

Business and Noninstructional Operations

BIDS

BP 3311 (a)

The Board of Trustees 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.

- (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)

BIDS, continued

BP 3311 (b)

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

Legal Reference, continued:

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>

Policy

adopted: January 8, 2008

revised: _____

SAN JACINTO UNIFIED SCHOOL DISTRICT

San Jacinto, California