

**RELATIONS WITH VENDORS, PURCHASING, BIDDING, AND
CONTRACT PROCEDURES**

RELATIONS WITH VENDORS

District employees and Governing Board members shall comply with the Political Reform Act of 1974 governing acceptance of personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of district programs.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

PURCHASING PROCEDURES

The Superintendent or designees shall maintain effective purchasing procedures in order to ensure that maximum value is received for money spent by the district and that records are kept in accordance with law.

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs trade-in values, warranty, customer service, financing, availability, lead-time, and services offered shall be considered when determining the most economical purchase price.

BIDS

The district shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Board determines that it is in the best interest of the district to do so.

When the Board had determined that it is in the best interest of the district, the Board may “piggyback” onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

CONTRACTS

Whenever state law invests the Governing Board with the power to enter into contracts on behalf of the district, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the district, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

Further direction is provided in the attached Administrative Regulation.

Legal Reference:

EDUCATION CODE

200-262.3	Prohibition of discrimination on the basis of sex
14505	Provisions required in contracts for audits
17595-17603	Contracts
17604	Delegation of powers to agents; approval or ratification of contracts by governing board
17605	Delegation of authority to purchase supplies and equipment
35182.5	Contract prohibitions
35250	Duty to keep certain records and reports
38083	Purchase of perishable foodstuffs and seasonable commodities
38110	Purchase of supplies through county superintendent
38111	Purchases by district governing board
38112	Purchases of necessary supplies

39643-39658 Contracts
39802 Bids and contracts for services
45103.5 Contracts for management consulting service related to food service
60071 Prohibited offers to influence adoption or purchase of instructional materials
60072 Acceptance of consideration or inducements by school officials
60073 Penalties for violation of article
60074 Supplying sample copies
60075 Receiving sample copies
60076 Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of district to royalty

CIVIL PROCEDURES CODE

685.010 Rate of Interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs
4330-4334 Preference of supplies manufactured or produced in state
53060 Special services and advice
53260 Contract provision re maximum cash settlement
53262 Ratification of contracts with administrative officers
54201-54205 Purchase of supplies and equipment by local agencies
6252 Definitions of California Public Records Act

LABOR CODE

1775 Penalties for violations
1810-1813 Working Hours

PUBLIC CONTRACT CODE

2000-2001 Responsive bidders
3400 Bids, specifications by brand or trade name not permitted
3410 U.S. produce and processed foods
4100-4114 Subletting and subcontracting fair practices
6610 Bid visits
7104 Contracts for excavations; discovery of hazardous waste
7106 Noncollusion affidavit
12161 Definitions, recycled paper products
12168 Preference for recycled paper products
12169 Bidders to specify percentage of recycled paper
12200 Definitions, recycled goods, materials and supplies

12210	Purchase of recycled products preferred
12213	Specifications by bidder of recycled content
20103.8	Award of contracts
20107	Bidder's Security
20111	School District bidding requirements
20112	Advertisement for bids
20113	Specification by bidder of recycled content
20104	Work by day labor
20115	Maintenance Defined
20116	Unlawful to split or separate into smaller projects
20117	Identical bids
20118	Authorization of public corporation or agency to make leases or purchases
20118.1	Electronic data processing systems; bids
20118.3	Supplementary texts, library books, etc; purchase without estimates or bids
20118.4	Change without securing bids
20189	Bidder's security
22002	Definition of public project
22030-22045	Alternative procedures for public projects
22050	Alternative emergency procedures
22300	Performance retentions

UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination

COURT DECISIONS

Konica Business Machines v. Regents of 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

MANAGEMENT RESOURCES

CSBA Publications:

Healthy Food Policy Resource Guide, 2003

WEB Sites:

CSBA: www.csba.org

California Association of School Business Officials: www.casbo.org

California Fair Political Practices Commission: www.fppc.ca.gov/

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