

**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 has 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)

Pursuant to 2 CFR 200.318, no District officer, employee or agent shall participate in the selection, award, or administration of a contract in which they have a real or apparent conflict of interest. Such a conflict of interest would arise if the officer, employee or agent has a financial or other interest in or a tangible personal benefit for a firm/vendor considered for a contract. District, officers, employees or agents who violate this written standard of conduct regarding the award and administration of contracts may be recommended for disciplinary actions by the Board or Superintendent.

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
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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/