

Business and Fiscal Affairs
DRAFT as of 3/22/13

BP 6340 CONTRACTS

References:

Education Code Sections 81641 et seq.;

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

Government Code Section 4526;

Labor Code Sections 2750 et seq.

❖ **From the current CLPCCD Policy 3310 titled Purchasing and Contracting**

~~It shall be the policy of the Board that~~ All purchasing and contracting for goods and services shall be conducted in accordance with the Education Code, the Public Contract Code, [Government Code](#), [Labor Code](#), and all other applicable State and Federal regulations.

Expenditures shall not exceed the approved appropriation as itemized in the official budget unless specifically authorized by action of the Board.

NOTE: The following policy language in red ink and underlined is legally required.

The Board delegates to the Chancellor the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are [approved or ratified by the Board according to the bidding thresholds](#).
- Contracts for work to be done or services to be performed that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board shall award each such contract to the lowest [responsive and responsible and responsive bidder who meets the bidding document requirements and specifications or rejects all bids](#).

All ~~p~~Public works contracts that meet the bidding threshold shall be made pursuant to the Uniform Public Construction Cost Accounting Act (the "Act" UPCCAA), found in the California Public Contract Code Sections 22000 et. seq. The Board has adopted the

Uniform Public Construction Cost Accounting Procedures as set forth in ~~the Act~~ [the applicable Board Resolution](#).

If the Chancellor concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements. (Also see AP 6345 titled Bids and Contracts – UPCCAA)

The Board, in accordance with Education Code [Section 81655](#), has approved the following policy sections:

- The Chancellor shall ~~be authorized to solicit contracts for~~ [procurement of](#) goods and services [under the current purchasing dollar limit threshold](#) in advance of the action of [by](#) the Board. The Chancellor shall report a summary of ~~solicitations~~ [expenditures](#) on the agenda of the next regularly scheduled public meeting of the Board of Trustees.
- For contracts ~~thresholds under the current UPCCAA limits according to adopted Board Resolution XX~~ of 30,000 or less, the Chancellor shall report such action for ratification by the Board at a subsequent meeting as part of the approval of the commercial warrants register. ~~The warrants for payment may be mailed upon return and proper signature by the Alameda County Superintendent of Schools.~~
- ~~For contract thresholds within the current UPCCAA limits according to adopted Board Resolution XX,~~ the Chancellor shall be authorized to award contracts of \$125,000 or less for goods and services in advance of the action of [by](#) the Board. ~~The Chancellor shall report contract awards for ratification by the Board at the next regularly scheduled public meeting.~~ [The Chancellor shall report such action for ratification by the Board at a subsequent meeting as part of the approval of the commercial warrants register.](#)
- [For contracts that exceed the current UPCCAA thresholds according to adopted Board Resolution XX, a formal bidding process is initiated.](#) In those instances in which compliance with the State and Federal regulations require that contracts be made by means of advertised bids, the Chancellor shall comply with such regulations. [\(Also see AP 6340 titled Bids and Contracts\)](#)
- If the best interests of the District will be served by a contract or lease through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Chancellor is authorized to proceed with a contract.

~~The procedures to implement this policy are included in the Administrative Rules and Procedures.~~

[Also see BP/AP 6330 titled Purchasing, AP 6340 titled Bids and Contracts, and AP 6345 titled Bids and Contracts – UPCCAA](#)

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and their legal counsel. The language in **black ink** is from the current CLPCCD Policy 3310 titled Purchasing and Contracting adopted on January 16, 1996 and revised on April 17, 2007. The language in **blue ink** was added during the review with Victoria Lamica on February 6, 2013 and March 22, 2013.

Date Adopted:

(This new policy replaces the current CLPCCD Policy 3310)