

Contracting for Maintenance and Public Works

Purchasing Services & Facility Planning Training

October 13, 2022

9:00 am - 11:00 am

Via Zoom

Presenters: Philip J. Henderson, Orbach Huff & Henderson, LLP

Linda Melendez, RSCCD Director of Purchasing Services

Carri M. Matsumoto, RSCCD Assistant Vice Chancellor of Facility Planning,
District Construction & Support Services



Agenda

- ▶ I. Procurement Laws for Maintenance and Public Works
 - ▶ Board Policies (BP) & Administrative Regulations (AR)
 - ▶ BP/AR 6332 Competitive Bidding and Quotation Policies
 - ▶ BP/AR 6603 Informal Bidding Procedures
 - ▶ BP/AR 6601 Facility Modification and New Construction
 - ▶ BP/AR 6520 Security for District Property
 - ▶ BP/AR 6610 Opportunities for Local Hires and Local Business on District Capital Improvement and Construction Projects
- ▶ II. Procurement Process & Workflow
 - ▶ Category Type
 - ▶ Solicitation of Quotes
 - ▶ Field Agreement for Services
- ▶ III. Staying Out of Trouble
- ▶ Resources Available

Procurement Laws for Maintenance and Public Works

Maintenance Definition: Public Contract Code §20656

- ▶ Routine, recurring, and usual work for the preservation, protection and keeping of any publicly owned or publicly operated facility for its intended purposes in a safe and continually usable condition for which it was designed, improved, constructed, altered or repaired.
- ▶ Minor repainting under \$25,000. Maintenance work under \$99,100 procured following PCC §20651 and follows a Solicitation of Quote process.

Public Works Definition: Public Contract Code §22002(c)

- ▶ Any construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any public owned, leased, or operated facility, any public structure, building, road or other public improvement of any kind. Painting or repainting.
- ▶ Public Works projects procured following informal bidding procedures as allowed under PCC §22000, et seq. and per BP & AR 6603.

Board Policies and Administrative Regulations

- ▶ BP/AR 6332 Competitive Bidding and Quotation Policies
- ▶ BP/AR 6603 Informal Bidding Procedures
- ▶ BP/AR 6601 Facility Modification and New Construction
- ▶ BP/AR 6520 Security for District Property (Maintenance by Colleges)
- ▶ BP/AR 6610 Opportunities for Local Hires and Local Business on District Capital Improvement and Construction Projects

BP/AR 6332 Competitive Bidding and Quotation Policies

- ▶ Purchase request for supplies, materials, equipment or services are received in Purchasing, either as a bid, or a normal requisition.
- ▶ Two or three quotations are required for purchases \$15,000 and above.
- ▶ For purchases \$99,100* or more require formal bidding.

*Public Contract Code 2022 Annual Bid Limits
(PCC 20032, 22020, 22000 et seq.)

BP/AR 6603 Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (CUPCCAA)

- ▶ 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 project.
- ▶ Public projects, as defined by the Act, with an estimated value between \$60,000 and \$200,000* 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.

BP/AR 6603 Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (CUPCCAA)

- ▶ The Governing Board adopts the alternative bidding and contracting procedures for Public Works and the **entire** district is subject to such.
- ▶ If the Board of Trustees did not adopt CUPCCAA, typically **every** procurement above \$15,000 for Public Works would have to be a formal bid.

BP/AR 6603 Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (CUPCCAA)

- ▶ Public projects of \$59,999 or less may be performed by negotiated contract or by Purchase Order.
- ▶ Public projects of \$200,000 or less may be let to contract by the informal procedures set forth in the Act.
- ▶ Public projects of more than \$200,001 shall be let to contract by formal bidding procedures.
- ▶ Contractors List: A list of qualified contractors shall be developed and maintained in accordance with Public Contract Code §22034 and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- ▶ Award to Low Bidder: 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.

BP/AR 6601 Facility Modification and New Construction

References:

- Education Code 81130, 81132, 81133, 81142
 - California Code of Regulations - Title 24
- ▶ The District Office of Facility Planning, District Construction and Support Services **shall** oversee, coordinate and approve all facility modifications and new construction to insure compliance with district standards, architectural specifications, and code compliance.
 - ▶ Efforts shall be made to schedule construction activities to minimize disruption of district service and classroom operations.
 - ▶ Facility modification is defined as any addition to, removal of, or alteration made to existing facilities. **Maintenance funds are not** intended for funding such projects. **Separate procedures and funding** shall be available for facility modifications and new construction.
 - ▶ The Governing Board **shall review and approve** facility modification and construction projects included in the facility modification and capital outlay process.

Revised: September 22, 2014 (Previously BP3511)

Reviewed: May 7, 2018

BP/AR 6601 Facility Modification and New Construction

Definition:

- ▶ A facility modification is defined as any addition to, removal of or alteration to existing facilities, including, reconstruction, new construction, improvements to site or buildings, parking lot striping or parking reconfigurations.
- ▶ This administrative regulation is **not** applicable to routine, recurring and preventative maintenance work handled by the colleges.

References:

- ▶ Education Code 81130, 81132, 81133, 81142, California Building Standards Code (California Code of Regulations, Title 24) (“CCR, Title 24”), ACCJC Accreditation Standard III.B. Physical Resources

BP/AR 6520 Security of District Property

- ▶ The maintenance and operations, custodial, grounds, and safety and security departments combine to enhance the safety, security and maintenance of district facilities. **Maintenance and operations staff at the colleges perform routine, recurring and preventative maintenance work on buildings and grounds, including monitoring lighting systems, and emergency exit signs.** The grounds department routinely trims trees and bushes to reduce potential hazards.

BP/AR 6610 Opportunities for Local Hires and Local Business on District Capital and Construction Projects

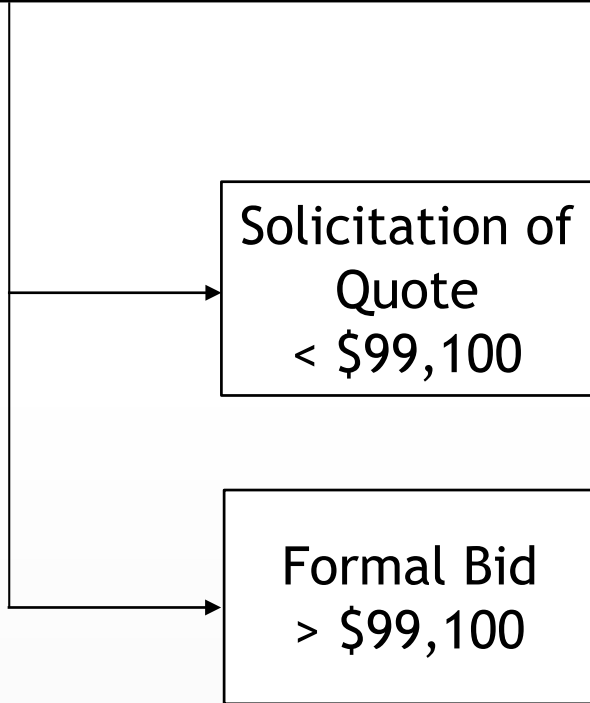
- ▶ The Board establishes goals of fifty percent, (50%), participation of Local Hires and twenty-five percent, (25%), participation of Local Businesses in its District Bid projects awarded each fiscal year.
- ▶ As a condition to be considered responsive, a Bid must include the following:
 - ▶ A. Demonstrated participation of at least fifty percent, (50%), and twenty-five percent, (25%), of the total bid being performed by Local Hires and Local Businesses; or
 - ▶ B. A demonstrated good faith effort to include Local Hires and Local Businesses, in accordance with regulations to be issued by the Chancellor; or,
 - ▶ C. The bidder (including subcontractors) certifies that it intends to perform ninety-five percent (95%) of the work with its own employees each fiscal year.

Procurement Process & Workflow

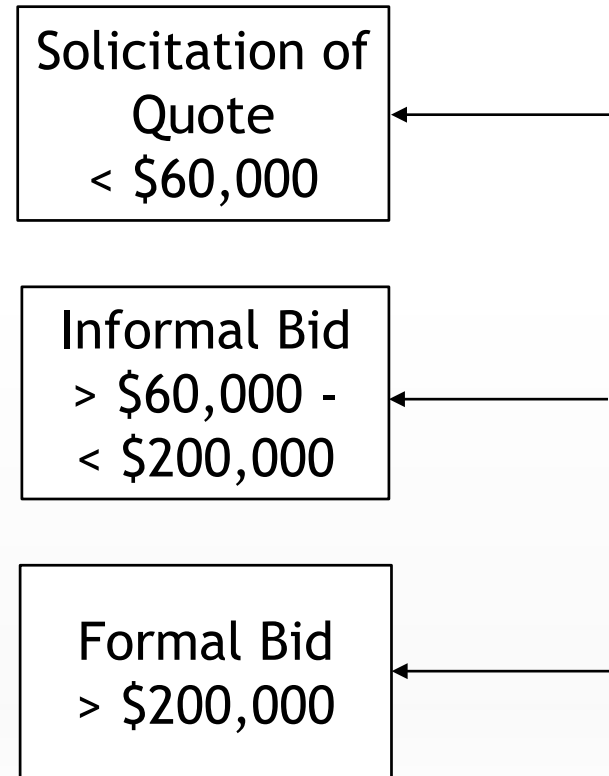
STEP	TASK	NOTES
1	Requestor to determine scope of services/work, applicable trades, and anticipated duration. Review and confer with manager and/or Admin Services	Reference Procurement Categories
2	Prepare and email <i>Solicitation of Quotes Form</i> to contractors/vendors (Qualified Contractors List from Purchasing)	<ul style="list-style-type: none"> • Complete pages 1–5 PRIOR to release (NEVER ask a vendor to complete these pages) • Keep a PDF copy of the sent email
3	Review quotes received with manager and/or Admin Services	<ul style="list-style-type: none"> • Keep a PDF copy of all quotes received • Review mathematical totals entered and that the written amount matches the numerical total (Sample Quote Received)
4	Prepare a <i>Field Agreement for Services (FAS)</i> and email to selected contractor/vendor	<ul style="list-style-type: none"> • Complete pages 1-3 PRIOR to release • If new firm request a W9 • Always request Certificates of Insurance, including endorsements and “additional insured” language
5	Initiate PR upon receipt of signed FAS, and route PR for approvals in Colleague	
6	Upon approval of PR, send all supporting documents to Purchasing Department	Supporting documents: original Solicitation of Quotes form, including any attachments, signed quote from awarded contractor/vendor, vendor signed FAS, W9, insurance documents, copy of initial email to all contractors/vendors, and quotes from the unsuccessful contractors/vendor

Maintenance and Public Works Procurement Process

Maintenance
Public Contract Code §20651
and Board Policy 6332



Public Works
Public Contract Code §22002(c)
and Board Policy 6603



*Public Contract Code 2022 Bid Limits
(PCC 20032, 22020, 22000 et seq.)

Procurement Categories

Equipment & Supplies (Public Contract Code §20651 & Board Policy 6332)	Maintenance (Public Contract Code §20651, §20656 & Board Policy 6332)	Public Works (Public Contract Code §22002(c) & Board Policy 6603)
Below \$1,000 <ul style="list-style-type: none"> Minimum 1 quote required 	Below \$1,000 <ul style="list-style-type: none"> Minimum 1 quote required 	Below \$1,000 <ul style="list-style-type: none"> Minimum 1 quote required
Between \$1,000 - \$14,999 <ul style="list-style-type: none"> Get 2-3 quotes Send to multiple vendors (more than 2) 	Between \$1,000 - \$14,999 <ul style="list-style-type: none"> Use Solicitation of Quotes form Send to multiple contractors Use FS3 template 	Between \$1,000 - \$24,999 <ul style="list-style-type: none"> Use Solicitation of Quotes form Send to multiple contractors Use FS1 template
Over \$15,000 <ul style="list-style-type: none"> Use Solicitation of Quotes form Send to multiple vendors 	Between \$15,000 - \$25,000 <ul style="list-style-type: none"> Use Solicitation of Quotes form Send to multiple contractors Use FS4 template 	Between \$25,000 - \$59,999 <ul style="list-style-type: none"> Use Solicitation of Quotes form Send to multiple contractors Hand-delivery of Quote documents Use FS2 template Hand-delivery of Contract documents
	Between \$25,001 - \$99,100* <ul style="list-style-type: none"> Use Solicitation of Quotes form Hand-delivery of Quote documents Send to multiple contractors Use FS5 template Hand-delivery of Contract documents 	Over \$60,000 <ul style="list-style-type: none"> Follow informal bidding procedures (Purchasing Department)
	Over \$99,100* <ul style="list-style-type: none"> Follow formal bidding procedures (Purchasing Department) <p>* State Mandated Bid Threshold for 2022. This threshold is changed annually.</p>	

*Public Contract Code 2022 Bid Limits (PCC 20032, 22020, 22000 et seq.)

Maintenance v. Public Works Projects

Maintenance Work

Per Public Contract Code (PCC) §20651 and Board Policy 6332-Competitive Bidding, Quotations and Contracts

Repairs, including maintenance as defined in PCC §20656, that are not a public project as defined in subdivision (c) of Section 22002.

Maintenance Definition (PCC §20656):

1. Routine, recurring, and usual work for the preservation, protection and keeping of any publicly owned or publicly operated facility for its intended purposes in a safe and continually usable condition for which it was designed, improved, constructed, altered or repaired.
 - A. Must be minor re-painting (less \$25,000) only
 - B. All other painting is considered public works and will be subject to CUPCCAA Informal Bid Procedures
2. Minor repainting.
 - A. Must be minor re-painting (less \$25,000) only
 - B. All other painting is considered public works and will be subject to CUPCCAA Informal Bid Procedures
3. Resurfacing of streets and highways at less than one inch.
4. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
5. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

Note: The 2022 annual bid threshold is \$99,100. The maximum dollar value of a maintenance project that can be awarded by the Solicitation of Quote process is subject to annual adjustment in December of each calendar year.

PO	Less than \$1,000 (Typically Purchase Order)
Field Agreement for Services	\$1,000 - \$14,999 (Under \$15,000) <ul style="list-style-type: none"> • Minimum 1 Solicitation of Quote required. • Contractor <u>is not required</u> to be registered with DIR • Contractor <u>is not required</u> to submit certified payroll to DIR • No Bonds are required • <u>Use Form FS-3 (Field Service Agreement FS-3 Template)</u>
	\$15,000 - \$25,000 (Above \$15,000 and under \$25,000) <ul style="list-style-type: none"> • Solicitation of Quotes (2-3). Must be awarded to low bid. • Contractor <u>is required</u> to be registered with DIR • Contractor <u>is required</u> to submit certified payroll to DIR • District is required to submit project to DIR for DIR Project ID (and send Project ID to contractor) • No Bonds are required • <u>Use Form FS-4 (Field Service Agreement FS-4 Template)</u>
	\$25,001 - \$99,100 (Above \$25,000 and under annual Bid Threshold Limit) <ul style="list-style-type: none"> • Solicitation of Quotes (2-3). Must be awarded to low bid. • Contractor <u>is required</u> to be registered with DIR • Contractor <u>is required</u> to submit Certified Payroll to DIR • District is required to submit project to DIR for DIR Project ID (and send Project ID to contractor) • Bonds are required: Bid Bond; Payment and Performance bond • <u>Use Form FS-5 (Field Service Agreement FS-5 Template)</u>
Maintenance Service Agreement	\$99,100 (Above annual Bid Threshold Limit must follow Formal Bid Procedure Per PCC §20651) <ul style="list-style-type: none"> • Contractor <u>is required</u> to be registered with DIR • Contractor <u>is required</u> to submit Certified Payroll to DIR • District is required to submit project to DIR for DIR Project ID (and send Project ID to contractor) • Bonds are required: Bid Bond; Payment and Performance bond • <u>Use Formal Bid Template Agreement and follow Notice Requirements per Education Code §81641</u> <ol style="list-style-type: none"> A. Advertisement: Once a week for two weeks in newspaper of general circulation (OC Register) B. You can courtesy email trade journals but it is not required under EDC §81641.

Public Works

Per the California Uniform Public Construction Cost Accounting Act (CUPCCAA), PCC §22002(c) and Board Policy 6603 Informal Bidding Procedures

Public Works Definition (PCC §22002(c)):

1. Any construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility, any public structure, building, road or other public improvement of any kind.
2. Painting or repainting of any publicly owned, leased, or operated facility.

Note: Informal bidding procedures does not apply to purchases of equipment and/or supplies. For maintenance work, the District follows PCC §20651 and not informal bidding procedures as allowed under PCC §22003.

PO	Less than \$1,000 (Typically Purchase Order)
Field Agreement for Services	\$1,000 - \$24,999 (Under \$25,000, AR 6603 Solicitation of Quotes) <ul style="list-style-type: none"> • Under \$15,000, Solicitation of Quotes (min. 1). Above \$15,000 Solicitation of Quotes (2-3). Must be awarded to low bid. • Contractor <u>is not required</u> to be registered with DIR • Contractor <u>is not required</u> to submit certified payroll to DIR • No Bonds are required • <u>Use Form FS-1 (Field Service Agreement FS-1 Template)</u>
	\$25,000 - \$59,999 (Above \$25,000 and under \$59,999, AR 6603 Solicitation of Quotes) <ul style="list-style-type: none"> • Solicitation of Quotes (2-3). Must be awarded to low bid. • Contractor <u>is required</u> to be registered with DIR • Contractor <u>is required</u> to submit certified payroll to DIR • District is required to submit project to DIR for DIR Project ID (and send Project ID to contractor) • Bonds are required: Bid Bond, Payment and Performance bond • <u>Use Form FS-2 (Field Service Agreement FS-2 Template)</u>
Construction Services Agreement	\$60,000 - \$200,000 (Above \$60,000 and under \$200,000, AR 6603 Informal Bidding Procedures Under CUPCCAA) <ul style="list-style-type: none"> • Informal bid (see Advertisement (A) below. Must send to all contractors for category of work on qualified list) • Contractor <u>is required</u> to be registered with DIR • Contractor <u>is required</u> to submit certified payroll to DIR • District is required to submit project to DIR for DIR Project ID (and send Project ID to contractor) • Bonds are required: Bid Bond, Payment and Performance bond • <u>Use Informal Bid Template Form Agreement</u> <ol style="list-style-type: none"> A. Advertisement: Send Notice (via mail, fax or email) of Inviting Bids to all contractors for the category of work to be bid from the District's current contractors list per PCC §22034 this shall be done no less than 10 calendar days before bids are due. B. Or to the construction trade journals (Construction Bidboard, Dodge Data & Analytics, Southern California Builders Association, BidAmerica and Associated General Contractors of America San Diego Chp Inc.) as per PCC §22036 for Orange County. 10 calendar days before bids are due. If you email a notice to all contractors on the list for the category of work, you can choose to courtesy email the trade journals. Only A or B is required.
	\$200,001 (Above \$200,001, Formal Bidding Procedures Per PCC §22037 and Education Code §81641) <ul style="list-style-type: none"> • Contractor <u>is required</u> to be registered with DIR • Contractor <u>is required</u> to submit Certified Payroll to DIR • District is required to submit project to DIR for DIR Project ID (and send Project ID to contractor) • Bonds are required: Bid Bond; Payment and Performance bond • <u>Use Formal Bid Template Agreement</u> • <u>Notice Requirements per PCC §22037 and Ed. Code §81641 and the CUPCCAA Manual:</u> <ol style="list-style-type: none"> A. Publish notice and advertise once a week for two weeks, the first advertisement at least 14 calendar days prior to date of bid opening in newspaper of general circulation (OC Register); and B. Send via fax or email or mail to all construction trade journals per PCC §22036 at least 15 calendar days prior to date of bid opening.

Maintenance & Repairs v. Public Works Projects/Construction

- ▶ In other words, without CUPCCAA, the current bid limit applies to, “Repairs, including maintenance as defined in Section 20115, that are not a public project as defined in subdivision (c) of Section 22002.” (PCC §20651(a)(3)).
- ▶ But what are the statutory meanings of “repair” and “maintenance”?
- ▶ “Repair” is considered part of a “public project” but its bid limit is the same as “maintenance” under PCC §20651(a)(3).

- ▶ **Yes, convoluted and confusing...**

What is Maintenance?

Maintenance Definition: Public Contract Code §20656

- ▶ Routine, recurring, and usual work for the preservation, protection and keeping of any publicly owned or publicly operated facility for its intended purposes in a safe and continually usable condition for which it was designed, improved, constructed, altered or repaired.
- ▶ Minor repainting under \$25,000.
- ▶ Maintenance work under \$99,100 procured following PCC §20651 and follows a Solicitation of Quote process.
- ▶ Resurfacing of streets and highways at less than one inch.
- ▶ Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- ▶ DSA IR A-22 provides guidance for parking lot resurfacing. **CAUTION:** Not always Maintenance.

What is Public Works / Public Project?

Public Works Definition: Public Contract Code §22002(c) - These are not repairs or maintenance.

- ▶ Any construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any public owned, leased, or operated facility, any public structure, building, road or other public improvement of any kind.
- ▶ Painting or repainting of any publicly owned, leased, or operated facility.
- ▶ Public Works projects are procured following informal bidding procedures as allowed under PCC §22003 and per BP & AR 6603.
- ▶ (Emphasis added. Note inclusion of “repair”...)

What is a Repair?

Cases Interpreting What is a “Repair”

- ▶ “The word ‘repair’ in its ordinary sense relates to the preservation of property in its original condition, and does not carry the connotation that a new thing should be made or a distinct entity created. (2) Minor repainting.” (*Whalen v. Ruiz* (1953) 40 Cal.2d 294, 300-301, 253 P.2d 457.)
- ▶ “To repair means to mend an old thing, not to make a new thing; to restore to a sound state something which has become partially dilapidated, not to create something which has no existence.” (*Id.*, 40 Cal.2d at p. 300, 253 P.2d 457.)

Factors to Consider

- ▶ What could be recurring project that preserve facilities in the District is a factual determination. Some factors to consider:
 - ▶ The facility needs to be currently in existence.
 - ▶ The work needs to be routine, recurring and usual.
 - ▶ The need for the work must be based on keeping the facility in functioning and useful order or to preserve it for future use.

PUBLIC WORKS PROJECT		MAINTENANCE WORK
Painting an entire school	<p data-bbox="799 282 1054 374">< GREY > < AREA ></p> <p data-bbox="799 431 1054 1082">Any variations between the examples within these two categories must be evaluated on a case-by-case basis.</p> <p data-bbox="799 1145 1054 1236">< GREY > < AREA ></p>	Painting over graffiti; repainting a portion of a damaged school
Replacing multiple HVAC units at a site		Replacing one failing HVAC unit at a site
Replacing all fencing at a site		Replacing a portion of a site's aged cyclone fence
Replacing all plumbing fixtures in the bathrooms at a site		Replacing rusted components of plumbing fixtures in one bathroom
Building a "snack shack" at a field		Patching the roof of a snack shack at one field
Installing bleachers at a field		Re-finishing portions of wooden seats some bleachers at one field.
Re-paving a parking lot if depth is greater than 1 inch		Re-paving a parking lot if depth is less than 1 inch
Replacing multiple windows at a site		Fixing a few single cracked windows at a site
Installing new grass at a field		Mowing, trimming, planting
Replacing a portion of a sprinkler system at a site		Inspecting/fixing a few parts of a sprinkler system at a site

Solicitation of Quotes



District Operations Center – Santa Ana College- Santiago Canyon College
www.rscsd.edu

Building the future through quality education

SOLICITATION OF QUOTES

Date:

DISTRICT CONTACT	
District Representative: Enter District Representative First and Last Name	
Email: Enter District Representative Email	Telephone No:

PROJECT LOCATION	
Site(s)	Enter the project location(s), campus name(s)
Building(s)/Room (s)	
Address(es)	Enter the project site address(es)

PROJECT INFORMATION	
License(s)/Classification(s) required for this project: enter the classification(s)/certification(s), if applicable	
Project Name: Enter Project ID# (if applicable)-Project Name at Campus Site (FMR#, if applicable)	
Project Description:	
This section is a more general statement of the project. It is not to be confused with Attachment A-Scope of Work, which is for a more detailed description. This field may not necessarily be the same.	
The Contract Time for Project completion is <input type="text"/> calendar days. Liquidated Damages at the per diem rate is \$250 per day, until the Project is completed. Anticipated Start Date: <input type="text"/> Anticipated Completion Date: <input type="text"/>	
Project Allowance* (if applicable) <small>Written support documents will be required prior to proceeding with an allowance scope</small>	An Allowance* of \$ <input type="text"/> is established for the Project and shall be used only as authorized by the District for: Is there an allowance for the project? If so, be sure to complete Part B-Allowance in the written field and numerical field. 1) Did you review the use of allowance and language with Joe or Carri? 2) Why do you need an allowance (this is not required)? 3) Specify and describe allowance appropriately. There must be a nexus/correlation between allowance and the main scope of the project.

General Statement about the project/service. In **Attachment A**, describe the detailed scope of work as developed with your manager. **DO NOT LET THE VENDOR COMPLETE THIS SECTION.**

DO NOT EDIT - Liquidated damages cannot be revised

Assume there is NO allowance allowed! An allowance is only allowed if discussed with your VP of Admin Services per internal procedure IP 19-01. It needs to be established in advance and cannot be more than 10% of the estimated cost.

Use arrow to toggle and select appropriate FS Template

Rancho Santiago Community College District Rev201230

Form: FS1-Public Contract Code \$22002(c)-CUPCCAA Works

Project Name: Enter Project ID# (if applicable)-Project Name at Campus Site (FMR#, if applicable)

Solicitation of Quotes

ATTACHMENTS AS PART OF THIS SOLICITATION INCLUDE	
<input type="checkbox"/> Attachment A-Scope of Work	<input type="checkbox"/> Attachment D- Report(s)
<input type="checkbox"/> Attachment B-Specification(s)	<input type="checkbox"/> Attachment E- Photo(s)
<input type="checkbox"/> Attachment C-Plan(s)/Drawing(s)	<input type="checkbox"/> Attachment F- Other(s): _____

JOB WALK: <input type="checkbox"/> Mandatory <input type="checkbox"/> Optional <input checked="" type="checkbox"/> No Job walk is Required for this Project.	
Date: _____	Time: _____
Job walk Location is at: _____	
Address: _____	
Meet at: _____	

SUBMIT YOUR QUESTIONS REGARDING THE PROJECT PRIOR TO QUOTES DUE DATE	
Submit your questions by	Date: _____ Time: _____
Submit your questions to	Name: Facilities Bid Email: FacilitiesBid@rscdd.edu

QUOTE SUBMITTAL REQUIREMENTS	
Quote Due	Date: _____ Time: _____
Submit Quote to	**If a Bid Security is applicable, hand-delivery is required. See the Instructions to Bidders #4, below.** Otherwise, email your quotes to: _____



- If the estimated cost is more than \$25,000, an **original** bid bond is required, and contractors/vendors will have to **hand-deliver** their quotes.
- Coordinate for hand-delivery with M&O Department at your site

INSTRUCTIONS TO BIDDERS

1. **Quote Pricing.** A lump sum fixed price ("Proposed Price") for completing the Project and all other obligations under the Field Agreement for Services is required. Each Bidder must provide a break-down of the Proposed Price for allocation amongst the various portions of the Project. Numbers shall be stated in both words and figures on the Proposed Price. In the event of conflict or inconsistency between the written amount and numerical amount, the written amount shall supersede the numerical amount. The Proposed Price must include: (i) all District designated Allowances; and (ii) all Addenda, if issued by the District
2. **Quote Submittal.** All quotes shall be presented on the Bidder Quote form. Bidders submitting a Quote must review all information provided by the District relating to the Project, prior to submitting a Quote. The submission of a Quote is prima facie evidence of the Bidder's review of all District provided Project information. Quotes submitted after the date/time set forth above will not be accepted and will be rejected for non-responsiveness.
3. **Documents to Submit with the Quote.** The Bidder submits the following: (i) Bidder Quote; (ii) Non-Collusion Affidavit; (iii) Subcontractors List; and (iv) Bid Security (applicable to projects exceeding the contract value of \$25,000). Failure to submit all of the foregoing, completed, executed and notarized (as required) documents will result in rejection of the Quote for non-responsiveness.
4. **Bid Security (applicable to projects exceeding the contract value of \$25,000).** Concurrently with submittal of the Quote, each Bidder shall submit Bid Security in the form of a Bid Bond, cashier's check or cash in an amount equal to ten percent (10%) of the Bidder's Proposed Price. If a Bid Bond is submitted as Bid Security, the form and content must be as set forth in the Bid Bond. The Surety issuing the Bid Bond must be a California Admitted Surety Insurer. The District will return the Bid Security to all unsuccessful bidders.

Solicitation of Quotes

ATTACHMENT A-SCOPE OF WORK

Project ID # 2399.2 M & O Building Roof Repair:

The Contractor shall provide all work, labor, materials, equipment and services necessary to perform and complete the Project Scope of Work in accordance with the requirements of this Contract.

1. Repair the damaged existing caulk joints on the flat perimeter ACM panels as follows:
 - a. Remove entire existing silicone caulking joints for ten (10) of the 7-foot panel seams. Do not damage panels or underlayment. Install new backer rod as required. Clean and prep area for installation of Dow 795 per manufacturer's recommendations.
 - b. Remove entire existing silicone caulking joints for six (6) of the 3-foot panels seams. Do not damage panels or underlayment. Install new backing rod as required. Clean and prep area for installation of Dow 795 per manufacturer's recommendations.
2. Modify Gutter at low end of roof.

The existing outside edge of the gutter is too high in relation to the roof edge. To eliminate water leaks into wall sections on the interior of the building due to higher flow rates, overflow outlets will be installed as follows:

- a. Contractor shall install a notch in the top the gutter / CMP at seven (7) locations approved by owner. Each opening shall be 2" deep by 6" wide evenly spread out across the length of entire gutter. Areas around the locations shall be thoroughly cleaned to insure proper bonding. Contractor shall seal the notch with clad metal and TPO heat welded into a 2" overflow extension to disperse water off of CMP gutter cover. All new materials must be compatible with existing substrate. Seal for long term water tightness.
- b. At completion of scupper repairs, a 2" TPO extension shall be welded onto notch which will ensure water does not drip down the metal composite panel. Water test will be performed with downspouts plugged.

Sample of a detailed Scope of Work - this sample was written by a project manager, peer reviewed and reviewed by a Director prior to emailing to contractors / vendors.

Solicitation of Quotes

PROPOSED PRICE

4. **Project Propose Price Cost Breakdown.** The Proposed Quote is set forth in the table below and is broken- down among the Project Specifications Sections. If the table is not completed, your quote may be deemed non-responsive. **Prices are inclusive of all: (i) costs, including overhead, supervision and general administrative; and (ii) profit or contractor's fee.**

Division	Specifications Section	Price
01	General Requirements	\$
02	Demolition	\$
03	Concrete	\$
04	Masonry	\$
05	Metals	\$
06	Wood, Plastics, Composites	\$
07	Thermal and Moisture Protection	\$
08	Openings	\$
09	Finishes	\$
10	Specialties	\$
11	Equipment	\$
12	Furnishings	\$
13	Special Construction	\$
14	Conveying Equipment	\$
21	Fire Suppression	\$
22	Plumbing	\$
23	Heating, Ventilating, and Air Conditioning (HVAC)	\$
25	Integrated Automation	\$
26	Electrical	\$
27	Communications	\$
28	Electronic Safety and Security	\$
31	Earthwork	\$
32	Exterior Improvements	\$
33	Utilities	\$
34-Other	Describe work not included in any of the Division Specifications above.	\$
PART A	Base Price-Subtotal: Enter Sum of all specifications sections (1-34) in Part A (Written amount MUST be entered) Written Amount:	Numerical Amount MUST be entered \$
PART B	Allowance-Refer to Project Allowance on Page 1 - DISTRICT USE ONLY Written Amount:	\$
PART C	Total Proposed Price: Enter Sum of Part A + Part B (Written Amount MUST be entered) Written Amount:	Numerical Amount MUST be entered \$

CAUTION: An allowance is NOT required on every SOQ. If it is determined that an allowance is used, remember to edit “Part B” and type in the appropriate amount. **NEVER** allow a contractor to edit this amount. Follow the Internal Procedure established by District Facilities Department as this is only utilized on a case-by-case basis. **NOTE: If abused by staff and/or misused, this will NO LONGER BE ALLOWED.**

Allowances must be Pre-Approved and Reviewed in Compliance with Internal Procedures

- ▶ Uses of Allowance must follow the District's Internal Procedure (IP 19-01) and must be approved and reviewed by the site Administrator (i.e. Director, Manager, Vice President of Administrative Services, Assistant Vice Chancellor of Facility Planning, and/or Director of Purchasing Services).

Field Agreement for Services (FSA)

▶ Summary of FSA Types of Templates:

Maintenance	Public Works
\$1,000 - \$14,999: FS-3 Template	\$1,000 - \$24,999: FS-1 Template
\$15,000 - \$25,000: FS-4 Template	\$25,000 - \$59,999: FS-2 Template
\$25,001 - \$99,100: FS-5 Template	\$60,000 - \$200,000: Informal Bid
\$99,101 and above: Formal Bid	\$200,001 and above: Formal Bid

- ▶ Requestor to complete pages 1 - 3. **NEVER** let a contractor complete their own Field Agreement for Services!
- ▶ Terms and Conditions have been reviewed by legal counsel and there shall be no changes made. These are **NOT** subject to negotiation, discussions, and strike-outs.

Field Agreement for Services



FIELD AGREEMENT FOR SERVICES

DISTRICT OFFICE USE ONLY
FAS xx.xxx

Enter unique number for your department

This Field Agreement for Services is made and entered into on _____ by and between Rancho Santiago Community College District ("District") and _____ ("Contractor"). In consideration of the mutual covenants set forth herein, the District and Contractor agree as follow:

1. Project Scope of Work * (Please describe)

Enter a short project description, and reference RSCCD Solicitation of Quotes or Estimate # (if applicable) and Project ID #, Project Name, Site or "Detailed scope of work as shown on the RSCCD Solicitation of Quotes, includes any attachments and any addenda as issued for the Project ID# Project Name at Site."

**The Contractor shall provide all work, labor, materials, equipment and services necessary to perform and complete the Project scope of Work in accordance with the requirements of this Contract.*

- Contract Price.** District agrees to pay Contractor a lump sum, fixed price for completion of the Project and other Contractor obligations hereunder, sum of Written Amount from Total Proposed Price on Bidder's Quote (\$_____).
- Contract Time and Liquidated Damages.** Contractor shall commence Project work on the date indicated in the Notice to Proceed issued by or on behalf of the District and shall complete the Work within _____ calendar days after the commencement date for the Work ("Contract Time"). Failure to complete the Project within the Contract Time will subject the Contractor to Liquidated Damages at the per diem rate of **\$250** until the Project is completed.
- Insurance.** The Rancho Santiago Community College District shall be named as an additional insured on the Commercial General Liability and Comprehensive Automobile Liability policies and documented by a written endorsement. Contractor grants to the District a waiver of any right to subrogation which any insurer of Contractor may acquire against District by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to effectuate this waiver of subrogation. The minimum coverage limits for policies of insurance the Contractor is required to maintain during the Project are as follows:

Policy of Insurance	Minimum Coverage Limit
Workers' Compensation Insurance	Statutory Limits
Employer's Liability Insurance	One Million Dollars (\$1,000,000)
Commercial General Liability and Property Insurance.	Per Occurrence: One Million Dollars (\$1,000,000)
	Aggregate: Two Million Dollars (\$2,000,000)
Automobile Liability Insurance	Per Occurrence: One Million Dollars (\$1,000,000)
Contractor Pollution Liability Insurance or Builder's Risk "All-Risk" Insurance, if required by the District.	

- District Representative** for the Work: Enter District's Represtative's Name and Contact No.
- Architect/Design Professional** for the Work: Enter Architect Firm Name & Contact No., if applicable
- Contract Documents** consists of this Contract, the accompanying Contract Terms and Conditions, and the documents identified below.

- | | |
|---|--|
| 7.1 Solicitation of Quotes, including addenda, if any | 7.4 Completed & Signed Non-Collusion Affidavit |
| a) Attachment A- Scope of Work, if applicable | 7.5 Completed & Signed Workers' Compensation Certificate |
| b) Attachment B-Specifications, if applicable | 7.6 Completed & Signed Drug-Free Worker's Certificate |
| c) Attachment C-Plans/Drawings, if applicable | 7.7 Insurance Certificates & Endorsements |

Reference quote number & date if applicable

Additional Insured language. Ensure this language is on the Certificate of Insurance before sending to Purchasing.

Footer: Ensure you're using the correct template, and add a project description

Field Agreement for Services

the Work. The Principal and the Surety shall be jointly and severally liable to the Obligeo for all damages and costs sustained by the Obligeo as a result of the Principal's failure of performance under the Contract Documents or default in its performance of obligations thereunder, including without limitation the costs of cure or completion of the Work exceeding the then remaining balance of the Contract Price; provided that the Surety's liability hereunder for the costs of performance, damages and other costs sustained by the Obligeo upon the Principal's failure of performance or default under the Contract Documents shall be limited to the penal sum hereof, which shall be deemed to include the costs or value of any Changes to the Work which increases the Contract Price.

In the event suit or other proceeding is brought upon this Bond by the Obligeo, the Surety and Principal shall be jointly and severally liable for payment to the Obligeo of all costs, expenses and fees incurred by the Obligeo therewith, including without limitation, attorneys' fees.

IN WITNESS WHEREOF, the Principal and Surety have executed this instrument this _____ day of _____, 20____ by their duly authorized agent or representative.

PRINCIPAL'S SIGNATURE	
Contractor-Principal Name:	_____
By:	X Signature _____
	Type or Print Name _____
Title:	_____
<i>Note: Attach the Notary Public Acknowledgement of Principal's Signature</i>	

SURETY'S SIGNATURE	
Surety's Name:	_____
(Corporate Seal Here)	X By: Signature of Attorney-In-Fact for Surety _____
	Type or Print Name of Attorney-in-Fact _____
<i>Note: (i) Attorney-In-Fact Certification; (ii) Notary Public Acknowledgment of Authorizing Signature on Attorney-Fact Certification; and (iii) Notary Public Acknowledgement of Attorney-In-Fact's Signature</i>	

CONTACT INFORMATION FOR NOTICES TO THE SURETY	
Contact Name:	_____
Mailing to:	Street Address _____
	City, State, Zip Code _____
Email Address:	_____

If the contract amount is over \$25,000, Contract documents need to be hand-delivered.

BOND DOCUMENTS ALWAYS are required to have ORIGINAL wet signatures for the Contractor-Principal and the Surety's Attorney-in-Fact.

Helpful Tips

- ▶ Ensure your scope of work is sufficiently detailed. If you are uncertain, request a peer review.
- ▶ Give vendors a sufficient duration of calendar days to complete their work. For example, start and end date are not typically the same! Typically, a simple repair recommend 5 calendar days even if it just takes one day.
- ▶ Reach out to Purchasing Services for qualified vendors by license type.
- ▶ Request quotes via email in writing to ALL vendors. Do NOT call vendors to request a quote.
- ▶ Send the email with a blind carbon copy (bcc) to ALL vendors when soliciting quotes.
- ▶ Do NOT collude with vendors (i.e. price fix, because you know someone, consult with prior to an official SOQ, etc.)

Send All Completed Documents to Purchasing Services

- ▶ Original Solicitation of Quotes, including any attachments (drawings, photos, etc.)
- ▶ Copy of “Solicitation Email” to all vendors
- ▶ Signed quote from successful vendor
- ▶ Signed FSA
- ▶ W9 (if new vendor)
- ▶ Certificate of Insurance, including endorsements
- ▶ PR (approved)
- ▶ Unsuccessful quotes

Staying Out of Trouble



Staying Out of Trouble: Bid Splitting & Change Orders

- ▶ “It shall be unlawful to split or separate into smaller work orders or projects any work, project, service, or purchase for the purpose of evading the provisions of this article requiring contracting after competitive bidding.”
 - ▶ Pub. Contract Code § 20657; emphasis added.
- ▶ “It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.”
 - ▶ Pub. Contract Code § 22033 (CUPCCAA); emphasis added.
- ▶ Any change order on a contract awarded per PCC § 20651 cannot exceed \$15,000 or 10% of the contract amount, whichever is greater.
- ▶ The Board does not have authority to approve a larger change order - not without an exception.
 - ▶ Pub. Contract Code § 20659

Staying Out of Trouble: What is an Emergency?

- ▶ **Scope.** Must be an emergency:
 - ▶ An emergency is best defined as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services, including the continuance of existing college classes.
 - ▶ These projects can be for any type of construction, repair or maintenance or the furnishing of materials or supplies.

(PCC §§ 1102 & 22035)

- ▶ **Schedule.** Sorry, a failure to plan is not an emergency...

Staying Out of Trouble: Handling an Emergency as a CUPCCAA District

- ▶ **Negotiate.** May be performed by negotiated contract.
- ▶ **Required Steps per CUPCCAA:**
 - ▶ Staff must report to the Board the reasons justifying why the emergency will not permit a delay resulting from competitive bidding and why the action is necessary to respond to the emergency.
 - ▶ Board must approve this by 4/5 vote.
 - ▶ Board must, at each subsequent meeting, determine by 4/5 vote to continue this action.

(PCC § 22050.)

- ▶ **NO** approval of the County Superintendent

Staying Out of Trouble: Malfeasance

- ▶ **What Is an Employee's Liability for Contracting Without Authority?**
 - ▶ Both sections 81655 and 81656 state that in the event of malfeasance in these transactions, the officer or employee with the authority to contract shall be **personally liable for any and all** moneys of the district paid out as a result of the malfeasance.
 - ▶ Violation of BP/AR 6330 Purchasing: "I. Any District employee who evades purchasing procedures or violates the limit procedures and commits the District to financial obligations without proper authority are personally liable for those commitments and **subject to disciplinary action up to and including termination.**"
- ▶ **Malfeasance is defined as**
 - ▶ Wrongdoing;
 - ▶ An act in violation of a public trust;
 - ▶ Intentionally doing something either legally or morally wrong.

Staying Out of Trouble: Conflict of Interest

- ▶ **The Political Reform Act of 1974 (Gov. Code, § 87100 et seq. (“PRA”)):** Prohibits public employees from using their official positions to influence governmental decisions in which they have a financial interest.
- ▶ **Government Code § 1090:** Prohibits a public officer or employee from being financially interested in any contract made by the officer or employee in his or her official capacity;
- ▶ **The common law conflict of interest doctrine (embodied in case law):** Requires public employees to avoid placing personal interests above or in conflict with their duty to the public and to avoid creating the appearance or impression of impropriety.
- ▶ **See BP/AR 2710 Conflict of Interest.**

Staying Out of Trouble: CUCCAC Oversight

STATE OF CALIFORNIA

California Uniform Construction Cost Accounting Commission

8/19/2021

Mr. Nick Heinlein
Assistant Superintendent
Saugus Union School District
24930 Avenue Stanford
Santa Clarita, CA 91355

Re: CUCCAC Action – July 29, 2021

Dear Mr. Heinlein:

The Construction Industry Force Account Council (CIFAC) filed a request with the California Uniform Construction Cost Accounting Commission (Commission) to review practices of Saugus Union School District (SUSD) with respect to the Maintenance and Operations Office Renovation Project (Project) pursuant to Public Contract Code (PCC) section 22042.5. CIFAC presented evidence that the work undertaken by SUSD was not in compliance with PCC section 22034.

After consideration of the evidence and deliberation, the Commission determined that the SUSD was not in compliance with the Uniform Public Construction Cost Accounting Act (Act) in performing the Project. The Commission determined that SUSD should have put the Project out for informal bid based on the dollar value of the Project.

Will Clemens
General Manager
Oceano Community Services District
*Special Districts
Chair-CUCCAC*

John Nunan
Consultant
*General Contractors
Vice Chair-CUCCAC*

Nathaniel Holt
Chief Facilities Officer & Bond
Program Director
Compton Unified School District
*School Districts
Secretary-CUCCAC*

Eddie Bemacchi
President
NECA, Politico Group
Subcontractors

Leeann Errotabere
Director of Purchasing
Clovis Unified School District
School Districts

Brad Farmer
Finance Director
City of Emeryville
Cities

Steven L. Hartwig
Deputy County Executive for Public
Works and Infrastructure
Sacramento County
Counties

Mike James

Staying Out of Trouble: CUCCAC Oversight

STATE OF CALIFORNIA

California Uniform Construction Cost Accounting Commission

8/24/2021

Don Scholl
Director of Public Works
City of Tracy
520 Tracy Blvd., Gate #3
Tracy, CA 95376

Re: CUCCAC Action – August 20, 2021

Dear Mr. Scholl:

The Construction Industry Force Account Council (CIFAC) filed a request with the California Uniform Construction Cost Accounting Commission (Commission) to perform an accounting review of the Corral Hollow Road Skin Patch Paving Project (Project) within the City of Tracy (City). CIFAC presented evidence that the work undertaken by the City, pursuant to Public Contract Code (PCC) section 22042

(b) Exceeded the force account limits.

After consideration of the evidence and deliberation, the Commission determined that the City did violate the Uniform Public Construction Cost Accounting Act (Act) by exceeding the force account limit of \$60,000, pursuant to PCC section 22032 (a) in performing the Project. This is the first violation by the City within a ten-year period.

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Works Director
City of Lemon Grove
Cities

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Staying Out of Trouble: FCMAT Audits and Reports












FCMAT Reports

K-12 Management Assistance Reports

Extraordinary Audits

Community College District Reports

Comprehensive Assessments

- × 2022
 -  [Napa Community College District Report](#) 04/05/2022 — fiscal health risk analysis (FHRA)
 -  [Desert Community College District Report](#) 03/22/2022 — fiscal review
 -  [Compton Community College District Report](#) 01/04/2022 — fiscal health risk analysis (FHRA)
- × 2021
 -  [Gavilan Community College District Report](#) 11/30/2021 — fiscal review
 -  [Yuba Community College District Report](#) 10/11/2021 — Comparison and trend analysis; List of recommendations that align with the revenue the college generates.
 -  [Palomar Community College Technical Assistance Letter — Follow up to previous Fiscal Health Risk Analysis report Technical Assistance Letter](#) 01/15/2021 — fiscal health risk analysis (FHRA)
- × 2020
 -  [CCCCO - Lassen Community College District Report](#) 09/01/2020 — Strategic Enrollment Management Plan
 -  [San Diego Community College District Report](#) 01/31/2020 — continuing education noncredit program
- × 2019
 -  [Palomar Community College District Report](#) 11/08/2019 — fiscal health risk analysis (FHRA)
 -  [California Community Colleges Chancellor's Office Report](#) 06/28/2019 — financial report and fiscal health risk analysis (FHRA) of the Peralta Community College District
 -  [California Community Colleges Chancellor's Office Report](#) 06/27/2019 — data management review

Staying Out of Trouble: FCMAT Audits and Reports

FCMAT Reports

K-12 Management Assistance Reports

Extraordinary Audits

Community College District Reports

Comprehensive Assessments

× 2022

 [Kern County Superintendent of Schools - Fairfax School District Report 03/31/2022 — AB 139](#)

 [Orange County Department of Education - Capistrano Unified School District Report 03/23/2022](#)

× 2021

 [Solano COE - Elite Public Charter School AB 139 Management Letter 02/11/2021 — AB 139](#)

× 2020

 [Los Angeles County Office of Education – El Rancho Unified School District Report 11/18/2020](#)

 [San Diego County Office of Education – Sweetwater Union High School District Report 06/17/2020](#)

× 2019

 [Riverside County Office of Education - Corona-Norco Unified School District Report 11/06/2019](#)

 [Orange County Department of Education - Orange County Workforce Innovation High School Report 09/19/2019](#)

 [Shasta County Office of Education – Cascade Union Elementary School District Report 08/07/2019](#)

 [San Diego County Office of Education – San Ysidro Elementary School District Report 07/08/2019](#)

 [Orange County Department of Education – Placentia Yorba Linda Unified School District Report 05/09/2019](#)

 [Kern County Superintendent of Schools – Taft Union High School District Report 04/26/2019](#)

 [Lake County Office of Education – Middletown Unified School District Report 04/01/2019](#)

 [Imperial County Office of Education – Imagine Schools Report 03/12/2019](#)

Resources Available

- ▶ Visit our Employee Intranet at:
 - ▶ <https://intranet.rsccd.edu/Facilities/Pages/default.aspx>
 - ▶ <https://intranet.rsccd.edu/Purchasing/Pages/Forms-and-Resources.aspx>
- ▶ Visit our Website Department Pages for email contacts
- ▶ Call Us:
 - ▶ Facility Planning, District Construction & Support Services (714) 480-7510
 - ▶ Purchasing Services (714) 480-7370