

BIDS**Advertised/Competitive Bids**

The district shall advertise for any of the following: (Public Contract Code 20111)

1. A public project contract that involves an expenditure of \$75,000 or more, including a contract for construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, or repair work involving a district owned, leased, or operated facility
2. A contract that exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following:
 - a. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
 - b. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
 - c. Repairs that are not a public project, including maintenance

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance also includes landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems. Maintenance does not include painting, repainting, or decorating, other than minor repainting; janitorial or custodial services; and protection provided by security forces. (Public Contract Code 20115, 22002)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of

BIDS

general circulation that is circulated in the county. Additionally, the Superintendent or designee may post the notice on the district's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

For lease-leaseback, design-build, and alternative design-build projects, the notice shall additionally specify that the project is subject to skilled and trained workforce requirements. (Education Code 17250.25, 17250.62, 17407.5; Public Contract Code 2600, 6610)

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

1. All bidders shall certify in writing the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover (Public Contract Code 20111)

The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20111, 20112)

The bid shall be accompanied by a form of bidder's security, including either cash, a cashier's check payable to the district, a certified check made payable to the district, or a bidder's bond executed by an admitted surety insurer and made payable to the district. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111, 20112)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded (Public Contract

BIDS

Code 20111.5)

4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Governing Board may determine by lot which bid shall be accepted (Public Contract Code 20117)
6. If the district requires that the bid includes 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 (Public Contract Code 20103.8)

In the absence of such a specification, only the method provided in Item #6a below shall be used. (Public Contract Code 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 (Public Contract Code 20103.8)

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. (Public Contract Code 20103.8)

BIDS

7. In determining the lowest bid, the district shall consider only responsive bids that conform to bid specifications and are submitted by responsible bidders who have demonstrated trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the public works contract
 - a. When a bid is determined to be nonresponsive, the Superintendent or designee shall notify the bidder and give the bidder an opportunity to respond to the determination
 - b. When the lowest bidder is determined to be nonresponsive, the Superintendent or designee shall notify the bidder of the right to present evidence of the bidder's responsibility at a hearing before the Board
8. After being opened, all submitted bids become public records pursuant to Government Code 7920.530 and shall be made available for public review pursuant to law, Board policy, and administrative regulation

Prequalification Procedure

When required by law or the Board, 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. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized prequalification questionnaire and financial record which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's 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. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000 or more and is funded or reimbursed wholly or partly by state general funds, the School Facilities Program funds, or other future state school bond, the district shall prequalify prospective bidders either quarterly or annually. The prequalification

BIDS

shall be valid for one year and the following requirements shall apply: (Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in Public Contract Code 4113 or Business and Professions Code 7056 or 7057, as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the district, before the date fixed for the public opening of sealed bids
2. Prospective bidders shall be prequalified by the district five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the district, before the date fixed for the public opening of sealed bids. (Public Contract Code 20111.6)

For all other contracts requiring competitive bidding, 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. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Limitation on Use of Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract Code 3400)

1. Does not directly or indirectly limit bidding to any one specific concern

BIDS

2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. (Public Contract Code 3002)

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name, also known as sole sourcing, if the Board has made a finding, described in the invitation for bids or request for proposals (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

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 Board's declaration of an emergency, so long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

Bids Not Required

Without taking estimates or advertising for bids, supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be

BIDS

purchased in any amount. (Public Contract Code 20118.3)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

The district may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State**Description**

Bus. Code 7056

[General engineering contractor](#)

Bus. Code 7057

[General building contractor](#)

CA Constitution, Article 2, Section 31(a)

[Prohibition of discrimination in operation of public education](#)

Code of Civil Procedure 446

[Verification of pleadings](#)

Ed. Code 17070.10-17079.30

[Leroy F. Greene School Facilities Act](#)

Ed. Code 17250.10-17250.52

[Design-build contracts](#)

Ed. Code 17250.60-17250.69

[Alternative design-build contracts](#)

Ed. Code 17400

[Leasing Property](#)

Ed. Code 17406

[Lease-leaseback contract](#)

Ed. Code 17595

[Purchase of supplies through Department of General Services](#)

Ed. Code 17602

[Purchase of surplus property from federal agencies](#)

Ed. Code 38083

[Purchase of perishable foodstuffs and seasonal commodities](#)

Ed. Code 38110-38120

[Apparatus and supplies](#)

Ed. Code 39802

[Transportation services](#)

Gov. Code 4217.10-4217.18

[Energy conservation contracts](#)

Gov. Code 4330-4334

[California made materials](#)

Gov. Code 53060

[Special services and advice](#)

Gov. Code 54201-54205

[Purchase of supplies and equipment by local agencies](#)

Gov. Code 7920.530

[Public record; definition](#)

Pub. Cont. Code 1102

[Emergency; definition](#)

BIDS

<i>Pub. Cont. Code 1103</i>	<u>Responsible bidder; definition</u>
<i>Pub. Cont. Code 12200</i>	<u>Recycled goods, materials and supplies; definition</u>
<i>Pub. Cont. Code 2000-2002</i>	<u>Responsive bidders</u>
<i>Pub. Cont. Code 20101-20103.7</i>	<u>Public construction projects; requirements for bidding</u>
<i>Pub. Cont. Code 20103.8</i>	<u>Award of contracts</u>
<i>Pub. Cont. Code 20110-20118.4</i>	<u>Local Agency Public Construction Act; school districts</u>
<i>Pub. Cont. Code 20189</i>	<u>Bidder's security; earthquake relief</u>
<i>Pub. Cont. Code 22000-22045</i>	<u>Uniform Public Construction Cost Accounting Act</u>
<i>Pub. Cont. Code 22152</i>	<u>Recycled product procurement</u>
<i>Pub. Cont. Code 3000-3010</i>	<u>Roofing projects</u>
<i>Pub. Cont. Code 3400</i>	<u>Bid specifications</u>
<i>Pub. Cont. Code 3410</i>	<u>U.S. produce and processed foods</u>
<i>Pub. Cont. Code 4113</i>	<u>Prime contractor; subcontractor</u>
<i>Pub. Cont. Code 6102</i>	<u>Bribery of public official; voidable contract</u>
<i>Pub. Cont. Code 6610</i>	<u>Bid visits</u>
Management Resources	Description
<i>Attorney General Opinion</i>	89 Ops.Cal.Atty.Gen. 1 (2006)
<i>CA Department of General Services Publication</i>	<u>Office of Public School Construction, Piggyback Contracts</u>
<i>CA Department of General Services Publication</i>	<u>Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022</u>
<i>CA Department of Industrial Relations Publication</i>	<u>Model Prequalification Questionnaire</u>
<i>Court Decision</i>	<i>City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972) 7 Cal.3d 861</i>
<i>Court Decision</i>	<i>Great West Contractors Inc. v. Irvine Unified School District (2010) 187 Cal.App.4th 1425</i>
<i>Court Decision</i>	<i>Konica Business Machines v. Regents of the University of California (1988) 206 Cal.App.3d 449</i>
<i>Court Decision</i>	<i>Los Angeles Unified School District v. Great American Insurance Co. (2010) 49 Cal.4th 739</i>
<i>Court Decision</i>	<i>Marshall v. Pasadena Unified School District (2004) 119 Cal.App.4th 1241</i>
<i>Website</i>	<u>CSBA District and County Office of Education Legal Services</u>
<i>Website</i>	<u>California Department of General Services</u>
<i>Website</i>	<u>CSBA</u>
<i>Website</i>	<u>California Department of Education</u>
<i>Website</i>	<u>California Association of School Business Officials</u>
Cross References	
Policy	Description
<i>0410</i>	<u>Nondiscrimination In District Programs And Activities</u>
<i>1113</i>	<u>District And School Websites</u>

BIDS

1113	<u>District And School Websites</u>
1113-E(1)	<u>District And School Websites</u>
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
3000	<u>Concepts And Roles</u>
3230	<u>Federal Grant Funds</u>
3230	<u>Federal Grant Funds</u>
3270	<u>Sale And Disposal Of Books, Equipment And Supplies</u>
3270	<u>Sale And Disposal Of Books, Equipment And Supplies</u>
3300	<u>Expenditures And Purchases</u>
3311.1	<u>Uniform Public Construction Cost Accounting Procedures</u>
3311.1	<u>Uniform Public Construction Cost Accounting Procedures</u>
3311.2	<u>Lease-Leaseback Contracts</u>
3311.3	<u>Design-Build Contracts</u>
3311.4	<u>Procurement Of Technological Equipment</u>
3312	<u>Contracts</u>
3314	<u>Payment For Goods And Services</u>
3314	<u>Payment For Goods And Services</u>
3510	<u>Green School Operations</u>
3511	<u>Energy And Water Management</u>
3511	<u>Energy And Water Management</u>
3511.1	<u>Integrated Waste Management</u>
3511.1	<u>Integrated Waste Management</u>
3512	<u>Equipment</u>
3512-E(1)	<u>Equipment</u>
3517	<u>Facilities Inspection</u>
3517-E(1)	<u>Facilities Inspection</u>
3540	<u>Transportation</u>
3551	<u>Food Service Operations/ Cafeteria Fund</u>
3551	<u>Food Service Operations/ Cafeteria Fund</u>
3580	<u>District Records</u>
3580	<u>District Records</u>
3600	<u>Consultants</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1-E(1)	<u>Selection And Evaluation Of Instructional Materials</u>
6161.11	<u>Supplementary Instructional Materials</u>
6163.1	<u>Library Media Centers</u>
7000	<u>Concepts And Roles</u>
7140	<u>Architectural And Engineering Services</u>
7140	<u>Architectural And Engineering Services</u>
9270	<u>Conflict Of Interest</u>
9270-E(1)	<u>Conflict Of Interest</u>
9320	<u>Meetings And Notices</u>
9323.2	<u>Actions By The Board</u>

BIDS

9323.2-E(1)

[Actions By The Board](#)

Regulation

PASADENA UNIFIED SCHOOL DISTRICT

Approved: July 9, 1996

Pasadena, California

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