

**ADMINISTRATIVE PROCEDURE 6340**  
**BIDS AND CONTRACTS**

The Chancellor directs that the following procedures and regulations apply to Contracts in the Peralta Community College District:

- I. **Definitions:** This administrative procedure uses the following terms as defined below:
- A. **Goods:** Any tangible product. Goods include, but are not limited to “off-the shelf” computer software and utilities, books, supplies, equipment, etc.
  - B. **Services:** Any deliverable resulting from labor performed specifically for the District. The service may result from the application of physical or intellectual skills. Services include, but are not limited to repair work, consulting, maintenance, data processing, custom software design or coding, etc.
  - C. **Construction:** A project that includes all the work needed to produce a complete and usable facility, or to remodel an inadequate or damaged facility. Construction includes excavation, building, installations, related infrastructure, landscaping, etc.
  - D. **Invitation to Bid (IFB):** A formal invitation to bid that is sent to prospective bidders when Goods or Services are desired in an amount that is higher than the then applicable bid threshold (the “Bid Threshold”) set by the California Community Colleges Board of Governors (the “Board of Governors”) and otherwise in accordance with the California Public Contract Code. The IFB shall be in a form that conforms to applicable California law and any other District requirements. A sealed response is required. The determination of the most responsive bidder is made on the basis of lowest price. This procedure typically takes three (3) to eight (8) weeks.
  - E. **Maintenance:** A repair and of buildings, facilities, equipment, grounds and similar work. It is a repair if the result of the work is restoration to the facilities’ original condition. It is construction if the work results in a new configuration.
  - F. **Request for Proposal (RFP):** A formal, sealed RFP is sent to prospective bidders when the Goods or Services desired are of a high dollar amount and complex. The RFP shall be in a form that conforms to applicable California law and any other District requirements. A sealed response is required. The RFP award is based on the best value as determined by the evaluating committee. This procedure typically takes three (3) to eight (8) weeks.
  - G. **Request for Quotation (RFQ):** An RFQ is used in an informal bid process for the purchase of lower dollar, well-defined goods or services. An RFQ is typically a one-page form sent to the vendor. This procedure typically takes one (1) to two (2) weeks.
  - H. **Verbal, Phone, or E-Mail Quotes:** These methods are used as an informal bid process for the quick purchase of low dollar (meaning in an amount that is under the Bid Threshold), specific and well-defined goods or services. Documentation of vendor contact and their quotes are to be maintained. This procedure typically takes one (1) to three (3) days.

## II. District Business Processes and Contract Types

A. ***Delegation of Authority to Enter Into and Amend Contracts:*** When transactions do not exceed dollar limits established by statute or this administrative procedure, the Chancellor and the Vice Chancellor, Finance and Administration may:

1. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any specified limitations or requirements.
2. Amend the terms and conditions of any contractual arrangement provided the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable state or federal law, District policy, District Regulations, and/or college budget allocations.
3. Agree to binding arbitration if the Chancellor should determine it is an appropriate business decision to do so in order to resolve an outstanding issue.
4. No other employee is authorized to enter into or amend or to commit District financial resources, except that the Chancellor may delegate to the College Presidents (who shall not have the right to sub-delegate) the authorization to enter into, and/or amend, professional or personal service contracts or amendments (excluding employment contracts, contracts for interim employees or labor (collectively "Personnel Services"), and all other agreements) that commit only their respective college's financial resources in amounts, in each case, that total less than \$2,500 and so long as the total dollar amount in any given fiscal year of: (i) any one contract, as amended, or (ii) series of contracts with regards to a specific vendor or a specific project, do not exceed in the aggregate \$25,000, and provided that such contract, amendment or commitment has been approved in accordance with then current District contracting requirements (including that it is entered into in substantially the form of the applicable District services agreement template). Employees who enter into contracts in violation of this section are subject to personal liability for the payment of the amounts set forth in such unauthorized contracts and/or to disciplinary action up to and including dismissal. (California Education Code Sections 81655, 81656).

### B. ***Board Approval or Ratification***

1. Each Contract and contract amendment amounting to \$25,000 or more require prior Board of Trustees authorization before they can be executed by the Chancellor or the Vice Chancellor, Finance and Administration. Contracts under \$25,000 are ratified by the Board in a monthly report after execution.
2. In cases of great emergency, as determined by the Board of Trustees, including, but not limited to, states of emergency defined in California Government Code Section 8558 and California Public Contract Code Section 20654, where a repair, alteration, work or improvement of an immediate nature is necessary to any facility of the District, including any of its colleges, to permit the continuance of existing college classes, or to avoid danger to life or property, the Board of Trustees may by unanimous vote, with the approval of the County Superintendent of Schools, may: Make a contract in writing or otherwise on behalf of the District for the performance of labor and furnishing of

materials or supplies in connection with the repair, alteration work or improvement without advertising for or inviting bids.

Nothing in this section shall eliminate the need for any bonds or security otherwise required by law.

In the event that the Chancellor or Vice Chancellor, General Services is not available at the time of the emergency, the acting Chancellor will be designated by in accordance with Board Policy 2440 Chancellor Succession. The power to declare an emergency for purposes of this section is subject to confirmation of the Board of Trustees, by unanimous vote, at its next meeting.

3. All Contracts and amendments regardless of dollar amount must be ratified by the Board of Trustees within 60 days, if not approved in advance as otherwise required herein.

C. **Contract Types:** Contracts are classified as continuing price, lease/rental, repair/maintenance, personnel services, construction and income generating. District regulations for fulfilling these requirements are summarized in Table AP-6340A, District Business Processes and Contract Types below:

1. **Continuing Price Contracts:** Contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired, or for materials or supplies to be furnished or sold to the District with an accepted vendor over a period of time; such contracts are limited by California Education Code Section 81644 as follows:
  - a. For work, services, apparatus or equipment: not to exceed five (5) years.
  - b. For materials or supplies: not to exceed three (3) years.
2. **Lease and Rentals Agreement (Lease-Purchase Contracts)**
  - a. The District is required by statute to comply with all applicable bid and contract provisions specified in the California Education Code (beginning with Section 81641) and by Section 20651 of the California Public Contract Code (per California Education Code Section 81551) prior to entering into an agreement.
  - b. Each lease-purchase "contract shall show the total price for an outright purchase of any item and its total cost for the entire specified term of the contract. (California Education Code Section 81551).
3. **Repairs / Maintenance:** The Vice Chancellor, General Services is responsible for any contracts relating to the maintenance, repair, minor alterations and improvements of District grounds, buildings, facilities, and similar work. If the repair/maintenance contract is under \$15,000 it may be executed without prior Board of Trustees approval.
4. **Personnel Services:** The Chancellor's approval shall be required for any contracts relating to Personnel Services (defined above in Section II.A.4 above).

**5. Constructions and/or Improvement of Grounds (Public Works Contracts)**

- a. *Acceptance of Completion for Material and Labor Contract:* When the entire work has been completed, as provided for in the contract and any addendums to the contract, the Chief Business Officer shall submit a recommendation for Board acceptance of the contract. After acceptance, a Notice of Completion of Contract shall be filed with the County Recorder.
  - b. *Public Works Bonds:* Material and Labor Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District in which expenditures exceed \$25,000.
6. **Income Generating** contracts may be issued when the district provides services or when the district acts as lessor other than for civic center permit activities (see AP 6700). The district is authorized to lease, or lease with option to purchase, any land, buildings, or equipment it determines is not needed for district purposes. Such leases and leases with options to purchase to nonpublic agencies or individuals shall comply with the provisions of California Education Code Sections 81450, 81452, 81453, 81454, and 81553.
7. **Piggy-Backing:** The Board of Trustees may allow the District, without advertising for bids, if the Board of Trustees has determined it to be in the best interests of the District, authorize by contract, lease, requisition or purchase order, any public corporation or agency to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the District so long as it is a compliant piggy-backing source. (See California Public Contract Code Sections 20661, 20653, 20653.5 and 20652 and California Education Code Sections 72670.5 and 81646). If the proposed District contract is in excess of the Bid Threshold, then the contract being piggy-backed must have undergone the necessary public agency bidding requirements.

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<b>TABLE AP-6340A</b>				
<b>CONTRACT TYPES AND DISTRICT BUSINESS PROCESSES<sup>1</sup></b>				
	OBJECT CODES	AMOUNT		
		LESS THAN \$25,000 <sup>4</sup>	\$25,000 TO BID THRESHOLD	MORE THAN BID THRESHOLD <sup>2</sup>
Continuing Price Supplies and Materials	4000-4999	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Signed Contract</li> <li>• Board Ratification<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Form of the Proposed Contract</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Contract</li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Form of the Proposed Contract</li> <li>• Board Pre-Approval<sup>3</sup></li> </ul>
Lease and Rentals (Lease Purchase)	5610-5629	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• "Blanket" Purchase Order</li> <li>• Signed Contract</li> <li>• Board Ratification<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Request for Proposals</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Contract</li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Advertised Request for Proposals</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Contract</li> </ul>
Repairs / Maintenance	5630-5699	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Facilities Order</li> <li>• Board Ratification<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Bid Process</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Contract</li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Advertised Bid Process</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Contract</li> </ul>
Personal and Professional Services	5130-5133	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Signed Services Agreement</li> <li>• Board Ratification<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Request for Proposals</li> <li>• Contractor's Statement of Qualifications</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Services Agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Advertised Request for Proposals</li> <li>• Contractor's Statement of Qualifications</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Services Agreement Contract</li> </ul>
Construction and/or Improvement of Buildings and/or Grounds (Public Works)	6100-6399	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Contract</li> <li>• Board Ratification under \$15,000<sup>3</sup></li> <li>• Board Pre-Approval over \$15,000<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Advertised Bid Process</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Contract</li> </ul>	<ul style="list-style-type: none"> <li>• Requisition</li> <li>• Advertised Bid Process</li> <li>• Board Pre-Approval<sup>3</sup></li> <li>• Signed Contract</li> </ul>
Income Generating	8000-8999	<ul style="list-style-type: none"> <li>• Signed Contract</li> <li>• Board Ratification<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Signed Contract</li> <li>• Board Pre-Approval<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Signed Contract</li> <li>• Board Pre-Approval<sup>3</sup></li> </ul>

<sup>1</sup> Chart assumes compliance, review and approval of requisite District personnel per District and applicable department rules, procedures and requirements.

<sup>2</sup> This references the Bid Threshold set annually by the Board of Governors.

<sup>3</sup> Copy of Board Minutes to be placed in purchasing/contract file subject to audit.

<sup>4</sup> See Section VI for Bid Requirements.

- III. **Implementation:** To facilitate the implementation of this administrative procedure, the Vice Chancellor, Finance and Administration shall have the authority to issue contracting, purchasing and operating procedures and authorize standard forms consistent with, and in furtherance of the finance, accounting, accounts payable, purchasing, information technology, internal auditing, and budgeting activities of the District; subject to the limits established in the California Education Code and/or other laws pertaining to the taking of bids and issuance of contracts and subject to any requisite approval of the Chancellor or formal procedures first requiring vetting via the District's shared governance process.
- IV. **General Requirements:** The following information identifies some, but not all, general statutory requirements applicable to public agency contracting and procurement:
- A. Employees of the District, members of the Board of Trustees, and members of citizens' oversight committees shall not have an interest in any contract, other than their individual employment agreement, made by the Board. (California Education Code 72533)
  - B. In addition, California statute prohibits "offering of any valuable thing to any member of the governing board of any community college district, with the intent to influence his or her action in regard to the making of any contract to which the board of which he or she is a member is a party, or the acceptance of any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor" (California Education Code 72530(a))."
  - C. A contract obtained by incorrect means is void (California Education Code 72530(b)).
  - D. The District cannot be legally bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. All transactions shall be reviewed by the Board of Trustees within ninety (90) days. All emergency contracts are required to be reported to the Board of Trustees at the earliest possible date and in all circumstances within thirty (30) days after issuance (California Education Code 81655 and 81656).
  - E. Any employee who signs a contract in violation of law or in violation of his or her authority is subject to disciplinary action. In addition, as allowed by California Education Code Section 81655, any employee committing the District to such expenditure may be personally liable to the District for any and all moneys the District paid as a result of such action. District funds incurred as a result of such actions may be charged to the location creating the liability.
  - F. "In the event of malfeasance in office, the community college district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out as a result of the malfeasance" (California Education Code 81656).
  - G. **Adjustments to Contract Amounts:** The California Community Colleges Board of Governors may make adjustments to the Bid Threshold or any other public project contract amounts shown in Table AP-6340A, Contract Types and District Business Processes, above. Any such adjustment shall be effective beginning with the calendar year that commences not less than sixty (60) calendar days following the Board of Governors notification to the District and posted in this regulation.

H. **Approved Vendor List:** The Vice Chancellor, Finance and Administration shall ensure an approved vendor list is maintained and ensure that bids, if and when solicited, are solicited from a pool that includes minorities, women, and disabled veterans as specified by statute. Upon conclusion of the bid or proposal process, the District may contract with the party who submitted one of the three lowest responsive competitive proposals or competitive bids. No vendor can be placed on the approved vendor list until the following are submitted:

- Complete vendor information including name, address, and phone number, and named address of key officers.
- Statement of qualifications.
- Taxpayer identification number as required by the Internal Revenue Services (IRS).
- Affirmative Action Status Form.

#### V. **Contractual Elements and Requirements**

- A. An appropriate budget-line for the contract along with adequate funding to encumber the contract must be developed before a contract is submitted for processing. Adequate funding includes both an “unencumbered balance” in the line item and sufficient cash reserves in the fund to pay subsequent invoices within thirty days of receipt. The Chief Business Officer shall notify all managers of the college if insufficient cash is available to pay invoices. When inadequate funding exists to encumber the entire cost of the contract, it is permitted to submit a partially encumbered contract which amount shall have a specified limited “work authorization” scope of work and dollar amount. Such contracts shall contain language that completion of the contract is subject to a determination by the district to issue subsequent “work authorizations.”
- B. Each contract is required to “show the total price for the outright purchase of any item” and “its total cost for the entire specified term of the contract” (California Education Code Section 81551). Price for an item can be stated in terms of price/hour for a particular job classification.
- C. Once a contract is signed by all parties, the document constitutes a legal and binding agreement. Any changes to the contract shall be made in writing as or contract addendum signed by both parties.
- D. **Non-Discrimination Certification:** Any vendor performing work or performing services for the District must certify that:
1. There is no discrimination in the vendor’s hiring or employment practices because of sex, race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, or sexual orientation, except as provided for in California Government Code Section 12940.
  2. All vendors must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment Housing Act beginning with California Government Code Section 12900.

3. In addition, the vendor must agree to require compliance by all subcontractors it employs or engages to perform work.
- E. **Payment of Prevailing Wages:** Vendors are required to certify compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages.
  - F. **Employed Apprentices:** When working for the District, vendors and their subcontractors who employ or otherwise engage workers in any craft or trade apprentices, and who refer apprentices to the District for enrollment, are subject to the provisions of the California Apprenticeship Law, California Plan in Apprenticeship, and the Equal Employment Opportunity Action Plan adopted by the Board of Trustees.
  - G. **Discriminatory Trusts and Restraints of Trade:** Vendors are required to abide by California Business and Professions Code Sections 16721 and 16721.5 pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade (California Education Code 81641).
- VI. **Competitive Bidding:** Contracts are subject to the bid limits found in California Public Contract Code Section 20651. Specific transactions may have additional statutory requirements.
- A. **Bid Limit:** Bids or quotations must be obtained as follows:
    1. Purchase of Goods or Services from \$1.00 up to \$2,500 shall require a verbal quote.
    2. Purchases of Goods or Services from \$2,500.01 to \$10,000 shall require one (1) written quote.
    3. Purchase of Goods or Services from \$10,000.01 to the annual Bid Threshold shall require three (3) written quotes, except minor contracts (See Section VIII below).
    4. Purchase of Goods and Services in an amount that exceeds the annual Bid Threshold shall require formal advertised bids.
    5. The above subsections 1-4 also apply to repairs, including maintenance as defined in California Public Contract Code Section 20115, that are not a public project as defined in California Public Contract Code Section 2202.

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award. Per the Education Department General Administrative Regulations (EDGAR) in securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative forms.



- B. ***Bid and Contract Forms:*** The Vice Chancellor, Finance and Administration shall ensure that bid and contract forms are prepared for the District. In addition, the Vice Chancellor shall ensure that a file of all completed forms is maintained and that all applicable statutory provisions, Board Policies, and Administrative Procedures are observed in the preparation of the forms.
- C. ***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.

The Vice Chancellor, Finance and Administration shall ensure that bid specifications are sufficiently broad to encourage and promote open competitive bidding.

D. ***Notice Calling for Formal Advertised Bids:***

1. The District shall publish at least once a week for two weeks in a newspaper of general circulation published 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 work to be done or materials or supplies to be furnished and the time and place when bids will be opened.
2. 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 ensure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

The Vice Chancellor, Finance and Administration shall ensure that bids are advertised when required by the provisions of California Education Code Section 81641 and other applicable statutes.

- E. ***Bid Guarantees:*** When required or 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 the bidder will enter into contract and furnish the required contract bonds. When no longer required for protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

F. ***Distribution and Examination of Bid Documents:*** The Vice Chancellor, General Services:

1. Shall ensure "Bid forms" along with applicable sets of specifications and drawings are made available to prospective bidders.
2. Shall provide a convenient place for bidders, subcontractors, and material personnel to use to examine specifications and drawings.

3. May require a deposit for sets of plans and specifications and may refund the deposit when the documents are returned.
4. May schedule a bidder's conference and/or job site walk through to clarify specifications.

**G. *Receipt of Bids***

1. The Vice Chancellor, Finance and Administration shall receive the bids and ensure bids are opened and read aloud in public at the time and place specified in the bid, shall check the bids for regularity and compliance with legal requirements, and record them (California Education Code Section 81641).
2. Receipt of Bids over the Internet: Bids may be submitted by way of electronic transmission.

**H. *Awarding of Bids and Contracts:*** The awarding of bids and contracts shall be subject to the following conditions:

1. Any and all bids and contract proposals may be rejected by the District.
2. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
3. Bid and contract award recommendations forwarded to the Board shall show a tabulation of the bids received and provide reasonable detail.
4. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications and local vendors when possible. 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. For the purpose 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 procedure adopted by the Board of Trustees in accordance with this section.
6. "Best Value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board of Trustees achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

**I. *Purchase without Advertising for Bids***

1. The Vice Chancellor, Finance and Administration is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.
2. The Vice Chancellor, Finance and Administration may without advertising for bids within the County of Alameda, purchase or lease from other public agencies or services by authorization of contract or purchase order.
3. The Vice Chancellor, Finance and Administration may make purchases through the State of California Cooperative Purchasing Program operated by the California State Department of General Services.

**J. *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.

**K. *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 Chancellor may make a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

- L. ***Rejection of Bids:*** Any and all bids may be rejected by the District for good and sufficient reason. Such rejection shall be in writing.

- M. ***Contract Splitting:*** California Public Contract Code 20657 prohibits splitting or separating "into smaller work orders or projects any work, project, service, or purchase" into smaller work orders, contract, or purchase for the purpose of avoiding competitive bidding. A project may, however, be split into several trade-oriented contracts in order to keep project costs low. In such instance, the competitive bidding requirement must be met by going to bid for each of the various trade categories.

- Example: Equipment can be purchased from one vendor and a contract can be issued to another vendor for the equipment's installation. If the total cost is above the then current Bid Threshold, the project must be competitively bid. (California Public Contract Code Sections 20116, 20118, 20652, and 20657).

- O. ***Alternate Procedure:*** California Uniform Public Construction Cost Accounting Act (CUPCCA) allows community college districts who accept uniform construction standards to raise bid thresholds. To do so, an approval through the state is required. This ability is not applicable to Peralta Community College District at this time because the District has not applied for CUPCCAA authority.

- P. ***Prequalification of Bidders:*** As allowed by California Public Contract Code Section 10651.5, prospective bidders for a contract or classification of contracts described in California Public Contract Section 20651, of a particular type and/or having an estimated cost to the District (either individually, or in the aggregate during the twelve (12) month period of prequalification provided below in excess of \$1,000,000.00, may be required by the District to furnish sufficient proof of public works experience and financial solvency and ability by completing a standard form questionnaire and financial information.
1. Applicants for prequalification shall provide answers to questions using a District standard form of questionnaire and financial statement that is based on the prequalification forms (either the long form or short form, as deemed appropriate). When completed, the questionnaire and financial information shall be verified under oath in the manner in which pleadings in civil actions are verified.
  2. Applicant responses to the District's standard questionnaire shall be evaluated and selected applicants will be prequalified according to a uniform system of scoring that is based on the form of scoring sheet.
  3. Except as otherwise provided by applicable laws, the questionnaires and financial information are not public records and shall not be open to public inspection.
  4. A determination by the District prequalifying an applicant shall not be construed as a representation on the part of the District that any bids or proposals will be invited or solicited from an applicant or that a contract will be advertised, offered, bid or awarded only to prequalified applicants.
  5. A determination that an applicant is prequalified shall, unless otherwise cancelled, revoked, or limited by the District, remain valid for a period of twelve (12) months after the date that the applicant was prequalified. At that point in time, the District may either allow the prequalification status of the applicant to expire of its own force or the District may, at its discretion and based on submission of updated or new information by the applicant, either renew the applicant's prequalification status for another twelve (12) months or conduct a new prequalification process.
  6. Applicants wishing to dispute the results of a prequalification determination by the District shall be entitled, prior to the closing time for receipt of bids for the contract for which they have been prequalified (or, in the case of prequalification for a classification of contracts, prior to the closing time for receipt of bids for the first contract bid by District within such classification) to a process of appeal before a committee appointed by the President of the Board of Trustees.
- VII. The Vice Chancellor, General Services, in cooperation with the designated District planning structures, and the approval of the Chancellor, is authorized to perform the following activities in preparation for facilities capital improvement contracts:

- A. **Performance of Work by District Personnel:** The Vice Chancellor, General Services is authorized to plan for the use of day labor or force account personnel to perform District- approved alterations, new construction, or additions for buildings and grounds and related equipment so long as the labor time or cost expenditures do not exceed the limitations of the California Education Code or College budget.
- B. **Facilities:** The Vice Chancellor, General Services shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities which require State approval. This responsibility includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations of buildings and grounds.
- C. **Drawings and Specifications:** The Vice Chancellor, General Services is responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.
1. Preliminary Drawings shall cover all proposed facilities, together with construction cost estimates, shall be submitted to the Board of Trustees for approval and authorization to proceed with the Working Drawings and Specifications.
  2. Working Drawings shall be prepared showing specifications and revised cost estimates, if any, will be submitted for approval to the State Chancellor's Office and the State Department of General Services as required by statute. Such drawings are to be submitted in the name of the Board of Trustees.
  3. Final Drawings and Specifications approved by the State Department of General Services and the State Chancellor's Office, along with revised estimates, if any, shall then be submitted to the board of Trustees for adoption (California Education Code Section 81837).
- D. **Facilities Contracts:** The Vice Chancellor, General Services may initiate draft language for facilities capital outlay contracts. Contracts or contract amendments exceeding \$15,000 require prior Board of Trustees authorization before they can be executed by the Chancellor or the Vice Chancellor, Finance and Administration. No vendor may be authorized to do any work until the contract is executed by the Chancellor or the Vice Chancellor, Finance and Administration.
- VIII. **Minor Contracts:** Work involving an expenditure amount that requires competitive bidding shall be awarded as described in the Competitive Bidding Section, above, provided however that contracts may be executed without a requirement for bidding if the construction or maintenance activity does not exceed \$15,000.
- IX. **Record Retention:**
- The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

Reference:

Title 5 Section 55007

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.

Government Code Section 53060

ACCJC Accreditation Standard III.D.16

2 Code of Federal Regulations Part 200.318

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