



# Santa Ana Unified School District

BOARD POLICY NO: 3311

EFFECTIVE: 04/23/2019

SUBJECT: **Bids**

CATEGORY: Business and Noninstructional Operations

RESPONSIBLE OFFICE(S): Business Services, Purchasing

## **SCOPE:**

This policy provides standards and requirements for the competitive solicitation of equipment, supplies and services. The policy ensures that all bids are to be done in the best interest of the District and in compliance with all applicable laws and codes.

## **POLICY:**

The District shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Board determines that it is in the best interest of the District to do so.

In awarding contracts for public works projects involving District facilities, the Governing Board desires to obtain the best value to the district and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the California Uniform Public Construction Cost Accounting Act (CUPCCAA) pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements regarding contracting after competitive bidding.

Projects awarded through the CUPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission.

When the Board has determined that it is in the best interest of the District, the Board may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

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.



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## **Emergency Actions**

Public Contract Code 22035 allows the District to replace or repair a school facility without going through the CUPCCAA process in cases of emergency in accordance with Public Contract Code 22050. Public Contract Code 1102 defines "emergency" as a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

When formal bids are required by law but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a facility without adopting plans, specifications, sheets, or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board or designee and/or licensed contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code 22050 and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

## **DESIRED OUTCOME:**

Through this policy, the District shall establish and maintain procedures related to competitively soliciting of equipment, supplies and services.

## **IMPLEMENTATION GUIDELINES AND ASSOCIATED DOCUMENTS:**

### **District Policies and Procedures:**

Administrative Regulation 3311 – Bids

Board By-Laws 9270 – Conflict of Interest

## **Legal Reference:**

### **Education Code**

17595	Purchases through Department of General Services
39802	Transportation bids and contracts for services
38083	Purchase of perishable foodstuffs and seasonable commodities
38110	Purchase of supplies through county superintendent
38111	Purchases by district governing board
38112	Purchases of necessary supplies

### **Government Code**

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



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## Public Contract Code

1102	Emergency
2000-2001	Responsive bidders
3400	Bids, specifications by brand or trade name not permitted
3410	United States produce and processed foods
6610	Bid visits
12161	Definitions, recycled paper products
12168	Preference for purchase of recycled paper products
12169	Bidders to specify percentage of recycled paper product
12200	Definitions, recycled goods, materials and supplies
12210	Purchase of recycled products preferred
12213	Specification by bidder of recycled content
20103.8	Award of contracts
20107	Bidder's security
20111-20118.4	School districts
20189	Bidder's security, earthquake relief
22002	Definition of public project
22030-22045	Alternative procedures for public projects (UPCCAA)
22050	Alternative emergency procedures

## Court Decisions:

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

## Management Resources:

### WEB SITES

CSBA: [www.csba.org](http://www.csba.org)

California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

## ADOPTION AND REVISION HISTORY:

(12-16) 4-19