

Board Policy

Bids

BP 3311

Business and Noninstructional Operations

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding. When procuring goods and services with a federal grant, the Superintendent or designee shall comply with the standards contained in 2 CFR 200.317-200.327 and Appendix II of Part 200, and with any applicable state bidding or procurement law or district policy that is more restrictive.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 3000 - Concepts and Roles)
- (cf. 3230 - Federal Grant Funds)
- (cf. 3300 - Expenditures and Purchases)
- (cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)
- (cf. 3311.2 - Lease-Leaseback Contracts)
- (cf. 3311.3 - Design-Build Contracts)
- (cf. 3311.4 - Procurement of Technological Equipment)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

- (cf. 9270 - Conflict of Interest)

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, and service required and include all information which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property to the extent authorized by law. (Public Contract Code 20118)

Legal Reference:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act
 17250.10-17250.55 Design-build contracts
 17406 Lease-leaseback contracts
 17595 Purchase of supplies through Department of General Services
 17602 Purchase of surplus property from federal agencies
 38083 Purchase of perishable foodstuffs and seasonable commodities
 38110-38120 Apparatus and supplies
 39802 Transportation services

BUSINESS AND PROFESSIONS CODE

7056 General engineering contractor
 7057 General building contractor

CODE OF CIVIL PROCEDURE

446 Verification of pleadings

GOVERNMENT CODE

4217.10-4217.18 Energy conservation contracts
 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
 1103 Definition, responsible bidder
 2000-2002 Responsive bidders
 3000-3010 Roofing projects
 3400 Bids, specifications by brand or trade name not permitted
 3410 United States produce and processed foods
 4113 Prime contractor; subcontractor
 6610 Bid visits
 12200 Definitions, recycled goods, materials and supplies
 20101-20103.7 Public construction projects, requirements for bidding
 20103.8 Award of contracts
 20110-20118.4 Local Agency Public Construction Act; school districts
 20189 Bidder's security, earthquake relief

22000-22045 Alternative procedures for public projects (UPCCAA)

22152 Recycled product procurement

COURT DECISIONS

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739

Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425

Marshall v. Pasadena Unified School District, (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:

WEB SITES

CSBA: <http://www.csba.org>

California Association of School Business Officials: <http://www.casbo.org>

California Department of Education: <http://www.cde.ca.gov>

California Department of General Services: <https://www.dgs.ca.gov>

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CALAVERAS UNIFIED SCHOOL DISTRICT
San Andreas, California