **Limits**

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

- Purchase of goods or services up to the limits set out in the Public Contract Code require documented quotes.
- Purchase of goods or services in excess of the limits set out in the Public Contracts Code require formal advertised competitive bids

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

## **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. All minimum standards of efficiency, durability and/or utility are also required to be specified.

## **Notice Calling for formal Advertised Bids**

The District shall publish at least once a week for two successive weeks in a newspaper of general circulation distributed within the District. Or if there is no such paper, then the District shall publish in some newspaper of general circulation distributed in the county. The District may post on Web Sites or through an electronic portal a notice calling for bids or proposals, stating the materials or supplies to be furnished as well as the time and place where bid will be opened. The District may accept either electronic or bids submitted on paper.

Bid and contract forms shall be prepared and maintained by the Purchasing Agent or their designee. All applicable statutory provisions and Board Policies shall be observed in preparation of the forms.

The Purchasing Agent shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All notice 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 or apprentices. All bid submissions shall contain all documents necessary to assure compliance with the 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 Purchasing Agent 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 material personnel may examine the specifications and drawings.

A deposit for sets of plans and specifications may be required and may or may not be refunded when such documents are returned.

### **Awarding of Bids and Contract Awards**

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 for good and sufficient reason.
- All bids shall be opened publicly and bidders shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board of Trustees shall show a tabulation of the bids received in reasonable detail.
- 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 the selection of materials or services purchased based on the best judgment as to which bi substantially complies with the quality required by the specifications.

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

- The Purchasing Agent is authorized to make purchases from firms holding County, State or Community College contracts without calling for bid, when it appears advantageous to do so.
- The Purchasing Agent may, without advertising for bids, within the same State, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.
- The Purchasing Agent may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

- The Purchasing Agent may employ the use of any “Piggybackable” bid currently in good standing by any other Public Agency in the State of California. Before purchasing from any “Piggybackable” bid the Purchasing Agent must obtain copies of the bid, copies of the Board’s ratification of the bid as well as the bid results.

### **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.

### **Emergency Repair Contracts without Bids**

When emergency repairs or alterations are necessary to continue District’s operations or to avoid danger to life or property, the Vice President of Administrative Services may make a contract on behalf of the District for labor, materials and supplies without advertising or inviting bids, subject to ratification by the Board of Trustees.

### **Unlawful to Split Bids**

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

Board Approved December 2012  
Former AP #2132 Bids and Contracts