

**BEFORE THE GOVERNING BOARD OF THE
OAK GROVE SCHOOL DISTRICT
SANTA CLARA COUNTY, CALIFORNIA**

**IN THE MATTER OF
USE OF BEST VALUE BIDDING FOR
AWARD OF CONTRACTS FOR
PUBLIC PROJECTS**

**RESOLUTION NO. 1548-04/26
RESOLUTION ADOPTING
PROCEDURES AND GUIDELINES FOR
SELECTION OF BEST VALUE
CONTRACTOR (Public Contract Code
§§20119.8 et seq.)**

WHEREAS, for bidding of contracts for public projects, Public Contract Code (“PCC”) section 20111(b) requires school districts to use competitive bidding where the contract is awarded to the lowest responsive and responsible bidder; and

WHEREAS, for bidding of contracts for public projects awarded on or after January 1, 2026, through December 31, 2030, PCC sections 20119.8 et seq. also allow school districts to use best value bidding; and

WHEREAS, PCC section 20119.8(a) states that the best value bidder shall be “selected on the basis of objective criteria for evaluating the qualifications of the bidders with the resulting selection representing the best combination of price and qualifications”; and

WHEREAS, PCC section 20119.9(b) requires the governing board of the school district to “adopt and publish required procedures and guidelines for evaluating the qualifications of bidders that ensure that the best value selections by the school district is conducted in a fair and impartial manner”; and

WHEREAS, the adopted and published procedures and guidelines must conform to PCC sections 20119.8 et seq.

NOW THEREFORE BE IT RESOLVED that the procedures and guidelines specified in Exhibit A to this Resolution are adopted for use when the Oak Grove School District seeks bids for a public project using the best value bidding delivery method allowed by PCC sections 20119.8 et seq.

The foregoing Resolution was adopted by the Governing Board of the Oak Grove School District of Santa Clara County, State of California, at a meeting held of said Board held on the ____ day of _____, 20____, by the following vote:

EXHIBIT A

Procedures and Guidelines for Selection of a Best Value Bidder

For projects over one million dollars (\$1,000,000) before December 31, 2030, the governing board of the Oak Grove School District (“District”) may use the best value procurement method in compliance with the procedures and guidelines below.

A. Definitions

For purposes of these procedures, the following definitions apply:

1. “Best value” means a procurement process whereby the selected bidder may be selected on the basis of objective criteria for evaluating the qualifications of bidders with the resulting selection representing the best combination of price and qualifications.
2. “Best value contract” means a competitively bid contract entered into pursuant to Public Contract Code (“PCC”) sections 20119.8 et seq.
3. “Best value contractor” means a properly licensed person, firm, or corporation that submits a bid for and is awarded a best value contract.
4. “Best value score” means the resulting score when the District divides the bidder’s price by the bidder’s qualification score.
5. “Qualifications” means financial condition, relevant experience, demonstrated management competency, labor compliance, and safety record of the bidder, and, to the extent relevant, those qualifications of subcontractors proposed for designated portions of the work.
6. “Financial condition” means the financial resources needed to perform the contract, including capacity to obtain all required payment bonds and insurance.
7. “Relevant experience” means the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity.
8. “Demonstrated management competency” means the experience, competency, capability, and capacity of proposed management staffing to complete projects of similar size, scope, or complexity.
9. “Labor compliance” means the ability to comply with, and past conformance with, contract and statutory requirements for the payment of wages and qualifications of the workforce. The criteria used to evaluate a bidder’s labor compliance shall include, at a minimum, the bidder’s ability to comply with the apprenticeship requirements of the California Apprenticeship Council and the Department of Industrial Relations, its past conformance with such requirements, and its past conformance with requirements to pay prevailing wages on public works projects.
10. “Safety record” shall be deemed “acceptable” if a contractor’s experience modification rate for the most recent three-year period is an average of 1.00 or less, and the contractor’s average total recordable injury or illness rate and average lost work rate for the most recent three-year period do not exceed the applicable statistical standards for its business category or if the bidder is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.
11. “Governing board” means the governing board of the District.
12. “Project” has the same meaning as “public project,” as defined in PCC section 22002(c).

B. Use of Best Value Procurement

The best value selections shall be conducted in a fair and impartial manner. The District's governing board shall award the contract to the bidder representing the best value or else reject all bids.

If the initially selected bidder fails or refuses to execute the contract or honor its bid, the board may (if it deems it to be for the best interest for the District) award the contract to the bidder with the second lowest best value score; and then the District may recover damages from the initially selected bidder, or from the bid security submitted by the initially selected bidder, caused by such failure or refusal. If the second lowest bidder fails or refuses to execute the contract or honor its bid, the governing board may (if it deems it to be for the best interest for the District) likewise award the contract to the bidder with the third lowest best value score; and then the District may recover damages from the second lowest bidder, or from the bid security submitted by the second lowest bidder, caused by such failure or refusal.

Retention withheld by the District shall not exceed five percent (5%) if a performance and payment bond issued by an admitted surety insurer is required.

C. Solicitation and Notice

The District shall prepare a solicitation for bids and give notice pursuant to PCC section 20112. Each solicitation shall:

1. Invite prequalified bidders to submit sealed bids.
2. Include a section identifying and describing (A) the criteria the District will consider in evaluating the qualifications of the bidders, (B) the methodology and rating or weighting system to be used by the District in evaluating bids, and (C) the relative importance or weight assigned to the criteria for evaluating the qualifications of bidders identified in the request for bids.

D. Prequalification and Skilled and Trained Workforce

To submit a bid, a bidder and its subcontractors must be prequalified in accordance with the District's prequalification procedures established pursuant to PCC section 20111.6.

A bidder shall not be prequalified or short-listed unless it provides an enforceable commitment that the bidder and all subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of the PCC. This skilled and trained workforce requirement does not apply if:

1. The District has entered into a project labor agreement ("PLA") that will bind all contractors and subcontractors performing work on the project or contract to use a skilled and trained workforce, and the bidder agrees to be bound by that PLA;
2. The project or contract is being performed under the extension or renewal of a PLA that was entered into by the District before January 1, 2025; or
3. The bidder has entered into a PLA that will bind the bidder and all its subcontractors at every tier performing the project or contract to use a skilled and trained workforce.

E. Submission and Evaluation of Bids

Final evaluation of bidders shall be done in a manner that prevents the identity of the bidders and the cost or price information from being revealed in evaluating the qualifications of the bidders prior to completion of the qualifications scoring.

F. Reporting

If the District uses the best value procurement method, the District shall, on or before January 1, 2030, submit to the appropriate policy and fiscal committees of the Legislature a report prepared by an independent third party at the District's expense on the use of the best value procurement method. The District may work together with other school districts to submit a single report reflecting each of the participating school districts. The report shall include, but not be limited to, the following information: A description of the projects awarded using the best value procedures; the contract award amounts; the names of the best value contractors awarded the projects; a description of any written protests concerning any aspect of the solicitation, bid, or award of the best value contracts, including the resolution of protests; a description of the prequalification process; the criteria used to evaluate the bids, including the weighting of the criteria and an assessment of the effectiveness of the methodology; and if a project awarded using these best value procedures has been completed, an assessment of the project performance, including a summary of any delays or cost increases. The report shall be submitted on compliance with Section 9795 of the Government Code. This reporting requirement is inoperative on January 1, 2031.

G. Retention of Other Competitive Bidding Laws

This best value procurement method is not intended to change any guideline, criterion, procedure, or requirement of the governing board of the District to let a contract for a project to the lowest responsible bidder or else reject all bids. All other statutory requirements for competitive bidding shall apply to best value bidding to the extent they do not conflict with PCC sections 20119.8 through 20119.12.

AYES: 5

NOES: 0


ABSENT: 0

ABSTAIN: 0



Frances Herbert, Board President
Board of Trustees
Oak Grove School District
Santa Clara County, California

I, NANCY YUE, Clerk of the Governing Board of the Oak Grove School District, County of Santa Clara, State of California, do hereby certify that the foregoing is a true copy of the Resolution adopted by said Board at a regular meeting thereof, at the time and by the vote therein stated, which original Resolution is on file in the office of said Board.



Nancy Yue, Clerk
Board of Trustees
Oak Grove School District
Santa Clara County, California