Every transaction between a buyer or seller and the District involving the transfer of property shall be by purchase order or formal contract signed by the Vice Chancellor or his/her designee. When deemed advisable to obtain the best pricing or when required by law, the District shall adhere to competitive, well-advertised and well noticed purchasing processes to ensure that the District receives advantageous pricing for proper and necessary goods and services. The Chancellor or Vice Chancellor shall establish administrative procedures for purchasing, and contract awards and management.

The purchasing practices of the District shall be such as to benefit the educational program. To accomplish this result, the decisions on purchases shall be based on:

- Specifications which stress good quality within limitations of the budget;
- The lowest cost within adherence to the specifications;
- Consideration for the quality of service and track record of the vendor/supplier; and
- Promptness of delivery.

Bi-monthly reports will be presented to the Board informing them of work to be done or materials or supplies to be furnished, sold, or leased for items that exceed $10,000.

Contracts, purchase orders, and other business agreements shall be written in a manner that protects the District. Staff will obtain legal advice as appropriate in the development of contracts. To the extent possible, District “form” contracts shall be used and modified where necessary for specific situations, rather than using vendor contracts or creating new contracts for new agreements.
To the extent possible and to avoid conflict with applicable governmental regulations, the potential for multiple contracts and purchase orders will be anticipated in order to aggregate purchases of materials, supplies, and services.

The District shall not conduct business (including purchasing from, or selling to) with any District employee or Board member. (see AP 2710 titled Conflict of Interest and AP 2712 titled Conflict of Interest Code)

**Purchase Requisitions**

All requisitions are entered by the individual department in the District’s current Enterprise Resource Planning (ERP) system. The “on-line” requisition process has been established with online approvals. Once an initiator enters the requisition, it electronically moves to the next approver. Once approved, Purchasing will process the order. Non-sufficient fund checking is turned on after the final budget has been loaded.

Incomplete requisitions will be held open for two months. Incomplete requisitions that are two months old will be deleted by the Fifth of every month.

**Purchase Orders**

All purchase orders are controlled by budget controls established within the District Enterprise Resource Planning (ERP) system. There are three types of purchase orders: Regular, Standing and a Rush order.

Regular Purchase Orders: Regular orders are used for all items that are shipped directly to the District Warehouse.

Standing Purchase Orders: Standing orders are used for services, subscriptions, open purchase orders, memberships, fee’s, due’s and any other items that do not require shipping to the District Warehouse.

Rush Orders: Rush orders are used for emergency repair services that are needed for Facilities, Maintenance and Custodial.

**Regular Purchase Orders**

- An electronic purchase requisition is issued to authorize the purchase of merchandise. Purchase requisitions with insufficient funds will not be processed until a budget transfer is completed.

- The purchase requisition is forwarded electronically from the requestor to the Budget Administrator for approval.
• The approved requisition is electronically forwarded to the Purchasing Department.

• The Purchasing Department will issue either a standing or regular purchase order depending on the purchase requisition.

• A copy of the purchase order will be emailed to the requisitioning department, Accounts Payable and to the vendor if the vendor’s email is available.

• Merchandise is sent to the warehouse to insure proper receipt of goods and related documentation.

Standing Purchase Orders

• Standing purchase orders follow the same requisition approval process as the regular orders.

• A copy of the purchase order will be emailed to the requisitioning department, Accounts Payable and to the vendor if the vendor’s email is available.

• Open purchase orders are managed by the requisitioner. They are responsible for placing the orders with the vendor and sending the packing slip/invoices to Accounts Payable.

• Items shipped on standing orders should identify the requisitioner/building on the packing slips. The Warehouse will receive and deliver to the requesting departments. The department is required to send the approved packing slip to Accounts Payable.

• If there is no paper evidence of receiving, Accounts Payable obtains a written confirmation from the requisitioning department regarding the receipt of goods or services.

Rush purchase orders

• Emergency services for facilities, maintenance and custodial only.

• Rush orders are not encumbered at the time of creation. The requesting department is required to submit a PO Change form with information to encumber and create the final purchase order. The department “Organization” code is all that is required when issuing the rush purchase order. Accounts Payable cannot pay an invoice until a Rush order is encumbered.

• Rush orders issued are for one-time use, per vendor.

• Rush orders are not authorized for work over $45,000. The Executive Director of Facilities Maintenance, Operations and Construction must obtain approval from the Vice Chancellor of Administrative Services for emergency work over $45,000.

• Work that exceeds $25,000 require Performance and Labor and Material bonds along with a certificate of insurance.
Banner Document Management (BDM)
All documentation that is necessary to complete a purchase order must be attached using BDM. This includes quotations, proposals, notes to Purchasing, and any product information, as well as the vendor name and address if the vendor is not currently used.

Prepayment
If prepayment is required, you must attach a memo, using BDM, notifying the Purchasing Department.

District Credit Cards for Purchasing
In order to expedite the purchase and accounting of low cost and frequently needed items, the District may authorize the use of credit cards by specified employees whenever there is sufficient benefit to the District. In all such cases, the District shall follow procedures that provide checks and balances for the procurement methods in use.

District credit cards are issued through the General Services Department.

Most card holders will have a monthly limit of $1000. A higher monthly limit may be authorized by the Vice Chancellor.

Credit cards shall not be used for: retail liquor, contracted services, marina boat services, private/air services, education, cash advances, recreation, health services, organizational memberships, wholesale services, entertainment, utilities, financial services, professional services or to purchase equipment.

Merchandise purchased on-line must be delivered to the district warehouse.

Every card holder shall hold a regularly established position at the District and shall agree to all terms and conditions established for the issuance of a District credit card.

Every card holder shall sign his/her card in the presence of a designated District issuer immediately upon taking possession of the card.

The cardholder shall be personally liable for inappropriate charges and shall be personally responsible for the settlement of any dispute on any purchase with a vendor.

The District issued credit card will be revoked for the following reasons: used for personal or unauthorized purposes; used to purchase alcoholic beverages or any substance, material, or service which violates policy, law, or regulation pertaining to the District; allows the card to be used by another individual; splits a purchase to circumvent the purchase limit assigned to the card; accepts a personal gratuity from a vendor; uses the card to purchase gratuities or gifts; fails to provide the Purchasing Office with information about any specific purchase; fails to provide documentation confirming that charges are approved within thirty days of a billing cycle; fails to provide the Finance Department with
expense transfer documentation that may be necessary to record a purchase appropriately; does not adhere to any of the credit card policy and procedures. The credit card is the property of the bank and the bank may, at any time, revoke card privileges under the provisions of its policies and procedures.

The card holder is personally responsible for guaranteeing that all charges are for appropriate District expenses and are within budget limits. Neither the bank nor the District assumes responsibility for non-District purchases. The card holder shall be liable to the District and to the bank for any non-District purchases.

The cardholder shall immediately notify the Purchasing Department if the credit card is lost, stolen, or in the possession of an unauthorized person. A written follow-up, including pertinent information on the cause of the loss or use by an unauthorized person, shall be forwarded to the Purchasing Department in the month of the incident.

Every cardholder shall take reasonable precautions with the credit card. These include, but are not limited to: keeping the card in view after it is given to a clerk and re-securing it as soon as possible; avoid signing a blank receipt; drawing a line through blank spaces above the total when you sign; destroying all carbons; never putting the card number on a postcard or outside of an envelope; never giving the card number over the phone unless you are dealing with a company you are sure is legitimate.

It is not the intent of this program to allow food charges for other than travel and conference. If meals are charged on a District-issued credit card, the employee will be responsible for the difference of the actual charge and the per-diem limit. For business lunches, the following must be submitted: a list of people attending the business lunch or dinner; the reason for the meeting; and the restaurant’s detailed receipt. If the business lunch is funded by the unrestricted general fund, it must be pre-approved by either the College President or the Vice Chancellor of Administrative Services. ALCOHOL EXPENSES ARE NOT ALLOWED. Failure to adhere to these procedures will result in suspension or revocation of your credit card.

If an employee is issued a District credit card, the employee should use the card to pay for all expenses related to official business travel, including event registration, lodging, transportation, and meals.

Employees should not use the District-issued credit card for meals if the conference is providing the meals.

If the credit card is used for travel and conference expenses, a Travel and Conference Form must still be submitted showing there was prior approval. You will NOT be reimbursed for expenses charged against the District credit card.

Each budget administrator is responsible for monitoring the budget to assure the cardholder does not exceed their department budget.
Payment for charges made against the credit card shall be processed as follows:

- When the statements are transmitted or otherwise received by the District, the charges against each card shall be charged to that card's designated budget account.
- Monthly Credit card statements are mailed directly to each cardholder by the bank. It is the cardholder's responsibility to: complete the “Monthly Credit Card Purchase Report;” attach his/her monthly credit card receipts and the credit card statement; and submit to his/her department manager for review and approval.
- If missing a receipt, a Missing Receipt Form must be submitted with the monthly purchase report.
- The department manager or budget administrator shall confirm each and every purchase as to amount and purpose. Confirmation shall be evidenced by the responsible manager's signature on the monthly purchase report, and the date of approval.
- It is the responsibility of the Budget Administrator to ensure that his/her department cardholders are submitting monthly statements with receipts attached and that all receipts are accounted for. Those statements are then forwarded to Purchasing for review.
- The Budget Administrator is required to transfer expenses to the appropriate accounts every month. A copy of the signed monthly purchase report, which also acts as the expense transfer, and a copy of the credit statement must be forwarded to the appropriate Budget Office for processing.

Processing of Purchase Requisitions for Vendors
Purchasing requisitions are sent to purchasing for processing. The Purchasing Department verifies that the vendor has a completed W-9 on file. If not, a W-9 is mailed to the vendor at the same time the purchase order is mailed. Each vendor is responsible for completing the paperwork and returning it to Purchasing. Without a completed W-9, vendor payment will be withheld.

Department of Industrial Relations (DIR) Regulations Regarding Public Works Projects
The Department of Industrial Relations requires the District to hire contractors and service providers who fall under any Prevailing Wage Schedule to be registered with the DIR. For every purchase order and/or request for contractor, the General Services Department will verify that these firms are registered. If these firms do not have the appropriate DIR registration number, the General Services Department will work with the contractor/vendor to obtain the appropriate registration number. If the contractor/vendor cannot obtain the appropriate registration number, the District cannot do business with this company.

Also see AP 6300 titled Fiscal Management and AP 6340 titled Bids and Contracts

Date Approved: February 7, 2018
AP 6340  BIDS AND CONTRACTS

References:

Education Code Sections 81641 et seq.;
Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;
Labor Code Sections 1770 et seq.
Government Code Section 53060

No contracts or purchase orders that exceed the Public Contracts Code bid limits will be issued without required competitive bids and notifications unless an emergency as defined in Public Contract Code Section 1102 exists.

When bids are required pursuant to Public Contracts Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or the District shall reject all bids.

The Chancellor or his/her designees are empowered to execute and file a “Notice of Completion and Acceptance of Work” on behalf of the District. Such notices shall be approved in advance by the Board.

Limits
Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes.
- Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.
- See AP 6345 for the California Uniform Construction Cost Accounting Act,

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.
**Note:** The bid minimums are set by the Board of Governors as required by Public Contracts Code Section 20651(d), and are adjusted annually by January 1.

**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 Formal Advertised Bids**
The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated 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 materials or supplies to be furnished and the time and place when bids will be opened.

Bid and contract forms shall be prepared and maintained by the Executive Director of General Services.

All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Executive Director of General Services 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 California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California 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.

The Executive Director of General Services 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.

The Executive Director of Facilities Maintenance, Operations and Construction shall provide an electronic copy of the plans and specifications and other contract documents
to a contractor plan room service at no charge upon the 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.

- Contracts are not enforceable obligations until they are ratified by the board.

- For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the 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 responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.

- “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.

**Purchase without Advertising for Bids**
The Executive Director of General Services is authorized to make the following purchases without calling for bids where it appears advantageous to do so:

- Purchases or leases from other public agencies’ materials or services by authorization of contract or purchase order.
• Purchases from any public corporation or agency, including any county, city, town or district, holding contracts without calling for bids. These agencies must have “piggyback” language in their bid documents allowing other agencies to purchase from that bid;
• Purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services;
• Purchases of materials, equipment, supplies, or service under the same terms and conditions as are specified in a contract lawfully awarded by the California State University and University of California; and
• The Vice Chancellor of Administrative Services is authorized to make purchases with a value between $5,000 and $250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Purchases made under this section that are in excess of the legal bid limit are to be reported to the Board.

**Government Code 53060**

Contracts and/or agreements for special services and advice, in financial, economic, accounting, engineering, legal or administrative matters will be issued without competitive bidding if the District finds that it is in the best interest of the District. Contracts and/or agreements up to $100,000.00, shall be approved by the Chancellor or his/her designee, any contracts and/or agreements that exceed $100,000, will require Board approval. The District may solicit a competitive bid process for these types of services.

**Duration of Continuing Contracts for Services and Supplies**
Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

**Emergency Repair Contracts without Bid**
When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Executive Director of General Services may initiate a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board. On February 2, 2010, the District adopted an emergency resolution and has delegated authority to the Vice Chancellor of Administrative Services to declare an emergency.

**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.

**Kindergarten-University Public Education Bond Act Projects**
For projects funded by 2002, 2004, or 2006 Bond Funds, the Executive Director of Facilities Maintenance, Operations and Construction will initiate and enforce, or contract
with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.

- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.

- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.

- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.

- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.

- The Executive Director of General Services shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

Also see AP 6330 titled Purchasing
AP 6345 BIDS AND CONTRACTS AND UPCCAA*

References:

- Education Code Sections 81641 et seq.;
- Labor Code Sections 1770 et seq.;
- Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq.
  (Uniform Public Construction Cost Accounting Act (Act))

Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased, or operated facility. Public projects estimated to cost up to $175,000 shall be let to contract by procedures described in the Notice Inviting Informal Bids.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the this Procedure requiring work to be done by contract after 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 must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

*The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorizes public projects of $45,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to $175,000 may be let to contract by informal procedures. Public projects in excess of $175,000, with limited exceptions, shall be let to contract by formal bidding procedure. PCC 22032.
Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

Procedures Not Covered by this Procedure
When this procedure does not establish a process for bidding public projects, the procedures described in AP 6430 titled Bids and Contracts shall govern.

Contractors List
The Executive Director of General Service shall develop and maintain an approved contractor list. Qualification of contractors is evaluated annually in January.

Award to Low Bidder; No Bids
All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform public projects with District employees or through a negotiated contract without further complying with this procedure.

Notice Inviting Informal Bids
Per PCC Section 22034, when a public project anticipated to cost less than $175,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids, and describe how to obtain more detailed information about the project. The District shall mail, fax or email the notice to all contractors for the category of work to be bid, as shown on the Contractors List, or may elect to mail, fax or email a notice inviting informal bids to all construction trade journals as specified under PCC Section 22036, or both. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing, faxing or emailing shall be completed at least ten days before bids are due.

Award of Informally - Bid Contracts
The Vice Chancellor of Administrative Services for the respective campuses, and the Executive Director of General Services for the District, are authorized to award informal contracts (defined as contracts for less than $175,000), except those contracts described in Emergency Procedures.

Bids Exceed Informal Bidding Limit
If all informal bids received exceed $175,000 and the District determines that the cost estimate was reasonable, the District may award the contract at up to $187,500 to the lowest responsible bidder. The contract must be preapproved by resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

Bid Documents for Formal Bids
The Chancellor or designee, will see that plans, specifications, and working details for all public projects estimated to cost more than $175,000 are adopted.
Notice Inviting Formal Bids
Per PCC Section 22037, when a public project, which is anticipated to cost in excess of $175,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent by mail, fax, or electronic mail to all construction trade journals specified in PCC Section 22036, 15 calendar days in advance of bid opening.

When Contractors List Has Not Been Prepared: Proprietary Product or Service
Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.

- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

Contracts for Maintenance Work
Contracts for maintenance work may be bid pursuant to the informal bidding procedures described above. Maintenance work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting, or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids; Re-solicitation; Use of District Employees
If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District’s intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

Emergency Procedures
When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

Date Approved: December 6, 2017
AP 6350 CONTRACTS – CONSTRUCTION

References:

Education Code Section 81800;
Public Contract Code Sections 20650 et seq. and 22000 et seq.

The Executive Director of Facilities Maintenance, Operations and Construction 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 Executive Director of Facilities Maintenance, Operations and Construction 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 preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, 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 State Chancellor’s Office and the State Department of General Services as required by statute in the name of the Board of Trustees.

The Executive Director of Facilities Maintenance, Operations and Construction shall develop plans and specifications for all construction projects. Approval from the Department of State Architect is obtained for fire, life and safety issues. Bids are developed per AP 6345.

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 and AP 6345.

Date Approved: November 6, 2017
AP 6360 CONTRACTS – ELECTRONIC SYSTEMS AND MATERIALS

References:

Education Code Sections 81641 et seq., and 81651;
Public Contract Code Sections 20651 et seq.

The District may contract with any vendor who has submitted one of the three lowest responsible competitive proposals or competitive bids for the purchase or maintenance of electronic data-processing systems and equipment, electronic telecommunication equipment, supporting software, and related material, goods and services.

Except as otherwise stated here, bids shall be solicited and contracts shall be awarded in accordance with AP 6340 titled Bids and Contracts.

Criteria to determine what constitutes a responsive bid shall be established by the Department of General Services, along with the following:

- Executive Director of Information Technology
- West Valley and Mission College Vice Presidents of Administrative Services

Supplemental instructional software packages may be purchased without taking estimates or advertising for bids.

Sale and leaseback of data-processing equipment or another major item of equipment is permissible if the purchaser agrees to lease the item back to the district for use by the District following the sale. The Board shall first adopt a resolution finding that the sale or leaseback is the most economical means for providing electronic data-processing equipment or other major items of equipment to the District.

Date Approved: February 27, 2017
**AP 6365 CONTRACTS – ACCESSIBILITY OF INFORMATION TECHNOLOGY**

**References:**

- Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);
- 36 Code of Federal Regulations Sections 1194.1 et seq.;
- Government Code Section 11135;
- Title 5 Sections 59300 et seq.

Whenever the District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self contained closed products such as copiers, and desktop and portable computers.

Each contract with such a vendor shall contain the following provision:

"The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. The vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. The vendor further agrees to indemnify and hold the District harmless from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement."

**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the Policy and Procedure Service)*
The District may enter into personal services contracts to achieve cost savings when each of the following conditions is met:

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor’s wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of district employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable non-discrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- The contract is with a firm; and