San Bernardino County Superintendent of Schools
Procedure 3311

Bids

Advertised /Competitive Bids

The San Bernardino County Superintendent of Schools shall seek competitive bids through advertisement for contracts exceeding the amount specified in law, and as annually adjusted by the Superintendent of Public Instruction, for any of the following: equipment, materials, or supplies to be furnished, sold, or leased to the Superintendent; services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters; repairs, including maintenance that is not a public project.

The San Bernardino County Superintendent of Schools will not split or separate into smaller work orders or projects any work project, service, or purchase for the purpose of evading the provisions of the law requiring public bidding.

The San Bernardino County Superintendent of Schools shall secure bids for any transportation service expenditure of more than $10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The San Bernardino County Superintendent of Schools may award this contract to other than the lowest bidder.

Procedures for Advertised Bids

The San Bernardino County Superintendent of Schools or designee shall call for bids by placing a notice in a local newspaper of general circulation at least once a week for two weeks. The notice shall contain the time, date, and location of any mandatory pre-bid conference, site visit, or meeting. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. The notice shall also detail when and where project documents, including final plans and specifications, are available.

Bid instructions and specifications shall include the following requirements and information:

1. If the bid requires prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item 1a below shall be used. (Public Contract Code (PCC) §20103.8)
    a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
    b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
    c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically

identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined.

2. All bids for construction work shall be presented under sealed cover and shall be accompanied by bidder's security (PCC §§20107, 20111)

3. Bids will not be accepted after the advertised bid opening time. (PCC §20112)

4. When two (2) or more identical lowest or highest bids are received, the San Bernardino County Superintendent of Schools or designee may determine by lot which bid shall be accepted. (PCC §20117)

5. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (PCC §22152).

Upon the award to the lowest bidder, the security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than sixty (60) days after the bid is awarded.

After being opened, all submitted bids become public records pursuant to Government Code §6252 and shall be made available for review pursuant to law, policy, and procedures.

Pre-qualification (PCC §20111.5)

For any contract for which bids are legally required, the San Bernardino County Superintendent of Schools may require that each prospective bidder complete and submit a standardized questionnaire and financial statement in a form specified by the Superintendent, including a complete statement of the prospective bidder's financial ability and experience.

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. The questionnaire and financial statement shall be verified under oath by the bidder in the manner in which civil pleadings in civil actions are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection.

The San Bernardino County Superintendent of Schools 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.

The San Bernardino County Superintendent of Schools or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be

disregarded.

Sole Sourcing (PCC §3400)

Specifications for contracts for construction, alteration, or repair of school facilities may not limit bidding, either directly or indirectly, to any one specific concern. Specifications designating a specific material, product, thing, or particular brand name shall follow the description with the words "or equal" so that bidders may furnish any equal material, product, thing, or service. However, specifications for such contracts may designate a product by brand or trade name (sole sourcing) if the Superintendent has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes:

1. To conduct a field test or experiment to determine its suitability for future use.

2. To match others in use on a particular public improvement that has been completed or is in the course of completion.

3. To obtain a necessary item that is only available from one source.

4. To respond to the Superintendent's declaration of an emergency.

Alternative Bid Procedures for Technological Supplies and Equipment (PCC §20118.1)

When awarding a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the San Bernardino County Superintendent of Schools may use a competitive negotiation process as defined in PPC §20118.1 and described below:

1. The Superintendent shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the Superintendent, to permit reasonable competition consistent with the nature and requirement of the procurement.

2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.

3. The Superintendent shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.

4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.

5. The Superintendent shall provide reasonable procedures for the technical evaluation of the RFPs received, identification of qualified sources, and selection for the award of the contract.

6. An award shall be made to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the Superintendent with price and all other

factors considered.

7. If an award is not made to the bidder whose proposal contains the lowest price, then the Superintendent shall make a finding setting forth the basis for the award.

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Date Approved _____

Ted Alejandre
County Superintendent of Schools
San Bernardino County, California

By _____