

Business and Noninstructional Operations

BIDS

In order to ensure transparency and the prudent expenditure of public funds, the Governing Board shall award contracts in an objective manner and in accordance with law. Subject to the foregoing, the District shall promote open and fair competition for all District construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of District construction contracts. District equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Board determines that it is in the best interest of the District to do so.

(cf. 0410 – Nondiscrimination in District Programs and Activities)

(cf. 3000 – Concepts and Roles)

(cf. 3300 – Expenditures/Expending Authority)

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

The District may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law when the Board has determined that it is in the best interest of the District. (Public Contract Code 20118)

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 3311.

(cf. 9270 – Conflict of Interest)

Contracts for Construction Projects

With respect to evaluation of potential contractors based on review of non-price criteria, the District shall develop and use a standardized scoring system with predetermined evaluation criteria. Any scoring system used by the District shall identify how each of the evaluation criteria will be measured and the relative significance or weight that will be assigned to each criterion. A description of the scoring system shall be included in all solicitation documents involving selection of contractors based on review of non-price criteria.

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BIDS (continued)

A committee or panel shall be used in all circumstances in which the District evaluates potential contractors based on review of non-price criteria, including best value procurement, contractor prequalification and professional services procurement. Such committee or panel shall be comprised of District staff, but the District may include on the committee or panel: (i) a member of another school district; and/or (ii) other outside expert(s) in public works contracting.

Any prehire collective bargaining agreement constituting a "project labor agreement," as defined in Public Contract Code 2500(b), shall include the taxpayer protections set forth in Public Contract Code 2500(a).

The District shall endeavor to provide public notice of the negotiation of a project labor agreement at least 60 days prior to a vote of the Governing Board on such agreement. The District shall consider holding a workshop prior to approval of the agreement to evaluate reasonableness of the agreement.

Legal Reference:

EDUCATION CODE

17595 Purchases through Department of General Services
38083 Purchase of perishable foodstuffs and seasonable commodities
38110-38120 Apparatus and supplies
38902 Transportation services

GOVERNMENT CODE

4330-4334 Preference for California-made materials
6252 Definition of public record
53060 Special services and advice
54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

1102 Emergencies
2001 Responsive bidders
2500 Project labor agreements; taxpayer protections
3002 Roofing projects
3400 Bids, specifications by brand or trade name not permitted
3410 United States produce and processed foods
6610 Bid visits
12200 Definitions, recycled goods, materials, and supplies
20103.8 Award of contracts
20107 Bidder's security
20111-20118.4 Contracting by school districts
20189 Bidder's security, earthquake relief
22002 Definition of public project
22030-22045 Alternative procedures for public projects

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BIDS (continued)

Legal Reference (continued):

22050 Alternative emergency procedures

22152 Recycled product procurement

COURT DECISIONS

Marshall v. Pasadena USD (2004), 119 Cal.App.4th 1241

Konica Business Machines v. Regents of the University of California (1988),
206 Cal.App.3d 449

City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972),
7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

WEBSITES

California School Boards Association: www.csba.org

California Association of School Business Officials: www.casbo.org

Policy

Adopted: 11/13/90

Revised: 05/22/01

Revised: 10/24/12

Revised: 08/15/18

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California