



AP 6345

BIDS AND CONTRACTS - UPCCAA

References:

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

Applicability

This procedure applies to all contracts for public projects. Public projects are defined as the construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased, or operated facility.

For public projects estimated to cost \$60,000¹ or less (as may be adjusted), the District may enter into a negotiated contract or purchase order.

Contracts for public projects estimated to cost between \$60,001 and \$200,000 (as may be adjusted) may be awarded using the informal bidding procedures described below.

Contracts for public projects exceeding \$200,000 (as may be adjusted) shall be awarded using the formal bidding procedures described below.

The District may, at its option, use these procedures to award contracts for maintenance work. Maintenance work is defined as 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.

General Bidding Requirements

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this procedure or the Public Contract Code requiring contracting after competitive bidding.

¹ The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller adjust amounts under the UPCCAA.



All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1774 to 1776 governing payment of prevailing wages and retention of payroll records; 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.

Contracts let using the informal or formal bidding procedures must be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses. When no bids are received, the District may perform the public projects with District employees or through a negotiated contract without further complying with this procedure.

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.

Informal Bidding and Award Procedures

Lists of qualified contractors, identified according to categories of work, shall be developed and maintained by the District.

The District shall mail, fax, or email a notice inviting informal bids to all contractors on the District-maintained contractor list for the category of work being bid, or to all trade journals (as identified by the California Uniform Construction Cost Accounting Commission (Commission)), or both. 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. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing (including fax or email) shall be completed at least ten days before bids are due.

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.

Formal Bidding and Award Procedures

The Board of Trustees designates as its representative the Superintendent/President to adopt the plans, specifications, and working details for all public projects estimated to cost more than \$200,000 (as may be adjusted).

The notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids, and shall distinctly describe the project. The District shall publish the 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 (as identified by the Commission). The notice 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.

Emergency Procedures

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

Date Approved: January 11, 2016

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