

Business and Noninstructional Operations
BIDS

BP 3311 (a)

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements for competitive bidding (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with Government Code 54202, and that meet the requirements for bidding procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

When calling for bids, the Superintendent or designee shall ensure that the bid specification clearly describes in appropriate detail the quality, delivery, and service required and includes all information which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Award of Contract

Contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

However, the Board may let contracts to other than only the lowest responsible bidder in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance

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with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)

4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)
6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final

Bids Not Required

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

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Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

State:

Bus. Code 7056: General engineering contractor
Bus. Code 7057: General engineering contractor
CA Constitution, Article 2, Section 31(a): Prohibition of discrimination in operation of public education
Code of Civil Procedure 446: Verification of pleadings
Ed. Code 17070.10-17079.30: Leroy F. Greene School Facilities Act
Ed. Code 17250.10-17250.52: Design-build contracts
Ed. Code 17250.60-17250.69: Alternative design-build contracts
Ed. Code 17400: Leasing Property
Ed. Code 17406: Lease-leaseback contract
Ed. Code 17595: Purchase of supplies through Department of General Services
Ed. Code 17602: Purchase of surplus property from federal agencies
Ed. Code 38083: Purchase of perishable foodstuffs and seasonal commodities
Ed. Code 38110-38120: Apparatus and supplies
Ed. Code 39802: Transportation services
Gov. Code 4217.10-4217.18: Energy conservation contracts
Gov. Code 4330-4334: California made materials
Gov. Code 53060: Special services and advice
Gov. Code 54201-54205: Purchase of supplies and equipment by local agencies
Gov. Code 7920.530: Public record; definition
Pub. Cont. Code 1102: Emergency; definition
Pub. Cont. Code 1103: Responsible bidder; definition
Pub. Cont. Code 12200: Recycled goods, materials and supplies; definition
Pub. Cont. Code 2000-2002: Responsive bidders
Pub. Cont. Code 20101-20103.7: Public construction projects; requirements for bidding
Pub. Cont. Code 20103.8: Award of contracts
Pub. Cont. Code 20110-20118.4: Local Agency Public Construction Act; school districts
Pub. Cont. Code 20189: Bidder's security; earthquake relief
Pub. Cont. Code 22000-22045: Uniform Public Construction Cost Accounting Act
Pub. Cont. Code 22152: Recycled product procurement

Pub. Cont. Code 3000-3010: Roofing projects

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Pub. Cont. Code 3400: Bid specifications

Pub. Cont. Code 3410: U.S. produce and processed foods

Pub. Cont. Code 4113: Prime contractor; subcontractor

Pub. Cont. Code 6102: Bribery of public official; voidable contract

Pub. Cont. Code 6610: Bid visits

Management Resources:

Attorney General Opinion: 89 Ops.Cal.Atty.Gen. 1 (2006)

CA Department of General Services Publication: Office of Public School Construction, Piggyback Contracts

CA Department of General Services Publication: Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022

CA Department of Industrial Relations Publication: Model Prequalification Questionnaire

Court Decision: City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972) 7 Cal.3d 861

Court Decision: Great West Contractors Inc. v. Irvine Unified School District (2010) 187 Cal.App.4th 1425

Court Decision: Konica Business Machines v. Regents of the University of California (1988) 206 Cal.App.3d 449

Court Decision: Los Angeles Unified School District v. Great American Insurance Co. (2010) 49 Cal.4th 739

Court Decision: Marshall v. Pasadena Unified School District (2004) 119 Cal.App.4th 1241

Website: CSBA District and County Office of Education Legal Services

Website: California Department of General Services

Website: CSBA

Website: California Department of Education

Website: California Association of School Business Officials

Policy Adopted: 5/14/25

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California

