

Purchasing Policies and Procedures

Revised 2/1/2019

PURPOSE AND SCOPE

This handbook is in compliance with the Government Code of California, Sections 54202 and 54204 and Federal Regulation 2 CFR 200.318 (a) which mandate:

54202 Every local agency shall adopt policies and procedures, including bidding regulations, governing purchasing of supplies and equipment by the local agency shall be in accordance with said duly adopted policies and in accordance with all provisions of law governing the same. No policy, procedure, or regulation shall be adopted which is inconsistent or in conflict with statute.

54204 If the local agency is other than a city, county, or city and county, the policies provided for in Section 54202 shall be adopted by means of a written rule or regulations, copies of which shall be available for public distribution.

2 CFR 200.318 (a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

PURCHASING POLICIES ADOPTED BY THE
LONG BEACH UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

BOARD OF EDUCATION

All purchasing duties for the Long Beach Unified School District Board of Education are centralized under the Purchasing & Contracts Branch with the actual function of procurement being delegated to the branch by the Board (Note: Similar authority has been granted to Nutrition Services for their requirements). However, under the law, the Board has the final authority and responsibility.

It is the intent of the Board of Education to ensure that the Purchasing & Contracts Branch on behalf of the District shall:

- Serve the best interest of the school district in all transactions.
- Obtain the maximum value for each dollar expended.
- Comply with all applicable provisions of county, state, and federal laws governing purchasing.
- Establish specifications that are descriptive of materials desired and, whenever possible, sufficiently broad to promote competitive bidding.
- Attract and develop a group of responsible bidders able to offer the best prices consistent with quality and service.
- Conduct purchasing in a businesslike manner using the most efficient procedures, records, and reports.
- Purchase without favor or prejudice.
- Publicly open advertised bids at the prescribed time and place.

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(CONTINUED)

- Grant awards to the lowest responsible bidder(s) meeting specifications or reject all bids.
- Standardize as much as possible equipment and/or supplies used within the District.
- Evidence every purchasing transaction with a requisition, purchase order, purchasing card, formal contract, or other written instrument, as applicable.
- Assure that no member of the governing board or district employee shall be financially interested in any contract made by the Board of Education (as defined in Education Code Section 35233, Government Code Section 1090, et. al, and Code of Federal Regulations: 2 CFR 200.318 [c] (1)).
- Comply with the following provisions of the California Education Code and Public Contract Code:

E.C. 17596 Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for the district, or for materials or supplies to be furnished or sold to the district may be with an accepted vendor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, not to exceed three years.

E.C. 17452 Terms of Leases

The term of any lease or lease-purchase agreement shall not exceed the estimated useful life of the item but in no event shall the term exceed 10 years. A lease, but not a lease-purchase agreement, may be renewable at the option of the lessee and the lessor, jointly,

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at the end of each term at a rate not more than 12 percent annually above the rate set pursuant to the existing agreement. In no event shall the combined period of the original lease and renewals or extensions exceed 10 years. Any contract for the lease or lease-purchase or equipment or service systems which was in existence prior to April 22, 1975, shall remain in effect and such terms are hereby ratified.

P.C.C. 20118 Purchase Through Public Corporations Without Advertising for
Bids

Notwithstanding Sections 20111 and 20112 of the Public Contract Code, the governing board of any school district without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order, any public corporation or agency, including any county, city, town, or district to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor. Upon receipt of any such personal property, if the property complies with the specifications set forth in the contract, lease, requisitions, or purchase order, the school district may draw a warrant in favor of the public corporation or agency for the amount of the approved invoice, including the reasonable costs to the public corporation or agency for furnishing the services incidental to the lease or purchase of the personal property, or the school district may make payment directly to the vendor. Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of the personal property, a school district may authorize the lease or purchase of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract.

E.C. 17602 Purchasing of Surplus Property From Federal Agencies

The governing board of any school district may purchase from the federal government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids. When it is feasible and will reduce project cost, staff is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property. (2 CFR, Section 200.318(f)) (EDC 17602)

PURCHASING & CONTRACTS BRANCH GENERAL REQUIREMENTS

The requirements of the Purchasing Branch are varied in the total scope of operation with the Long Beach Unified School District.

- The purchase of supplies, equipment, and services necessary for the operation of the school district will be centralized in the Purchasing & Contracts Branch of the Business Department under the immediate direction and supervision of the Purchasing & Contracts Director. Review will be by the Chief Business and Financial Officer and/or his/her designee.
- The Purchasing & Contracts Director will be designated as the district official to sign purchase orders and contracts for the District. A listing of all purchase orders will be submitted for ratification approval by the Board of Education.
- The Purchasing & Contracts Branch shall:
 - Strive constantly to increase its knowledge of materials and services and shall keep other offices informed.
 - Work with appointed committees to study and recommend adoptions and revisions of specifications for supplies and equipment best suited for the purpose intended by the District.
 - Provide a stores services system. A central warehouse will be maintained with staff for receiving, checking, and delivering all supplies and/or equipment obtained for district use. The warehouse will maintain an inventory of approved standard items available for issue to using schools and departments.
 - Conduct, or supervise all purchase transactions for the District.
 - Purchase all supplies and/or equipment for Maintenance Branch stock.
 - Conduct all transactions in accordance with all pertinent laws and adopted policies of the Board of Education, with the approval of legal counsel.

- Prepare and maintain an up-to-date catalog of standard stock materials stored in the central warehouse. Copies of the current stock catalog will be available to all schools and major offices in the District.
- Maintain a file of current reference materials on supplies and equipment used and purchased by the District. Information from this file will be made available to the using schools and departments of the District.
- Assign an inventory number to each inventoriable equipment item purchased for the district, affix district identification numbers to equipment and provide input information to the District's equipment inventory system.
- Handle the disposal of all surplus, obsolete, or scrap equipment and materials, as authorized by the Board of Education and in accordance with the appropriate legal requirements.
- Submit written recommendations regarding each advertised bid approval and award by the Board of Education or their designee.
- Be responsible for the management of certain contracts as assigned by the Chief Business & Financial Officer and Financial Services Officer and submit written recommendations regarding such contracts for approval by the Board of Education.
- Ensure that action taken on all purchase orders and contract recommendations will be recorded in the minutes of the Board of Education.

STAFF/USER REQUIREMENTS

The following requirements are established by the Purchasing & Contracts Branch to assist district employees in the procurement of goods and services. These requirements will ensure proper compliance with the Public Contract, Education, and Government Codes of California, Code of Federal Regulations, Title 2, Part 200 and approved Board of Education policy. The adherence to all statements is mandatory.

- All requests for prices and all purchases will be made through and by the Purchasing & Contracts Branch.
- The demonstration of office machines, equipment, and materials must be arranged through the Purchasing & Contracts Branch office.
- Individuals are not permitted in schools or offices for the purpose of making sales. If it is necessary to contact company representatives regarding special or highly technical details of their products, schools or offices shall make such arrangements through the Purchasing & Contracts Branch office. Exception: Representatives of textbook publishers may be exempted from this restriction by authorization of the Superintendent of Schools.
- Communications with suppliers must be made through the Purchasing & Contracts Branch office.
- No direct purchase of any materials whatsoever will be made by district personnel other than: designated Purchasing & Contracts Branch employees, those persons authorized by Board of Education action, or persons authorized to purchase through the Maintenance Branch emergency ("C" number) procedures, purchasing cards, or revolving cash funds.
- District employees shall not correspond with vendors or contractors in writing or fill out forms, which may be interpreted as agreements authorizing the delivery of merchandise and/or service. Such communication is often considered legally binding and will place the employee in the position of having to PERSONALLY make payment for the goods or services provided.
- District employees will not have a financial interest in any contract with the district for goods and/or services.
- Statement of preference for a particular material is a prerogative of each using school and/or department; however, the Purchasing & Contracts Branch has the authority to review the quality and kind of material requested and to make recommendations relative to safety, health, economy, and substitute materials. Disagreements over materials that cannot be reconciled between the Purchasing & Contracts Branch and the requisitioner will be forwarded to the appropriate Assistant Superintendent and/or the Chief Business and Financial Officer for disposition.

PURCHASING STAFF REQUIREMENTS (VENDOR RELATIONSHIPS)

To maintain a professional, yet courteous relationship with the vendor population, the following requirements are necessary and will be adhered to by the staff of the Purchasing & Contracts Branch. In doing so, district conduct and staff integrity will be maintained.

- All suppliers' representatives may have a meeting at the discretion of the branch staff relative to their products, the first time they call. Subsequent requests for visits will be promptly and courteously acknowledged and interviews may be granted or not, depending upon the circumstances. Branch personnel are not required to indiscriminately place their time at the disposal of a salesperson; however, frequent his/her visits and/or mission. It is advised that suppliers' representatives schedule such meetings.
- Branch staff will not extend favoritism to any vendor. Each order is to be placed on the basis of quality, price, service and delivery, with past services being a factor if all other considerations are equal. However, a local vendor (located within the school district boundaries) may be given preference whenever price, quality, service, delivery, and past performance are equal to that bid by a vendor located outside of the District.
- Branch staff will conduct all necessary negotiations for price adjustments. All arrangements for return or exchange of merchandise must be made through the Purchasing & Contracts Branch.
- At no time will the branch staff or other district personnel solicit funds and/or materials from vendors, however worthwhile the purpose may be.
- Authorized staff may visit a vendor's place of business to acquaint themselves with a product line and to determine the company's capability to serve the District.

PRICE SOLICITATION REQUIREMENTS (BIDS AND QUOTATIONS)

The Purchasing & Contracts Branch will adhere to the established district policies, Public Contract, Educational, Government and Federal codes and regulations pertaining to bidding and quotation solicitation.

- Purchasing will be accomplished through competitive bidding with awards made to the lowest responsible bidder meeting district specifications, instruction, and conditions.
- The procurement standards of Code of Federal Regulations, Title 2 Part 200, as referenced in the following procedures shall be adhered to when procuring materials and services under a Federal award.
- The Purchasing & Contracts Branch will seek bids and quotations from those sources able to offer the best price, consistent with quality, delivery, and service.
- Competitive bidding shall be practiced (advertised bid, written price quotations, oral price quotations) whenever practical or required by law.
- The District will act in accordance with Public Contract Code (PCC) 20111 which reads: “The Governing Board shall let any contracts involving an expenditure of more than fifteen thousand dollars (\$15,000) for work to be done or more than fifty thousand dollars (\$50,000) for materials or supplies to be furnished, sold or leased to the district to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.” In compliance with PCC 20111, the dollar expenditure amount for materials or supplies may be increased annually. (For 2019, the amount is \$92,600). In this regard, the district will follow provisions of PCC 20116 which states, “It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading provisions of the Code requiring work to be done by contract after competitive bidding.”
- Our District is governed under the California Uniform Public Construction Cost Accounting Act (CUPCCAA), applicable to public works. Further definition is contained in various government codes including, but not limited to, Public Contract Code 22000-22045.
- The District will act in accordance with PCC 20112 which reads: “For the purpose of securing bids the Board shall publish at least once a week for two weeks in some newspaper of general circulation, circulated in the county, a notice calling for bids, stating the work to be done or materials or supplies to be furnished and the time when and the place where bids will be opened.”
- All bid instructions and specifications will be clear and complete, setting forth all necessary conditions for competitive bidding.
- The Purchasing & Contracts Branch will purchase from sources within the district whenever quality, price and service are equal to or lower than sources outside the district.

- All advertised bids shall be opened in public at a prescribed time and place. Interested parties may receive prices and other information listed in the bid at the public opening. After the bids have been opened and tabulated, they will be made available for interested persons to review. No bid document will be removed from the Purchasing & Contracts Branch office.
 - Any bid received after the time specified in the advertised notice will be returned unopened to the bidder (Government Code Section 53068).
 - Awards shall be made to the lowest responsive and responsible bidder meeting specifications. In the event of tie bids (two or more bidders submitting identical products, prices, delivery, and terms) the following procedure will be follows:
 - Award will be made to the “local” vendor, if any.
 - If a tie bid still remains, the award will be determined in compliance with Public Contract Code 20117.
 - The Board of Education reserves the right to:
 - Reject any and all bids or any part of any bid.
 - Accept any part of a bid at prices quoted, unless the bidder positively limits the bid to “all or none.”
 - Waive any informality or minor irregularity in any bid.
 - Purchases may be negotiated for materials or supplies produced by the California Correctional Industries at prices fixed by them as provided in the Penal Code.
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- Supplies and materials may be purchased on a continuing contract of not more than three (3) years, while services may be contracted for not more than five (5) years, in compliance with Education Code Section 17596, and leases for ten (10) years in compliance with Education Code 17452.
 - Exceptions: In accordance with Education Code Section 17602 and appropriate Public Contract

Code Sections, certain services and materials may be purchased without competitive bidding.

- A summary of all advertised bids showing the recommendations of the Business Department shall be submitted to the Board of Education for approval.

Intergovernmental Procurement

By purchasing through the California Department of General Services, our District takes advantage of the savings inherent in large contracts pre-negotiated at the State level. Our District also takes advantage of pre-negotiated contract pricing through Cooperative Procurement groups like TCPN and U.S. Communities.

When using either a State contract, or the contract of a Cooperative Procurement group, the following must be included on our purchase order:

1. The group name (ex: CA State CMAS, or OMNIA Partners).
2. The contract number.

In addition, our Board recognizes that it is in the best interest of the District to “piggyback” onto existing contracts of other public agencies, and has therefore provided their approval to do so. When piggybacking on another agency’s contract, the following is required:

1. The executed original contract detailing the piggyback clause, which must allow our District to use the contract. For example, “all public agencies within Ventura County, California,” or “all agencies within the State of California,” would be fine. However, something like, “all Los Angeles, Orange, and San Diego County public agencies” would not be acceptable.
2. The awarding Board’s authorization to award the contract.
3. Proof of Advertising of the original bid’s “Notice to Bidders.”
4. The contract must still be valid. If extended, the awarding Board’s authorization to extended.

The above documents must be saved as they may be requested by the County. The following must be included on our purchase order:

1. A notation as “Piggyback” followed by the awarding agency’s name and contract title.
 2. Attach to our Purchase Order both the awarding Board’s authorization of the contract with which we are piggybacking on, as well as our Board’s authorization to allow piggybacking.
- (2 CFR, Section 200.31(e)) (PCC 20118)

Small and Minority Businesses, Women Business Enterprises, and Labor Surplus Area Firms

Our District is inclusive of ALL vendors that want to participate in our solicitations, promoting a procurement environment of free and open competition, rooted in fairness and integrity. All vendors are equally afforded the opportunity to provide the District with their potential “best value” solutions to the District’s needs.
(2 CFR, Section 200.321)

Contractor Involvement in the Development of Specifications, Bid Documents, Contracts, etc...

In order for us to ensure objective contractor performance and eliminate unfair competitive advantage, no

contractor/consultant is allowed to compete for any related procurement opportunity when the contractor/consultant developed or drafted any of the following:

- Specifications
- Requirements
- Statements of Work
- Invitations for Bids
- Requests for Proposals

(2 CFR, Section 200.319[a]) (GOV 1090)

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(2 CFR, Section 200.319[a]) (GOV 1090)

Purchase Procedures for Equipment, Materials (Except Instructional), Supplies, Goods, Services (Except Construction and Professional), and Repairs (Non-Public Project)

See Table 1 • Procurement Thresholds for Equipment, Materials, Supplies, Services, and Repairs
Micro Purchase Procedures
Informal Purchase Procedures for Small Purchases
Formal Purchase Procedures for Large Purchases

Purchase Procedures for Public Projects

See Table 2 • Procurement Thresholds for Public Works
California Uniform Public Construction Cost Accounting Act (CUPCCAA)

Non-competitive Procurement

A procurement environment of free and open competition helps encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that are equal in essential respects to existing products, yet provide a lower cost to the taxpayers. By adhering to procurement code, we help to promote such an environment.

An exception to the above, which limits procurement to a single source, may be necessary under certain conditions. California code allows for limiting both the vendor, as well as a good or service, related to public works under the

following conditions:

1. In order to field test a product.
2. To match other products in use on a particular public improvement.
3. To obtain a necessary product only available from one source.
4. To respond to an emergency.

Federal code allows limitation to a single source, without any reference to public works, under the following conditions:

1. An item is available only from a single source.
2. A public emergency will not permit a delay resulting from competitive solicitation.
3. Non-competitive proposals have been expressly authorized by the Federal agency or pass-through entity in response to a written request.
4. After solicitation of a number of sources the competition is determined inadequate.

In cases of non-competitive procurement involving federal funds, get written pre-approval from the California Department of Education and save all related documentation.

Any situation that may involve non-competitive procurement should first be discussed with the Director of Purchasing.

(2 CFR, Section 200.320(f)) (PCC 3400)

Cost and Price Analysis

When engaged in any “formal” procurement, as part of our due-diligence, it is required that a cost or price analysis be performed. Such analysis may vary depending upon the situation, but at the very least, independent estimates must be made prior to receiving bids or proposals. This provides us with a “base” to use when evaluating vendor responses, helping with the decision to accept or reject all responses.

In any situation involving non-competitive procurement, and in cases where cost analysis is performed, profit must be negotiated as a separate element of the contract price. In order to establish a fair and reasonable profit, consideration must be given to the following:

1. Complexity of the work to be performed.
2. Risk borne by the contractor.
3. Contractor’s investment.
4. Amount of subcontracting.
5. Quality of its record of past performance.
6. Industry profit rates in the surrounding geographical area for similar work.

For a detailed list of what costs are allowable for contracts, see 2 CFR, Section 200, Subpart E.

As outlined above, the profit element of a contract is a function of several factors reflecting the vendor's stake in delivering a solution to our need. Unrelated to those factors are the underlying costs represented in the proposed contract, so the following methods for contracting must NOT be used:

1. Cost plus a percentage of cost.
2. Percentage of construction cost.
(2 CFR, Section 200.323)

Table 1 • Procurement Thresholds

Equipment, Materials (except instructional), Supplies, Goods, Services (except construction and professional), Repairs (non-public project)

The table below is a combination of both Federal and State regulations. In any case where there is a difference between the Federal and State code, the stricter of the two is adhered to. This is only meant as a quick reference. Further definitions, including exemptions, are contained in various government codes including, but not limited to, Public Contract Code 20110-20118.4.

METHOD	\$ RANGE	DESCRIPTION / PROCEDURE
Micro Purchase (Informal)	Up to \$10,000 (Federal)	<p>Used in order to expedite the completion of our lowest-dollar transactions and minimize the associated administrative burden and cost. Considered a subset of the Small Purchase method. May be used when the annual aggregate cost of a supply or service does not exceed the threshold.</p> <p>Contact the Facilities Department for either of the following: Purchases which involve labor costs in excess of \$1,000 (Field Contract) (LC 1771), or any service which will alter our facility, including anchoring equipment.</p> <p>Purchases must be distributed equitably among “local” vendors, provided a vendor’s price is considered “reasonable.” In this case, the term “reasonable” is defined as within 15 percent of the lowest known vendor’s non-sale price for the same supply or service. For supplies, “local” is defined as vendor’s location within a 10-mile radius of our city boundaries. For services, “local” is defined as any known vendor whose response time is considered acceptable depending upon the situation. Detailed records should be maintained in order to show equitable distribution of funds. This requirement of equitable distribution applies only to Federal funds. (2 CFR, Section 200.320(a))</p>
Small Purchase (Informal)	Up to \$92,600 (California) \$250,00 (Federal)	<p>May be used when the annual aggregate cost does not exceed the threshold.</p> <p>Contact the Facilities Department for either of the following: Purchases which involve labor costs in excess of \$1,000 (Field Contract) (LC 1771), or any service which will alter our facility, including anchoring equipment.</p> <p>Multiple quotes are not needed for instructional materials. However, it is our duty to maximize the value of the taxpayer dollars, and therefore comparative pricing should be sought when warranted (PCC 20118.3)</p> <p>Multiple quotes are not required when using either a State, Cooperative Purchasing Group, or Piggyback contract. Required information must be referenced on our requisition. (2 CFR, Section 200.318[e]) (PCC 20118)</p> <p>A minimum of three (3) WRITTEN quotes is required on purchases exceeding \$3,500.00. For purchases not exceeding \$3,500.00, three (3) WRITTEN quotes are preferred, however, two (2) WRITTEN quotes are acceptable.</p>

		When requesting quotes for equipment, materials, supplies, or goods, ALWAYS REQUEST ANY AVAILABLE GOVERNMENT PRICING via State, Cooperative Purchasing Group, or Piggyback contract. Quotes must be attached to our requisition either separately, or as one document with the winning quote beginning on page 1 (preferred). (2 CFR, Section 200.320(b)) (SVUSD AR 3230)
Large Purchase (Formal)	Exceeds \$92,600 (California) \$250,000 (Federal)	Formal bidding procedures must be used when the annual aggregate cost exceeds the threshold. This includes both Sealed Bids and Requests for Proposals (RFP's). Contact the Purchasing Department. Requirements are outlined in legal code, including but not limited to, Public Contract Code section 20110-20118.4. Not required for instructional materials. (PCC 20118.3) (2 CFR, Section 200.320(c)(d)) (PCC 20110-20118.4)

Table 2 • Procurement Thresholds for Public Works

Our District is governed under the California Uniform Public Construction Cost Accounting Act (CUPCCAA), applicable to public works. The table below is only meant as a quick reference. Further definition is contained in various government codes including, but not limited to, Public Contract Code 22000-22045.

PROJECT COST	REQUIREMENTS
\$1,000 or less	<p>The following items are required:</p> <ol style="list-style-type: none"> 1. Written quote on Contractor letterhead 2. Contractor is registered with the Department of Industrial Relations (DIR) (LAB 1725.5) 3. Contractor is licensed (LAB 1725.5) 4. Contractor is insured for the following as required by District minimums: <ul style="list-style-type: none"> • Commercial General Liability including Additional Insured Endorsement • Automobile Liability • Workers' Compensation (LAB 1725.5) • Any other type of insurance as may be required <p>The above items, or their verification, must be attached to our requisition.</p>
\$1,000.01 to \$4,999.99	<p>The following items are required:</p> <ol style="list-style-type: none"> 1. Written quote on Contractor letterhead 2. Contractor is registered with the Department of Industrial Relations (DIR) (LAB 1725.5) 3. Contractor is licensed (LAB 1725.5) 4. Contractor is insured for the following as required <ul style="list-style-type: none"> • Commercial General Liability including Additional Insured Endorsement • Automobile Liability • Workers' Compensation (LAB 1725.5) • Any other type of insurance as required by Field Services Contract 5. Additional Requirements <ul style="list-style-type: none"> • Prevailing wages must be paid to all workers • Fingerprint Certification, if applicable (EDC 45125.2) <p>The above items, or their verification, must be attached to our requisition.</p>

<p>\$5,000 to \$60,000</p>	<p>The following items are required:</p> <ol style="list-style-type: none"> 1. Multiple written quotes (typically three) on Contractor letterhead. Remaining requirements apply to selected quote, beginning with the lowest cost quote. 2. Contractor is registered with the Department of Industrial Relations (DIR) (LAB 1725.5) 3. Contractor is licensed (LAB 1725.5) 4. Contractor is insured for the following as required <ul style="list-style-type: none"> • Commercial General Liability including Additional Insured Endorsement • Automobile Liability • Workers' Compensation (LAB 1725.5) • Any other type of insurance as required by Field Services Contract 5. Additional Requirements: <ul style="list-style-type: none"> • Prevailing wages must be paid to all workers • Fingerprint Certification, if applicable (EDC 45125.2) <p>All contracts must go to the School Board for approval/ratification.</p> <p>The above items, or their verification, must be attached to our requisition. Quotes should be attached as one document with the winning quote beginning on page 1.</p>
<p>\$60,000.01 to \$200,000</p>	<p>Informal bidding procedures as outlined in Public Contract Code section 22030-22045</p>
<p>Exceeds \$200,00</p>	<p>Formal bidding procedures as outlined in Public Contract Code section 20110-20118.4.</p>

Table 3 • Steps in Formal Bidding

The following is an example of the steps in the Formal Bidding process. The actual published dates for each step depend upon the feasible scheduling/coordination with Board meetings.

1. Bid document is created.
2. An “Invitation for Bids” is published once a week for two consecutive weeks. Bidders must be given sufficient time to respond before the published time and place of the Bid Opening.
3. If applicable, all interested bidders must attend a job walk (public works).
4. Bids are collected up to the published time of the Bid Opening and then opened at the published place of the Bid Opening.
5. A “Notice of Intent to Award” is provided to all bidders confirming the selected lowest responsive bid submitted from all responsible bidders. This begins the protest period, not to be more than 5 working days.
6. The selected bid is presented to the Board for approval/award.
7. A “Notice of Award” is provided to the successful bidder, along with the related contracts to be executed.
8. Depending upon the type of contract, the successful bidder is provided a “Notice to Proceed” (public works), or a Purchase Order, to begin fulfillment of the contract.

Table 4 • Websites

To check a Contractor’s License:

Contractor’s State Licensing Board

<https://www2.cslb.ca.gov/OnlineServices/CheckLicenseII/CheckLicense.aspx>

To check for State Debarment:

Department of Industrial Relations

<https://www.dir.ca.gov/dlse/debar.html>

To check for Federal Debarment:

General Service Administration, System for Award Management

www.sam.gov

To check for ineligibility resulting from the Iran Contracting Act:

Department of General Services

<https://www.documents.dgs.ca.gov/pd/poliproc/Iran%20Contracting%20Act%20List.pdf>

To verify that a bond is being executed by an admitted surety insurer:

[https://interactive.web.insurance.ca.gov/webuser/ncdw_alpha_co_line\\$.startup](https://interactive.web.insurance.ca.gov/webuser/ncdw_alpha_co_line$.startup)

Code of Federal Regulations (CFR)

2 CFR 200.213 Suspension and debarment.

Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, sub-awards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

2 CFR 200.318 General procurement standards.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

2 CFR 200.319 Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business.
2. Requiring unnecessary experience and excessive bonding.
3. Non-competitive pricing practices between firms or between affiliated companies.
4. Non-competitive contracts to consultants that are on retainer contracts.
5. Organizational conflicts of interest.
6. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement.
7. Any arbitrary action in the procurement process.

(c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand, which must be met by offers must be clearly stated.
2. Identify all requirements, which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

2 CFR 200.320 Methods of procurement to be followed.

The non-Federal entity must use one of the following methods of procurement.

(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

1. In order for sealed bidding to be feasible, the following conditions should be present:
 - (i) A complete, adequate, and realistic specification or purchase description is available.
 - (ii) Two or more responsible bidders are willing and able to compete effectively for the business.
 - (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

2. If sealed bids are used, the following requirements apply:
 - (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publically advertised.
 - (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
 - (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly.
 - (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
 - (v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.

2. Proposals must be solicited from an adequate number of qualified sources.

3. The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients.

4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

5. The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source.
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
4. After solicitation of a number of sources, competition is determined inadequate.

2 CFR 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

2 CFR 200.325 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

2 CFR 200.326 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

7 CFR 210.21 Procurement

(d) Buy American

1. Definition of domestic commodity or product. In this paragraph (d), the term ‘domestic commodity or product’ means

- (i) An agricultural commodity that is produced in the United States; and
- (ii) A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

2. Requirement.

(i) In general. Subject to paragraph (d)(2)(ii) of this section, the Department shall require that a school food authority purchase, to the maximum extent practicable, domestic commodities or products.

(ii) Limitations. Paragraph (d)(2)(i) of this section shall apply only to

- (A) A school food authority located in the contiguous United States; and
- (B) A purchase of domestic commodity or product for the school lunch program under this part.

(f) Cost reimbursable contracts

1. Required provisions. The school food authority must include the following provisions in

all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:

(iv) The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the State agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually.

(g) Geographic preference.

1. A school food authority participating in the Program, as well as State agencies making purchases on behalf of such school food authorities, may apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When utilizing the geographic preference to procure such products, the school food authority making the purchase or the State agency making purchases on behalf of such school food authorities have the discretion to determine the local area to which the geographic preference option will be applied;

2. For the purpose of applying the optional geographic procurement preference in paragraph (g)(1) of this section, “unprocessed locally grown or locally raised agricultural products,” means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: Cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk.

2 CFR Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

(H) Debarment and Suspension (Executive Orders 12549 and 12689). A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

7 CFR, 225 Summer Food Service Program

7 CFR, 225.6 State agency responsibilities.

(a) General responsibilities. 1. The State agency shall provide sufficient qualified consultative, technical, and managerial personnel to administer the Program, monitor performance, and measure progress in achieving Program goals. The State agency shall assign Program responsibilities to personnel to ensure that all applicable requirements under this part are met.

(h) Monitoring of food service management company procurements.

4. Each State agency shall have a representative present at all food service management company procurement bid openings when sponsors are expected to receive more than \$100,000 in Program payments.

7 CFR, 225.15 Management responsibilities of sponsors. (Summer Food Service Program)

(m) Food service management companies.

1. Failure by a sponsor to comply with the provisions of this section shall be sufficient grounds for the State agency to terminate that sponsor's participation in accordance with §225.18.

5. Each food service management company which submits a bid over \$100,000 shall obtain a bid bond in an amount not less than 5 percent nor more than 10 percent, as determined by the sponsor, of the value of the contract for which the bid is made. A copy of the bid bond shall accompany each bid.

6. Each food service management company, which enters into a food service contract for over \$100,000 with a sponsor, shall obtain a performance bond in an amount not less than 10 percent nor more than 25 percent of the value of the contract, as determined by the State agency, of the value of the contract for which the bid is made. Any food service management company which enters into more than one contract with any one sponsor shall obtain a performance bond covering all contracts if the aggregate amount of the contracts exceeds \$100,000. Sponsors shall require the food service management company to furnish a copy of the performance bond within ten days of the awarding of the contract.

Code of Civil Procedures (CCP)

CCP 995.311

(a) Notwithstanding any other provision of law, any bond required on a public works contract, as defined in Section 1101 of the Public Contract Code, shall be executed by an admitted surety insurer. A public agency approving the bond on a public works contract shall have a duty to verify that the bond is being executed by an admitted surety insurer.

(b) A public agency may fulfill its duty under subdivision (a) by verifying the status of the party executing the bond in one of the following ways:

1. Printing out information from the website of the Department of Insurance confirming the surety is an admitted surety insurer and attaching it to the bond.

2. Obtaining a certificate from the county clerk that confirms the surety is an admitted insurer and attaching it to the bond.

California Code of Regulations (CCR)

CCR 1406 Notice of Intent to Protest; Service List.

(a) An unsuccessful bidder who intends to protest the awarded contract pursuant to this chapter must inform the Coordinator. The Notice of Intent to Protest must be in writing and must reach the Coordinator within the number of days specified in the Solicitation, which shall be not less than one working day and not more than five working days after the posting of the Notice of Intent to Award Contract, as specified in the Solicitation. Failure to give written notice by Close of Business on that day shall waive the right to protest.

(b) On the day after the final day to submit a Notice of Intent to Protest, the Coordinator shall make a service list consisting of those bidders who did submit a Notice of Intent to Protest, the Awardee, and the Contracting Department. The Coordinator shall include addresses and facsimile numbers on this list and shall forward this service list to those bidders who submitted a Notice of Intent to Protest.

California Civil Code (CIV)

CIV 9550

(a) A direct contractor that is awarded a public works contract involving an expenditure in excess of \$25,000 shall, before commencement of work, give a payment bond to and approved by the officer or public entity by whom the contract was awarded.

(b) A public entity shall state in its call for bids that a payment bond is required for a public works contract involving an expenditure in excess of \$25,000.

CIV 9554.

(a) A payment bond shall be in an amount not less than 100 percent of the total amount payable pursuant to the public works contract. The bond shall be in the form of a bond and not a deposit in lieu of a bond. The bond shall be executed by an admitted surety insurer.

California Education Code (EDC)

EDC 17076.11.

Any school district using funds allocated pursuant to this chapter for the construction or modernization of a school building, shall have a participation goal of at least 3 percent, per year, of the overall dollar amount expended each year by the school district, for disabled veteran business enterprises.

EDC 17602.

The governing board of any school district may purchase from the federal government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

EDC 45125.2.

(a) A school district contracting with an entity for the construction, reconstruction, rehabilitation, or repair of a school facility where the employees of the entity will have contact, other than limited contact, with pupils shall ensure the safety of the pupils by one or more of the following methods:

1. The installation of a physical barrier at the worksite to limit contact with pupils.
2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony. For purposes of this paragraph, an employee of the entity may submit his or her fingerprints to the Department of Justice pursuant to subdivision (a) of Section 45125.1 and the department shall comply with subdivision (d) of Section 45125.1.
3. Surveillance of employees of the entity by school personnel.

(b) An entity that contracts with a school district for the construction, reconstruction, rehabilitation, or repair of a school facility is not required to comply with the requirements of Section 45125.1 if one or more of the methods described in subdivision (a) is utilized.

(c) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

(d) This section shall not apply to an entity providing construction, reconstruction, rehabilitation, or repair services to a school district in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

Government Code (GOV)

GOV 1090.

(a) Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

(b) An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating subdivision (a).

(c) As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

GOV 8355.

(a) Every person or organization awarded a contract or a grant for the procurement of any property or services from any state agency shall certify to the contracting or granting agency that it will provide a drug-free workplace by doing all of the following:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's or organization's workplace and specifying the actions that will be taken against

employees for violations of the prohibition.

2. Establishing a drug-free awareness program to inform employees about all of the following:

- (A) The dangers of drug abuse in the workplace.
- (B) The person's or organization's policy of maintaining a drug-free workplace.
- (C) Any available drug counseling, rehabilitation, and employee assistance programs.
- (D) The penalties that may be imposed upon employees for drug abuse violations.

3. Requiring that each employee engaged in the performance of the contract or grant be given a copy of the statement required by subdivision (a) and that, as a condition of employment on the contract or grant, the employee agrees to abide by the terms of the statement.

(b) 1. The certification requirement set forth in subdivision (a) does not apply to a credit card purchase of goods of \$2,500 or less.

2. The total amount of exemption authorized herein shall not exceed \$7,500 per year for each company from which a state agency is purchasing goods by credit card. It shall be the responsibility of each state agency to monitor the use of this exemption and adhere to these restrictions on these purchases.

Labor Code (LAB)

LAB 1725.5.

A contractor shall be registered pursuant to this section to be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any public work contract that is subject to the requirements of this chapter. For the purposes of this section, "contractor" includes a subcontractor as defined by Section 1722.1.

(a) To qualify for registration under this section, a contractor shall do all of the following:

1. Beginning July 1, 2014, register with the Department of Industrial Relations in the manner prescribed by the department and pay an initial nonrefundable application fee of \$300 to qualify for registration under this section and an annual renewal fee on or before July 1 of each year thereafter. The annual renewal fee shall be in a uniform amount set by the Director of Industrial Relations, and the initial registration and renewal fees may be adjusted no more than annually by the director to support the costs specified in Section 1771.3.

2. Provide evidence, disclosures, or releases as are necessary to establish all of the following:

- (A) Workers' Compensation coverage that meets the requirements of Division 4 (commencing with Section 3200) and includes sufficient coverage for any worker whom the contractor employs to perform work that is subject to prevailing wage requirements other than a contractor who is separately registered under this

section. Coverage may be evidenced by a current and valid certificate of workers' compensation Insurance or certification of self-insurance required under Section 7125 of the Business and Professions Code.

(B) If applicable, the contractor is licensed in accordance with Chapter 9 (commencing with Section 7000) of the Business and Professions Code.

(C) The contractor does not have any delinquent liability to an employee or the state for any assessment of back wages or related damages, interest, fines, or penalties pursuant to any final judgment, order, or determination by a court or any federal, state, or local administrative agency, including a confirmed arbitration award. However, for purposes of this paragraph, the contractor shall not be disqualified for any judgment, order, or determination that is under appeal, provided that the contractor has secured the payment of any amount eventually found due through a bond or other appropriate means.

(D) The contractor is not currently debarred under Section 1777.1 or under any other federal or state law providing for the debarment of contractors from public works.

LAB 1771.

Except for public works projects of \$1,000 or less, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works.

This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to contracts let for maintenance work.

Public Contract Code (PCC)

PCC 2203.

(a) 1. A person that, at the time of bid or proposal for a new contract or renewal of an existing contract, is identified on a list created pursuant to subdivision (b) as a person engaging in investment activities in Iran as described in subdivision (a) of Section 2202.5, is ineligible to, and shall not, bid on, submit a proposal for, or enter into or renew, a contract with a public entity for goods or services of \$1,000,000 or more.

2. A person that, at the time of bid or proposal for a new contract or renewal of an existing contract, engages in investment activities in Iran as described in subdivision (b) of Section 2202.5, is ineligible to, and shall not, bid on, submit a proposal for, or enter into or renew, a contract with a public entity for goods or services of \$1,000,000 or more.

PCC 2204.

(a) A public entity shall require a person that submits a bid or proposal to, or otherwise proposes to enter into or renew a contract with, a public entity with respect to a contract for goods or services of \$1,000,000 or more to certify, at the time the bid is submitted or the contract is renewed, that the person is not identified on a list created pursuant to subdivision (b) of Section 2203 as a person engaging in investment activities in Iran described in subdivision (a) of Section

2202.5, or as a person described in subdivision (b) of Section 2202.5, as applicable. A state agency shall submit the certification information to the Department of General Services.

(b) A public entity shall not require a person that submits a bid or proposal to, or otherwise proposes to enter into a contract with, the public entity with respect to a contract for goods or services of \$1,000,000 or more to certify that the person is not identified on a list created pursuant to subdivision (b) of Section 2203 as a person engaging in investment activities in Iran described in subdivision (a) of Section 2202.5, or as a person described in subdivision (b) of Section 2202.5, as applicable, if the person has been permitted to submit a bid or proposal to the public entity pursuant to subdivision (c) or (d) of Section 2203.

PCC 3400.

(a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

(b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works:

1. In a manner that limits the bidding, directly or indirectly, to any one specific concern, or
2. Calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of "an equal" item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

1. In order that a field-test or experiment may be made to determine the product's suitability for future use.
2. In order to match other products in use on a particular public improvement either completed or in the course of completion.
3. In order to obtain a necessary item that is only available from one source.
4. (A) In order to respond to an emergency declared by a local agency, but only if the declaration is approved by a four-fifths vote of the governing board of the local agency issuing the invitation for bid or request for proposals.

(B) In order to respond to an emergency declared by the state, a state agency, or political subdivision of the state, but only if the facts setting forth the reasons for the finding of the emergency are contained in the public records of the authority issuing the invitation for bid or request for proposals.

PCC 3410.

Any public entity, as defined in Section 1100, including any school district or community college district, when purchasing food, shall give preference to United States-grown produce and United States-processed foods when there is a choice and it is economically feasible to do so. For purposes of this section, the determination of "economically feasible" shall be made by the purchasing public entity, considering the total cost, quantity, and quality of the food and the budget and policies of the entity.

PCC 7106.

Every bid on every public works contract of a public entity shall include a declaration under penalty of perjury under the laws of the State of California, in the following form:

"NON-COLLUSION DECLARATION TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the ____ of ____, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on ___[date], at ___[city], ___[state]."

PCC 20111.

(a) The governing board of any school district, in accordance with any requirement established by that governing board pursuant to subdivision (a) of Section 2000, shall let any contracts involving an expenditure of more than \$50,000 for any of the following:

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the

district.

2. Services, except construction services.

3. Repairs, including maintenance as defined in Section 20115, that are not a public project as defined in subdivision (c) of Section 22002.

The contract shall be let to the lowest responsible bidder who shall give security as the board requires, or else reject all bids.

(b) The governing board shall let any contract for a public project, as defined in subdivision (c) of Section 22002, involving an expenditure of \$15,000 or more, to the lowest responsible bidder who shall give security as the board requires, or else reject all bids. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:

1. Cash.

2. A cashier's check made payable to the school district.

3. A certified check made payable to the school district.

4. A bidder's bond executed by an admitted surety insurer, made payable to the school district.

Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the school district beyond 60 days from the time the award is made.

(c) This section applies to all equipment, materials, or supplies, whether patented or otherwise, and to contracts awarded pursuant to subdivision (a) of Section 2000. This section shall not apply to professional services or advice, insurance services, or any other purchase or service otherwise exempt from this section, or to any work done by day labor or by force account pursuant to Section 20114.

(d) Commencing January 1, 1997, the Superintendent of Public Instruction shall annually adjust the dollar amounts specified in subdivision (a) to reflect the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the prior fiscal year. The annual adjustments shall be rounded to the nearest \$100.

PCC 20112.

For the purpose of securing bids, the governing board of a school district shall publish at least once a week for two weeks in some newspaper of general circulation published in the district, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the district's Web site or through an electronic portal, a notice calling for bids, stating the work to be done or materials or supplies to be furnished and the time when and the place and the Web site where bids will be opened. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time. The

governing board of the district may accept a bid that was submitted either electronically or on paper.

PCC 20118.

Notwithstanding Sections 20111 and 20112, the governing board of any school district, without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order, any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor. Upon receipt of the personal property, if the property complies with the specifications set forth in the contract, lease, requisition, or purchase order, the school district may draw a warrant in favor of the public corporation or agency for the amount of the approved invoice, including the reasonable costs to the public corporation or agency for furnishing the services incidental to the lease or purchase of the personal property, or the school district may make payment directly to the vendor. Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of the personal property, a school district may authorize the lease or purchase of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract.

20118.1.

The governing board of any school district may contract with an acceptable party who is one of the three lowest responsible bidders for the procurement or maintenance, or both, of electronic data-processing systems and supporting software in any manner the board deems appropriate.

20118.2.

(a) Due to the highly specialized and unique nature of technology, telecommunications, related equipment, software, and services, because products and materials of that nature are undergoing rapid technological changes, and in order to allow for the introduction of new technological changes into the operations of the school district, it is in the public's best interest to allow a school district to consider, in addition to price, factors such as vendor financing, performance reliability, standardization, life-cycle costs, delivery timetables, support logistics, the broadest possible range of competing products and materials available, fitness of purchase, manufacturer's warranties, and similar factors in the award of contracts for technology, telecommunications, related equipment, software, and services.

(b) This section applies only to a school district's procurement of computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus. This section does not apply to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public.

(c) Notwithstanding Section 20118.1, a school district may, after a finding is made by the governing board that a particular procurement qualifies under subdivision (b), authorize the procurement of the product through competitive negotiation as described in subdivision (d).

(d) For purposes of this section, competitive negotiation includes, but is not limited to, all of the

following requirements:

1. A request for proposals shall be prepared and submitted to an adequate number of qualified sources, as determined by the school district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The school district shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposals is received.
4. The request for proposals shall identify all significant evaluation factors, including price, and their relative importance.
5. The school district shall provide reasonable procedures for the technical evaluation of the proposals received, the identification of qualified sources, and the selection for the award of the contract.
6. Award shall be made to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the school district with price and all other factors considered.
7. If award is not made to the bidder whose proposal contains the lowest price, the school district shall make a finding setting forth the basis for the award.

(e) The school district, at its discretion, may reject all proposals and request new proposals.

(f) Provisions in any contract concerning utilization of small business enterprises, that are in accordance with the request for proposals, shall not be subject to negotiation with the successful proposer.

PCC 20118.3.

The governing board of any school district may purchase supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.