

Approved  
July 15, 2016

## **AP 6345 BIDS AND CONTRACTS – UPCCAA**

### **References:**

Education Code Sections 81641 et seq.;  
Labor Code Sections 1770 et seq.;  
Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq.  
(Uniform Public Construction Cost Accounting Act (Act))

### **Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees**

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. Public projects estimated to cost up to \$175,000<sup>[1]</sup> shall be let to contract by procedures described below.

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

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

### **Procedures Not Covered by this AP**

When this procedure does not establish a process for bidding Public Projects, the procedures described in AP 6430 titled Bids and Contracts shall govern.

### **Contractors List**

Lists of contractors shall be developed and maintained.

### **Award to Low Bidder; No Bids**

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further complying with this procedure.

### **Notice Inviting Informal Bids**

When a Public Project anticipated to cost less than \$175,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids and describe how to obtain more detailed information about the Project. The District shall mail the notice to all contractors for the category of work to be bid, as shown on the Contractors List. The District may also mail the notice to all construction trade journals. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing shall be completed at least ten days before bids are due.

### **Award of Informally-Bid Contracts**

The District Chancellor or designee is authorized to award informal contracts (defined as contracts for less than \$175,000.00), except those contracts described below.

### **Bids Exceed Informal Bidding Limit**

If all informal bids received exceed \$175,000, and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$187,500 to the lowest responsible bidder. The contract must be approved by Resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

### **Bid Documents for Formal Bids**

The District Chancellor or designee, will see that plans, specifications and working details for all Public Projects estimated to cost more than \$175,000 are adopted.

### **Notice Inviting Formal Bids**

When a Public Project, which is anticipated to cost in excess of \$175,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent electronically, if available, by facsimile or electronic mail and mailed to all construction trade journals. The notice to construction trade journals shall be sent at least 15 calendar days before the date of bid opening. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least 30 days before the date of bid opening.

**When Contractors List Has Not Been Prepared: Proprietary Product or Service**  
Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

### **Contracts for Maintenance Work**

Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance Work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

### **Rejection of Bids; Re-solicitation; Use of District Employees**

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

### **Emergency Procedures**

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

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[\[1\]](#) The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorizes public projects of \$45,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to \$175,000 may be let to contract by informal procedures. Public projects in excess of \$175,000, with limited exceptions, shall be let to contract by formal bidding procedure. PCC 22032.