

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 6
Business and Fiscal Affairs

**AR 6603 Informal Bidding Procedures Under the Uniform Public
Construction Cost Accounting Act**

References:

Public Contract Code Section 22000, et seq
California Uniform Public Construction Cost Accounting Act ("The Act")

The Governing Board adopts the alternative bidding and contracting procedures for Public Works projects as specified in the California Uniform Public Construction Cost Accounting Act ("The Act"). The bidding procedures described in this AR 6603 are alternatives to the bidding procedures established pursuant to Public Contract Code Section 20651. If a project can be bid under the alternative bidding procedures of the Act or under the Section 20651 bidding procedures, District staff responsible for such a project has discretion to select either bidding procedure for such a project.

Informal Bid Procedures

Public projects, as defined by the Act, with an estimated value between \$45,000 and \$175,000 may be let to contract by informal procedures as set forth in the Act. Public projects are construction, reconstruction, remodeling, erection, alteration, renovation, improvement, demolition, painting or repainting of facility and major facility repairs. Public work projects do not include any equipment or supply purchases.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this Procedure requiring work to be done by contract after competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed non-responsive and subject to rejection.

Contractors List

A list of qualified contractors shall be developed and maintained in accordance with Public Contract Code Section 22034 and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

Award to Low Bidder; No Bids

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District is subject to the provision of AR 6332(12). When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further compliance with this regulation.

Notice Inviting Informal Bids

Where a public project anticipated to cost less than \$175,000 is to be performed, the District shall prepare a notice inviting of the opportunity to bid in accordance with the then current requirements under Public Contract Code Section 22034. The contents of each such notice inviting informal bids shall be in accordance with the then current requirements under Public Contract Code Section 22034 and shall be issued in conformity with the time limits established in Public Contract Code Section 22034.

1. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting informal bids shall be sent only to the construction trade journals specified by Public Contract Code Section 22036.
2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Award of Contracts

The Chancellor, Vice Chancellor of Business Operations/Fiscal Services, Vice Chancellor of Educational Services and Vice Chancellor of Human Resources are each authorized to award Informal Bid contracts valued at less than \$175,000 pursuant to this regulation.

Bids Exceeding Informal Bidding Limit

If all informal bids received exceed \$175,000 and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$187,500 to the lowest responsible bidder. The contract must be approved by Resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

Emergency Procedures

The Governing Board delegates to the Chancellor the power to declare a state of public emergency when repairs or replacements are necessary to permit the continued conduct of district operations or services, or to avoid danger to life or property. Given such an emergency, the Chancellor in consultation with the Vice Chancellor, who is administratively responsible for the service area, and the Assistant Vice Chancellor of Facility Planning & District Construction and Support Services, will direct staff to proceed at once to replace or repair any public facility in accordance with the provisions of Public Contract Code Section 22000 et seq. The declaration of emergency is subject to confirmation by the Governing Board, by a four-fifths (4/5) vote, at its next meeting following the occurrence.

Notice Inviting Formal Bids

When a Public Project which is anticipated to cost in excess of \$175,000 is to be performed, the District shall publish and/or issue a notice inviting formal bids in accordance with the then current requirements under Public Contract Code Section 22037. The contents of each such notice inviting formal bids shall be in accordance with the then current requirements under Public Contract Code Section 22037 and shall be published and/or issued in conformity with the time limits established in Public Contract Code Section 22037.

Solicitation of Quotes; Projects Valued at \$45,000 or Less

Contracts for Public Projects valued at \$45,000 or less may be awarded pursuant to the Act without a formal or informal bidding process. The foregoing notwithstanding, the District will endeavor to obtain multiple quotes for projects valued at less than \$45,000. If multiple quotes are obtained for a project valued at less than \$45,000, award of the contract for such a project will be to the responsible bidder submitting the lowest priced quote.

Rejection of Bids; Re-solicitation; Use of District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two (2) business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- Abandon the project;
- Re-advertise the project; or
- Perform the work with District employees after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

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