

**BIDS**

The Board of Education 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 3000 - Concepts and Roles)  
(cf. 3230 - Federal Grant Funds)  
(cf. 3300 - Expenditures and Purchases)  
(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)  
(cf. 3311.2 - Lease-Leaseback Contracts)  
(cf. 3311.3 - Design-Build Contracts)  
(cf. 3311.4 - Procurement of Technological Equipment)

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

The Superintendent or designee shall establish comprehensive bidding procedures for the District in accordance with 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.

(cf. 9270 - Conflict of Interest)

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 include 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.

Except as authorized by law, 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)

**BIDS (cont.)**

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 any personal property to the extent authorized by law. (Public Contract Code 20118)

**Prequalification Procedure**

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. (Public Contract Code 20111.5)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the District at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

The District may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

**Change Order Procedure**

The Board of Education recognizes that during construction there may be unanticipated or unforeseen conditions which could not reasonably be expected to be identified during the design and bidding processes, and that these conditions may require changes to a project's original plans and specifications.

The Board of Education also recognizes that opportunities to increase the value of a construction project may arise during the construction phase. Such opportunities may require changes to a project's original plans and specifications.

**BIDS (cont.)**

Such modifications of existing agreements are known as "Change Orders." The Superintendent will develop administrative regulations to establish Change Order procedures.

**Legal Reference:**

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act  
17250.10-17250.55 Design-build contracts  
17406 Lease-leaseback contract  
17595 Purchase of supplies through Department of General Services  
17602 Purchase of surplus property from federal agencies  
38083 Purchase of perishable foodstuffs and seasonable commodities 38110-38120 Apparatus and supplies  
39643 Purchases through Department of General Services 39802 Bids and Contracts for Services  
39873 Purchases of Perishable Foodstuffs and Seasonable Commodities  
40000 Purchases of Supplies through County Superintendent  
40001 Purchases by District Governing Board  
40002 Purchases of Other than Standard Supplies

BUSINESS AND PROFESSIONS CODE

7056 General engineering contractor  
7057 General building contractor

CODE OF CIVIL PROCEDURE

446 Verification of pleadings

GOVERNMENT CODE

4217.10-4217.18 Energy conservation contracts  
4330-4334 Preference for California-made materials  
6252 Definition of public record  
53060 Special services and advice  
54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

1102 Emergencies  
2000-2002 Responsive bidders  
3000-3010 Roofing projects  
3400 Bids, specifications by brand or trade name not permitted  
3410 United States produce and processed foods  
4113 Prime contractor; subcontractor  
6610 Bid visits  
12161 Definitions  
12168 Preferences for Purchase of Recycled Paper Products  
12169 Bidders to Specify Percentage of Recycled Paper Product  
12200 Definitions, recycled goods, materials and supplies  
12210 Purchases of Recycled Products Preferred  
12213 Specifications by Bidder of Recycled Content  
20101-20103.7 Public construction projects, requirements for bidding  
20103.8 Award of contracts  
20107 Bidder's Security  
20110-20118.4 Local Agency Public Constructions Act; school districts  
20129 Bidder's Security; Performance Bond  
20189 Bidder's security, earthquake relief

**BIDS (cont.)**

22000-22045 Alternative procedures for public projects  
(UPCCAA)

22152 Recycled product procurement

COURT DECISIONS

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 1 (2006)

**Management Resources:**

WEBSITES

California School Boards Association: [www.csba.org](http://www.csba.org)

California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

California Department of Education: [www.cde.ca.gov](http://www.cde.ca.gov)

California Department of General Services: [www.dgs.ca.gov](http://www.dgs.ca.gov)

**Chino Valley Unified School District**

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Revised: November 16, 2006

Revised: September 18, 2008

Revised: January 16, 2014

Revised: February 2, 2017

Revised: April 6, 2017

Revised: September 7, 2017

Revised: March 7, 2019