



Policy

6340 Bids and Contracts

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.

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.

If the best interests of the District will be served by a contract, lease, requisition or purchase order through any other public corporation or agency in accordance with Public Contract Code Section [20652](#), the Chancellor is authorized to proceed with a contract.

Cross References (see also):

YCCD Policy 6330 - Purchasing

References:

Education Code Sections [81641 et seq.](#); Public Contract Code Sections [20650 et seq.](#); Government Code Section [53060](#); [ACCJC Accreditation Standard III.D.16](#); 2 Code of Federal Regulations Part [200.318](#)

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Administrative Procedure

6340 Bids and Contracts

Contracts with the Yosemite Community College District fall into three basic categories: (1) contracts that do not require a bid as specified in California Public Contract Code Section [20651](#), (2) contracts entered into per the competitive grant process, and (3) contracts for projects requiring a bid as specified in California Public Contract Code Section [20651](#). (See also Policy and Procedure 6330 on Purchasing.)

- I. The following procedures are applicable to contracts that do not require a bid.
 - A. Contracts, agreements, and memorandums of understanding shall be attached to a Contract Cover Sheet and routed through the appropriate administrators prior to being submitted to the Vice Chancellor of Fiscal Services.
 - B. Contracts are to be housed in the office of the Vice Chancellor of Fiscal Services.
- II. Contracts entered into through the competitive grant process are to be processed through the YCCD Grants Office.
- III. In securing bids or quotations, the District will avoid acquisition of unnecessary items.
- IV. The following procedures are applicable to contracts that require the competitive bid process as specified in the California Public Contract Code [20651](#) for state contracts or [2 Code of Federal Regulations Part 200](#) for federal contracts. (Minimum bid limits are periodically amended by the Board of Governors.)
 - A. The person with the overall responsibility for ensuring the appropriateness of the bid process is the Director of Purchasing.
 - B. Legal Bid Notice is published once a week for two weeks in a District area newspaper.
 - C. A detailed description of the project is listed in the Bid Specifications.
 - D. Procedures for submitting a bid are outlined in the Instructions to Bidders, which is included in the Bid Specifications.
 - E. District reserves the right to reject any or all bids. In the event of a rejection of bid, the District may make an award to the next lowest responsible bidder or re-bid the project, as it may determine at its discretion. District also reserves the right to waive inconsequential deviations not involving price, time, or material changes in the work.
 - F. The District shall award the contract, if it awards it at all, to the lowest responsible bidder based on the base bid amount only.
 - G. Selection and Award Based on Best Value:

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- a. For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsive bidder on the basis of best value.
- b. “Best value” means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
- c. The District will consider all of the following in a best value selection and award:
 - i. Price and service level proposals that reduce the District’s overall operating costs, including end-of-life expenditures and impact.
 - ii. Equipment, services, supplies, and materials standards that support the District’s strategic acquisition and management program direction.
 - iii. A procedure for protest and resolution in the request for proposal.
- d. The District may also consider any of the following in a best value selection and award:
 - i. The total cost of its purchase, use, and consumption of equipment, supplies, and materials.
 - ii. The operational cost or benefit incurred by the District.
 - iii. The added value to the District, as defined in the request for proposal, of vendor-added services.
 - iv. The quality and effectiveness of equipment, supplies, materials, and services.
 - v. The reliability of delivery and installation schedules.
 - vi. The terms and conditions of product warranties and vendor guarantees.
 - vii. The financial stability of the vendor.
 - viii. The vendor’s quality assurance program.
 - ix. The vendor’s experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.
 - x. The consistency of the vendor’s proposed equipment, supplies, materials, and services with the District’s overall supplies and materials procurement program.
 - xi. The economic benefits to the local community, including, but not limited to, job creation and retention.
 - xii. The environmental benefits to the local community.
- e. The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criteria set forth in the request for proposal. The District shall document its determination in writing.
- f. The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
- g. The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
- h. The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, District contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group

1 identification, age, mental disability, physical disability, medical condition, genetic
2 information, marital status, or sexual orientation, does not occur in the award and
3 performance of contracts.
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- 5 H. The Vice Chancellor of Fiscal Services or designee may, without advertising for bids, authorize the
6 following where it appears fiscally advantageous to do so:
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- 8 1. Purchases from firms holding public agency county contracts.
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 - 10 2. Purchase or lease from other public agencies of materials or services by authorization of
11 contract or purchase order.
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 - 13 3. Purchases through the State of California Cooperative Purchasing Program operated by the
14 Department of General Services.
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- 16 I. Contracts for work or services shall not exceed five (5) years. Contracts for materials and supplies
17 shall not exceed three (3) years.
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- 19 J. Contracts for emergency repair may be issued without bid when necessary in order to continue
20 existing classes or to avoid danger to life or property. Emergency purchases are authorized by the
21 Vice Chancellor of Fiscal Services or designee.
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- 23 K. It is unlawful to split or separate into smaller work orders or projects any project for the purpose
24 of evading the provisions of the Public Contract Code, which require work to be done by contract
25 after competitive bidding.
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- 27 L. The District will retain records sufficient to detail the history of procurement. These records
28 include: rationale for the method of procurement, selection of contract type, contractor selection
29 and rejection, and the basis for the contract price for a minimum of three (3) years from the
30 completion date of the project.
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32 **References:**

33 Education Code Sections [81641 et seq.](#); Public Contract Code Sections [20103.7](#), [20112](#), [20650 et seq.](#), and
34 [22000 et seq.](#); Labor Code Sections [1770 et seq.](#); Government Code Section [53060](#); [ACCJC Accreditation](#)
35 [Standard III.D.16](#); 2 Code of Federal Regulations Part [200.318](#)
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37 **Procedure Last Revised:** ~~January 12, 2011, August 10, 2016~~, May 13, 2020

38 **Last Reviewed:** ~~August 10, 2016~~, May 13, 2020