

BIDS

The district shall purchase equipment, supplies and services on a competitive bidding basis when required by law. Care shall be take to observe all statutory requirements for bidding and bidding procedures. In addition, the district shall solicit formal bids whenever it appears to be in the best interest of the district to do so.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation. A copy of any applicable administrative regulations shall be provided to bidders with all bid specifications.

(cf. 9270 – Conflict of Interest)

Legal References:

EDUCATION CODE

- 17595 Purchases through Department of General Services
- 39801.5 Transportation bids and contracts for services
- 38083 Purchase of perishable foodstuffs and seasonable commodities
- 38110 Purchase of supplies through county superintendent
- 38111 Purchases by district governing board
- 38112 Purchases of necessary supplies

GOVERNMENT CODE

- 4330-4334 Preference of California-made materials
- 6252 Definitions for California Public Records Act
- 53060 Special services and advice

PUBLIC CONTRACT CODE

- 2000-2001 Responsive bidders
- 3400 Bids, specifications by brand or trade name not permitted
- 3410 United States produce and processed foods
- 12161 Definitions, recycled paper products
- 12168 Preference for purchase or recycled paper products
- 12169 Bidders to specify percentage of recycled paper product
- 12200 Definitions, recycled goods, materials and supplies
- 12210 Purchase of recycled products preferred
- 12213 Specification by bidder of recycled content
- 20107 Bidder's security
- 20111-20118.4 School districts especially:
 - 20111 Contracts over \$52,900; contracts for construction; award to lowest responsible bidder
 - 20189 Bidder's security, earthquake relief
- 22002 Definition of public project
- 22030-22045 Alternative procedures for public projects (UPCCAA), especially:
 - 22032 Dollar amount limits for public projects
 - 22050 Alternative emergency procedures
- City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861
- Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d449

BIDS

The Operations Administrator shall establish procedures for purchasing all goods, materials, supplies and services in a manner that will result in economies to the district by making quantity purchases. Whenever storage facilities or other conditions make it impractical to receive all of any item at one time, the total quantity should be bid and staggered delivery dates made a part of the bid specifications, or estimated quantities bid with deliveries to be made as requested.

Advertised Bids

Whenever letting contracts exceeding \$15,000 for work to be done or \$21,000 for material or supplies, the Superintendent of designee shall call for bids by advertising in a local newspaper at least once a week for two weeks. 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, 20112)

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)

The Board shall secure bids 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)

Instructions and Procedures for Advertised Bids

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

1. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the products offered, and both the postconsumer and secondary waste content. (Public Contract Code 12169, 12213)
2. All bids for 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, 20129)
 - a. Cash
 - b. A cashier's check.
 - c. A certified check.
 - d. A bidder's bond executed by an admitted surety insurer.

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3. The security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)
4. Under no condition shall bids 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 bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
7. After being opened, all advertised bids shall be made available for review by all interested parties.

(cf. 1340 - Access to District Records)

Nonadvertised Bids

Supplementary textbooks, library books, periodicals, educational films, audiovisual materials, test materials, workbooks and instructional computer software packages may be purchased without advertised bidding. (Public Contract Code 20118.3)

(cf. 3310 – Purchasing Procedures)

The district may, upon a case-by-case determination of the Board, purchase, lease or contract for equipment and supplies through a public corporation without advertised bids to the extent permitted by state law. (Public Contract Code 20118)

Perishable commodities such as foodstuffs can be purchased through bid or on the open market, depending on district preference. Education Code 39873). In its purchases, the district shall give preference to products grown, manufactured or produced in California and to foods grown or processed in the United States. (Government Code 4331, Public Contract Code 3410).

Fitness and quality being equal, the district shall purchase recycled products whenever available at no more than the total cost of nonrecycled products. (Public Contract Code 12168, 12210).

BIDS (continued)

Prequalification

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 includes a complete statement of the bidder's financial ability and experience in performing public works. The questionnaire and financial statement shall be verified as prescribed by law. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public contract Code 20111.5)