

AP 6350 CONTRACTS – CONSTRUCTION

References:

Education Code Section 81800;

Public Contract Code Sections 20650 et seq. and 22000 et seq.

NOTE: Procedures on construction contracts are **legally advised**. Local practice may be inserted. The following language is typical and complies with general requirements.

The ~~[Designate Position]~~ **Vice Chancellor Educational Planning and Facilities Services** shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.

The ~~[Designate Position]~~ **Vice Chancellor Educational Planning and Facilities Services** shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

The **project scope**, which shall cover the proposed facilities together with the **project budget**, shall be submitted to the Board for approval and authorization to proceed with the **working drawings and specifications**. Upon completion, the **working drawings, specifications and revised cost estimates**, if any, will be submitted for approval to the California Community College Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees.

The final working drawings and specifications, approved by the State Department of General Services and the California Community College Chancellor's Office, together with revised estimates, if determined to be consistent with the project budget may be put to bid.

The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding. (See AP 6340 titled Bids and Contracts)

NOTE: Districts may, by resolution, elect to become subject to the California Uniform Public Construction Accounting Act (Public Contract Code Sections 22000 et seq.), which provides for an alternative set of bidding procedures. (See AP 6340 titled Bids and Contracts)

NOTE: The following language be reviewed and placed in the logical place in this document

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

Notice Calling for Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation published within 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 or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by **[Designate Position]**. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The **[Designate Position]** shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open 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 shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

[Designate Position] shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

[Designate Position] shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts Awards

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

Unlawful to Split Bids

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

Award bids and contracts subject to the following conditions:

- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.

NOTE: The **red ink** signifies language that is **legally advised** and recommended by the Policy and Procedure Service and their legal counsel. The language in **blue ink** was added by Business Services on February 6, 2013. This document was reviewed by Victoria Lamica on March 22, 2013. The language in purple was added by Lorenzo Legaspi on 5/8/13. The changes made on 6/12/13 are in purple.

Date Approved:

(This is a new procedure recommended by the Policy and Procedure Service)