



## **BP 6340 BIDS AND CONTRACTS**

Adopted: November 12, 2013

Last Revised: December 12, 2017

### **References:**

Education Code Sections 81641 et seq.;  
Public Contract Code Sections 20650 et seq.;  
Government Code Section 53060;  
WASC/ACCJC Accreditation Standard III.D.16; and  
2 Code of Federal Regulations Part 200.318

As stated in the Ends Policies adopted by the Board of Trustees: “The San José-Evergreen Community College District exists to ensure all students, especially those with educational and/or socioeconomic challenges, will have the skills and capabilities to be successful in the next stage of their life.”

As further stated in the Ends Policies adopted by the Board of Trustees: “As a leader in the Silicon Valley, the San José-Evergreen Community College District will be an active partner with civic and other community leaders to create a strong economy and foster social-economic equity and social justice.”

Consistent with these Ends Policies the Board of Trustees finds that:

1. Creating an environment that encourages students to: a) enroll at SJECCD, and b) continue attending through completion of their degrees or other education plans, are essential to fostering student success, as well as the vitality of the District.
2. Supporting a strong local economy and fostering social-economic equity and social justice are directly linked to promoting the enrollment and retention of students as well as finding and retaining the most qualified vendors. By so doing the District:

- a. Promotes the economic stability of families in our community, making college more affordable;
- b. Fosters the creation of local career opportunities, making college an attractive option, as compared to going directly into the workforce;
- c. Eliminates irrational barriers that impede consideration of qualified vendors.

The Board of Trustees delegates to the District Chancellor the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are ratified by the Board.
- Contracts for work to be done, services to be performed; or for goods, equipment, or supplies to be furnished or sold to the District that exceed the bid threshold as specified by Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract 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, or reject all bids.
- Bidding and contracting processes shall be implemented consistent with the District's Outreach Program for businesses with one or more of the following characteristics: small, micro, local, or owned by women, minority, veteran, religious minorities, disabled individuals, members of the LGBTQIA community and owners from other underrepresented groups.

If the District Chancellor 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 a contract, lease, requisition, or purchase order through any other public corporation or agency in accordance with Public Contract Code Section 20652, the District Chancellor is authorized to proceed with a contract.

Consistent with the Board's general delegation of authority and State and Federal law, and subject to any reporting and ratification requirements, the District Chancellor are specifically empowered to execute orders that change or alter a contract entered into by the District pursuant to Public Contract Code Section 20651 and to authorize the contractor to proceed with performance without securing bids, if the agreed upon cost does not exceed the maximum allowed by Public Contract Code Section 20659 or ten percent of the original contract price. Changes are subject to ratification of the Board.

The District does not recognize and shall not be bound by verbal agreements nor does the District recognize and shall not be bound by written agreements signed on behalf of the District by an individual not authorized to bind, encumber, or contract on behalf of the District.