

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURES MANUAL**

Title: PROCUREMENT OF SUPPLIES EQUIPMENT AND SERVICES	Number: AP 8.06
Legal Authority: Title 5 Section 5507, California Education Code Sections 70902, 72530, 72533, 81551 et seq.,, 81641 et seq., and 72530 et seq., California Government Code Sections 4525 et seq. 4529.10-4529.20, 63050, and 12900 et seq., and California Public Contract Code Sections 1102, 20650 et seq., 22000 et seq., 22050	

The Chancellor directs that the following regulations apply to contracts and procurement, regardless of funding source, at San Francisco Community College District hereafter as the District:

- I. The Chancellor or their designee, shall have the authority to issue operating procedures and authorize standard forms for the implementation of this regulation within the limits established in the Education Code and/or other laws pertaining to the taking of bids and issuance of contracts.
- II. The District shall adhere to the State bid threshold amount established each January. The current bid threshold is \$114,500. All purchases over the State threshold shall require a formal bid and Board pre-approval.
- III. This regulation uses the following terms as defined below:
 - A. **Construction:** A project that includes all the work needed to produce a completed and usable facility, or to remodel an inadequate or damaged facility. Construction includes excavation, building, remodeling, installations, related infrastructure, landscaping, etc.
 - B. **Goods:** Any tangible product, goods include, but are not limited to “off-the shelf” computer software and utilities, books, supplies, equipment, etc.
 - C. **Invitation for Bids (IFB):** A formal bid solicitation is issued when goods or services are desired above a specific high dollar amount, and for which a piggyback contract is not utilized. An IFB is well-defined and selection is based on the lowest responsible & responsive bidder. A sealed response is required.
 - D. **Maintenance:** Routine, recurring, and usual work for the preservation or protection and keeping of any publicly owned or publicly operated facility for its intended purposes in a safe and continually usable condition for which it was designed, improved, constructed, altered or repaired. “Maintenance” also expressly includes minor repainting, resurfacing of streets at less than one inch, landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

Maintenance also includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed consistent with the definition set forth above to preserve the facility in a safe, efficient, and continually usable condition for which it was intended, including repairs, cleaning, and other operations on machinery and other equipment permanently attached to the building or realty as fixtures. This definition does not include, among other types of work, janitorial or custodial services and protection of the sort provided by guards or other security forces. Further, this definition does not include painting, repainting, or decorating other than touchup original condition. It is construction if the work results in a new configuration.

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- E. **Public Project (also Public Works):** Construction, reconstruction, erection, alteration, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. "Public Project" includes painting or repainting of any publicly owned, leased, or operated facility. "Public Project" does not include "Maintenance" work, as defined below pursuant to Public Contract Code sections 22002 (d) and 20656.
- F. **Request for Proposal (RFP):** A formal RFP solicitation is issued when goods or services desired are high dollar amount, complex, and not wholly defined. The District shall publish the RFP solicitation at least once a week for two weeks in some newspaper of general circulation published in the District. Selection is based on established criteria; price is not the only criteria. A sealed response is required.
- G. **Request for Qualification (RFQ):** A formal RFQ solicitation is issued when professional services desired are high dollar amount, complex, and not wholly defined. Selection is based on established criteria, not price. A sealed response is required.
- H. **Piggybacking** is when a public agency uses an existing public contract as a template to form their own contract directly with the vendor to purchase on the same or similar terms.
- I. **Services:** Any deliverable resulting from labor performed specifically for the District. The service may result from the application of physical or intellectual skills. Services include, but are not limited to consulting, printing, data processing, custom software design or coding, etc.
 - 1. **Construction and Maintenance Services:** Services related to a construction or maintenance project should be covered by CUPCCAA.
- J. **Informal Bid/Quote:** An Informal Bid is used in an informal bid process, for the purchase of lower dollar, well-defined goods or services (excludes Professional Services). An Informal Bid is typically a one-page form sent to the vendor.

IV. Business Processes and Contract Types

- A. **Delegation of Authority to Enter Into and Amend Contracts:** When transactions do not exceed dollar limits established below, the Chancellor may:
 - 1. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any specified limitations or requirements.
 - 2. Amend the terms and conditions of any contractual arrangement provided the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable state or federal law, district policies, district regulations, and college budget allocations.
 - 3. Agree to binding arbitration if the Chancellor, or their designee, should determine it is an appropriate business decision to do so in order to reconcile an outstanding issue.

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- B. **Bid Thresholds for Construction or Maintenance Services:** The District has adopted the California Uniform Public Construction Cost Accounting Act (CUPPAA), Public Contract Code section 22030 et seq., for construction and maintenance services. Accordingly, the Informal Bid Threshold for Public Projects, Construction Services, Repairs and Maintenance is \$60,000 and the Formal Bid Threshold for Public Projects, Construction Services, Repairs and Maintenance is \$200,000.

- C. **Emergency:** In cases of emergency, as determined by the Board of Trustees, including, but not limited to, states of emergency defined in California Government Code Section 8558 and Public Contract Code Section 1102, when repair or replacements are necessary to permit the continued conduct of existing college classes or the operation of services of the District or to avoid danger to life or property, upon unanimous vote of the Board of Trustees and approval of the county superintendent of schools, the District may proceed at once to replace or repair any public facility without adopting plans specifications, strain sheets, work details, or giving notice for bids to award contracts, except for public projects which only require four-fifths vote of the Board. The Board shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

 In the event that the Chancellor is not available at the time of the emergency, the acting Chancellor will have authority. The declaration of a public emergency by the acting Chancellor is subject to confirmation by the Board of Trustees at its next meeting.

- D. **Unauthorized or After the Fact Purchases:** No employee is authorized to enter into and amend contracts or to make an inappropriate attempt to commit district financial resources without following the District approved Procurement policy. Employees who do so are personally subject to the liability for payment and/or disciplinary action up to and including dismissal. (Education Code Sections 81655, 81656).

- E. **Goods and Services:** Contracts at the current contract bid threshold or less may be processed using an Independent Contractor/Consultant Services (Short Form) Contract without requiring prior Board of Trustees approval.

- F. **Contract Types:** Contracts are classified as continuing contracts, personnel services, lease/rentals, repairs/maintenance, and construction. District regulations for fulfilling these requirements are summarized in Table AP-8.06A, Business Processes and Contract Types below:

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1. **Continuing contracts** for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired, or for materials or supplies to be furnished or sold to the District with an accepted vendor is limited by Education Code Section 81644 as follows:
 - a. For work, services, apparatus or equipment: not to exceed five (5) years.
 - b. For materials or supplies: not to exceed three (3) years.

2. **Term Purchase Contracts:** Purchasing may establish Term Purchase Contracts for supplies and/or services as long as individual orders made on the Contract are under the bidding threshold dollar amount and the total amount of orders does not exceed the formal bid threshold dollar amount in a fiscal year.

3. **Special/Professional Services:** Pursuant to Government Code Section 4525 et seq., Professional Services include private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms and are procured by issuing an RFQ and, if selected, an RFP. Pursuant to Government Code Section 65030, Special Services are defined as services and advice in financial, economic, accounting; engineering, legal, or administrative matters performed by persons are specially trained and experienced. One quote/bid is needed in order to issue a PO up to the annual state threshold amount, currently \$114,500.

4. **Lease-Purchase Contracts for Equipment or Service Systems:**
 - a. The District is required by statute to comply with all applicable bid and contract provisions specified in Article 3 of the Education Code (beginning with Section 81641) and by Section 20651 of the Public Contract Code (Education Code Section 81551) prior to entering into an Contract.
 - b. Each lease or lease-purchase Contract shall show the total price for an outright purchase of any item and its total cost for the entire specified term of the contract. (Education Code Section 81551).
 - c. Each lease or lease-purchase Contract shall not exceed useful life or 10 years, including renewals.

5. **Income Generating:** Income generating contracts may be issued when the District provides services or when the district acts as lessor other than for Civic Center Act permit activities (see AP 7.17). The District is authorized to lease, or lease with option to purchase, any land, buildings, or equipment it determines is not needed for school purposes for a term up to the end of the expected non-use and under any conditions it deems reasonable.

Such leases and leases with options to purchase to nonpublic agencies or individuals shall comply with the provisions of Education Code Sections 81450, 81452-81454, and 81553, including all notice provisions contained therein.

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6. **Construction and/or Improvement of Grounds (Public Works Contracts):**

- a. Prevailing wage requirements apply to Public Works projects over \$1,000, Department of Industrial Relations (DIR) registration of contractors and submission of PWC-100 form to DIR within thirty (30) days after award of contract or before work commences, whichever is sooner, is required for contracts exceeding \$25,000 for new construction, alteration, installation, demolition or repair or \$15,000 for maintenance.
- b. **Public Works Bonds:**
 - 1. Bid Bond is required when project cost is fifteen thousand (\$15,000) or more. The value of the Bid Bond is ten percent (10%) of the total bid price, and submitted with the bid form.
 - 2. Performance and Payment Bonds are required from the successful (lowest) bidder after the award of contract where the contract exceeds twenty-five thousand dollars (\$25,000). Performance and Payment Bonds shall be issued for no less than one hundred percent (100%) of the contract price by a surety satisfactory to the District and in a form prescribed by the District in which expenditures exceed \$25,000.
- c. **Acceptance of Completion for Material and Labor Contract:** When the entire work has been completed, as provided for in the contract and any addendums to the contract, the Chancellor shall submit a recommendation for Board acceptance of the work and closing (completion) of the contract. After acceptance, a Notice of Completion of Contract shall be filed with the County Recorder.

V. **General Requirements:** The following information identifies some, but not all, general statutory requirements applicable to public agency contracting and procurement:

- A. Employees of the District, members of the Board of Trustees, and members of citizens' oversight committees shall not have an interest in any contract, including individual employment Contract, as disclosed in the California Fair Political Practices Commission (FPPC) Form 700 (Education Code Section 72533).
- B. In addition, state statute prohibits offering of any valuable thing to any member of the governing board of any community college district, with the intent to influence his or her action in regard to the making of any contract to which the board of which he or she is a member is a party, or the acceptance of any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor (Education Code Section 72530(a)).

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- C. A contract obtained by incorrect means is void and unenforceable (Education Code Section 72530(b)).
- D. The District cannot be legally bound to any contract unless and until that contract is authorized by the Board of Trustees. All routine transactions shall be reviewed by the governing board within sixty (60) days (Education Code Sections 81655 and 81656).
- E. In the event of malfeasance in office, the community college district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out as a result of the malfeasance (Education Code Sections 81655 and 81656).
- F. **Adjustments to Contract Amounts:** The California Community Colleges Board of Governors may make adjustments to the public project contract amounts shown in Table AR-8.06A, Contract Types and District Business Processes, below. Any such adjustment shall be effective beginning with the calendar year that commences not less than sixty (60) calendar days following the Board of Governors notification to the District and posted in this regulation.
- G. **Approved Vendor List:** The District shall ensure an approved vendor list is maintained and ensure that bids are solicited from minority-owned business enterprises, women-owned business enterprises, small local business and disabled veterans business enterprises. No vendor can be placed on the approved vendor list until the following are submitted:
 - 1. Complete Vendor Identification including name, address, email, fax and phone number.
 - 2. Statement of qualifications, including type of work vendors is interested in performing, type of work vendor is licensed to perform.
 - 3. A copy of the vendor's business license, which includes the current class and number.
 - 4. A completed W-9 form, that includes a tax payer identification number as required by the Internal Revenue Services (IRS).
 - 5. Any additional special requirements.

H. Contractual Elements and Requirements

- 1. In appropriate budget-line for the contract along with adequate funding to encumber the contract must be developed before a contract is submitted for processing. Adequate funding includes both an "unencumbered balance" in the line item and sufficient cash reserves in the fund to pay subsequent invoices within thirty days of receipt. The Chancellor, or their designee, shall notify the appropriate manager if there is insufficient cash available to pay a proposed invoice. When inadequate funding exists to encumber the entire cost of the contract, it is permitted to submit a partially encumbered contract which amount shall have a specified limited "work authorization" scope of work and dollar amount. Such contracts shall contain language that completion of the contract is subject to a determination by the district to issue subsequent "work authorizations".

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2. Price for an item can be stated in terms of price/hour for a particular job classification.
 3. Once a contract is signed by all parties, the document constitutes a legal and binding Contract. Any changes to the contract shall be made in writing as contract addendum signed by both parties.
 4. **Non-Discrimination Certification:** Any contractor performing work or performing services for the District must certify that:
 - a. There is no discrimination in the contractor's hiring or employment practices because of sex, race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, or sexual orientation, except as provided for in Government Code Section 12940.
 - b. All contractors must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment Housing Action beginning with California Government Code Section 12900.
 - c. In addition, the contractor must agree to require compliance by all of its subcontractors.
 5. **Payment of Prevailing Wages:** Contractors are required to certify compliance with Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2 governing payment of prevailing wages.
 6. **Employment of Apprentices:** When working for the District, contractors and their subcontractors who employ workers in any craft or trade apprentices, and who refer apprentices to the District for enrollment, are subject to the provisions of Labor Code Sections 1776, 1777.5 and 1777.6, the California Apprenticeship Law, California Plan in Apprenticeship, and the Equal Employment Opportunity Action Plan adopted by the Board of Trustees.
 7. **Discriminatory Trusts and Restraints of Trade:** Contractors are required to abide by California Business and Professions Code Sections 16721 and 16721.5 pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade.
- VI. Competitive Bidding:** Contracts are subject to the bid limits found in Public Contract Code Section 20651, or where applicable, Public Contract Code Sections 2200 et seq. ("CUPCAA"). Specific transactions may have additional statutory requirements. Table AR-8.06A, Contract Limits and Requirements, below, summarizes statutory requirements and identifies the corresponding District process.

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- A. **Bid Threshold Limit:** Except when CUPCCAA applies, the amount shall be over \$114,500:
 - 1. Purchase of equipment, materials, or supplies to be furnished, sold, or leased to the District.
 - 2. Services, except construction services.
 - 3. Repairs, including maintenance as defined in Public Contract Code 20656, that are not a public project as defined in Public Contract Code 22002.

- B. **Bid and Contract Forms:** The District shall ensure that bid and contract forms are prepared for the District. In addition, the Dean shall ensure that a file of all completed forms is maintained and that all applicable statutory provisions, Board Policies, and Administrative Procedures are observed in the preparation of the forms.

- C. **Bid Specifications:** The District shall ensure that bid specifications are sufficiently broad to encourage and promote open competitive bidding.

- D. **Advertisement for Bids:** The District shall ensure that bids are advertised when required by the provisions of Education Code Section 81641 and other applicable statutes.

- E. **Bid Security:** When required or appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee the bidder will enter into contract and furnish the required contract bonds. Within sixty (60) days from the time that the award of contract is made, any certified or cashier's check or bid bond received shall be returned to the respective bidder.

- F. **Distribution and Examination of Bid Documents:**
 - 1. Shall ensure "bid forms" along with applicable sets of specifications and drawings are made available to prospective bidders.
 - 2. Shall provide a convenient place for bidders, subcontractors, and material personnel use to examine specifications and drawings.
 - 3. May require a deposit for sets of plans and specifications and may refund the deposit when the documents are returned.
 - 4. May schedule a bidder's conference and/or job site walk through to clarify specifications.

- G. **Public Bids:** The District shall receive the bids and ensure bids are opened and read aloud in public at the time and place specified in the bid, shall check the bids for regularity and compliance with legal requirements, and record them.

- H. **Receipt of Bids:** Bids may be submitted by way of electronic transmission, in the exact matter described in the bid documents, no later than the bid deadline.

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I. **Responsive Bids:**

1. An award shall be made to the lowest responsive and responsible bidder who meets District specifications and requirements in conformance with the law.
2. Failure to provide required documentation shall cause any bid to be deemed incomplete and/or nonresponsive.

J. **Rejection of Bids:** Any and all bids may be rejected by the District.

K. **Bid/Contract Splitting:** California Public Contract Code Sections 20657 and 22033 prohibit splitting or separating “into smaller work orders or projects any work, project, service, or purchase” into smaller work orders, contract, or purchase for the purpose of avoiding competitive bidding. A project may, however, be split into several trade-oriented contracts in order to keep project costs low. In such instance, the competitive bidding requirement must be met by going to bid for each of the various trade categories.

Example: Equipment can be purchased from one vendor and a contract can be issued to another vendor for the equipment’s installation. If the total cost is above the current annual contract bid threshold, the project must be competitively bid. (Public Contract Code Sections 20116, 20118, 20652, and 20657).

L. **Prequalification of Bidders:** As allowed by Public Contract Code Sections 20101 and 20651.5, prospective bidders for a contract of a particular type and/or having an estimated cost to the District (either individually, or in the aggregate during the twelve (12) month period of prequalification provided below in excess of \$1,000,000.00, may be required by the District to furnish sufficient proof of public works experience and financial ability by completing a standard form questionnaire and financial information.

1. Applicants for prequalification shall provide answers to questions using a District standard form of questionnaire and financial statement that is based on the prequalification forms (either the long form or short form, as deemed appropriate). When completed, the questionnaire and financial information shall be verified.
2. Applicant responses to the District’s standard questionnaire shall be evaluated and selected applicants will be prequalified according to a uniform system of scoring that is based on the form of scoring sheet.
3. Except as otherwise provided by applicable laws, the questionnaires and financial information are not public records and shall not be open to public inspection.

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4. A determination by the District prequalifying an applicant shall not be construed a representation on the part of the District that any bids or proposals will be invited or solicited from an applicant or that a contract will be advertised, offered, bid or awarded only to prequalified applicants.
 5. A determination that an applicant is prequalified shall, unless otherwise cancelled, revoked, or limited by the District, remain valid for a period of twelve (12) months after the date that the applicant was prequalified. At that point in time, the District may either allow the prequalification status of the applicant to expire of its own force or the District may, at its discretion and based on submission of updated or new information by the applicant, either renew the applicant's prequalification status for another twelve (12) months or conduct a new prequalification process.
 6. Applicants wishing to dispute the results of a prequalification determination by the District shall be entitled, prior to the closing time for receipt of bids for the contract for which they have been prequalified (or, in the case of prequalification for a classification of contracts, prior to the closing time for receipt of bids for the first contract bid by District within such classification) to a process of appeal before a committee appointed by the President of the Board of Trustees.
- M. **Alternate Procedure – Contract with Certified Small Business or Disabled Veteran Business Enterprise:** Notwithstanding any other law, including, but not limited to, the advertising, bidding, and protest provisions of this article and Division 7 (commencing with Section 70900) of Title 3 of the Education Code, but subject to Section 88003.1, the governing board may award a contract for the acquisition of goods, services or information technology that has an estimated value of greater than five thousand dollars (\$5,000), but less than two hundred fifty thousand dollars (\$250,000), to a certified small business, including a microbusiness, or to a disabled veteran business enterprise, if the District obtains price quotations from two or more certified small businesses, including microbusinesses or from two or more disabled veteran business enterprises, as set forth in California Code, Public Contract Code PCC Section 20651.2.
- N. **Best Value Selection:** For the purposes of bid evaluation and selection pursuant to subdivision (a) of Section 20651, the District may provide the selection of the lowest responsible bidder on the basis of Best Value pursuant to policies and procedures adopted by the governing board, when the District determines it can expect long-term savings through the use of a life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs. "Best Value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the governing board, achieved through methods in accordance with Public Contract Code Section 20651.7 and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

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- O. **Sole Source:** Sole source/brand (single source) purchasing is an exception to the normal procurement function and requires detailed justification. In reviewing such requests, the District adheres to and is governed by the principles set forth in Public Contract Code Section 3400, and by the Board of Trustees. Sole sources are rare, and may be appropriate for required purchase of software as part of a grant sub-award, OEM replacement parts to maintain a warranty, or restoration done by an original artist. Purchasing's decision regarding a sole source determination is final.

Each request for a sole source determination must be submitted on the Sole Source Form, along with documentation to support it. The following factors ARE NOT reasons for a sole source determination:

1. Personal preference for product, brand, or vendor,
2. Vendor performance, or local service,
3. Features that exceed the minimum specifications, or explanation for the actual need and/or basic use for the equipment.

VII. **Facilities Contracts:** The Chancellor, or their designee, may initiate draft language for facilities capital outlay contracts, but not execute. No vendor may be authorized to do any work until the contract is executed by the Chancellor, or their designee.

- A. **Public Works Contractor Registration Requirements:** Every contractor or subcontractor bidding on or performing work a public works project must register with the Department of Industrial Relations. More information is available: <http://dir.ca.gov/public-works/>
1. All District bid invitations and public work contracts must include notice of the registration requirements.
 2. Subject to the small contract exception (project does not exceed \$25,000 for new construction, alteration, installation, demolition or repair or \$15,000 for maintenance), the District may only award contracts to contractors and subcontractors registered with the Department of Industrial Relations. The District may cancel any contract for public work that does not use registered contractors or subcontractors.
- B. **California Uniform Public Construction Cost Accounting Act (CUPCCAA):** The District has adopted CUPCCAA, which allows community college districts to raise bid thresholds for Public Works and Maintenance projects.
1. **CUPCCAA Qualified Contractors List:** Annually, Purchasing shall establish a new list or update its existing list of qualified contractors as follows.
 - a. A written notice shall be published in all construction journals specified by the CUPCCAA Commission as well as any other locations that Purchasing deems appropriate.

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2. **CUPPCAA Qualified Contractors List:** Annually, Purchasing shall establish a new list or update its existing list of qualified contractors as follows.
 - b. A written notice shall be published in all construction journals specified by the CUPCCAA Commission as well as any other locations that Purchasing deems appropriate.
 - c. The District's publication shall invite all licensed contractors to submit their qualifications to Purchasing.
 - d. Purchasing will review contractors that meet predetermined State and District acceptance criteria for inclusion on the list of qualified contractors for each calendar year.
 - e. The list of contractors will be identified according to the categories of work.
 - f. Contractors may at any time during request to be added to the list of prequalified contractors by completing the District's Online Application for Qualification.
 - g. Facilities shall send to all pre-qualified contracts that have the necessary licensing when requesting multiple quotes.
3. **CUPPCAA Below \$60,000:** For all jobs less than sixty-thousand dollars (\$60,000), the District may utilize the following procedures:
 - a. For CUPPCAA Jobs below \$60,000. From \$0 to 25,000, the District will have the discretion to select one of qualified contractors from the list, any contractor deemed to be in the best interest of the District and to have a written quote submitted from them.

From \$25,001 to \$60,000, the District will require quotes from three qualified contractors on the list, contractors that are deemed to be in the best interest of the District and to have a written quote submitted from them.
 - b. Upon selection of the contractor as well as the submission of their quote, the District will have the contractor sign the District contract.
 - c. Facilities will then submit to Purchasing a requisition with the prequalified contractors quote, Payment and Performance bonds for jobs \$25,000 or more or if required, District contract, and insurance certificates and endorsements.
 - d. Purchasing will then process the requisition into a purchase order and return a copy of that purchase order and the District contract to the contractor.
 - e. Receipt by the contractor of the purchase order District contract will be considered an authorization to proceed, contingent upon direction by the District.

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title: PROCUREMENT OF SUPPLIES EQUIPMENT AND SERVICES	Number: AP 8.06
Legal Authority: Title 5 Section 5507, California Education Code Sections 70902, 72530, 72533, 81551 et seq., 81641 et seq., and 72530 et seq., California Government Code Sections 4525 et seq. 4529.10- 4529.20, 63050, and 12900 et seq., and California Public Contract Code Sections 1102, 20650 et seq., 22000 et seq., 22050	

4. **CUPPCCAA Between \$60,000 and \$200,000:** For all jobs between sixty thousand (\$60,000) and two hundred thousand dollars (\$200,000), the District may utilize the following Informal Bidding procedures:
 - a. Facilities will complete the Capital Funding Request Form and gather all plans and specifications for submission to Purchasing. All projects will be assigned a "Job #" that is unique to that project.
 - b. Purchasing will issue a notice to all qualified contractors within the applicable trades inviting them to provide bids by the specified date and time.
 - c. The lowest responsive bid shall be awarded the job by the District.
 - d. Upon award, the contractor will be required to execute the Contract and submit insurance certificates and endorsements.
 - e. If the job is for \$25,000 or more or required by the District, the contractor will be required to submit Payment and Performance Bonds.
 - f. Once all required documents have been received, Purchasing shall return to the contractor a fully executed copy of the Contract along with the Purchase Order.
 - g. Receipt by the contractor of the purchase order and the fully executed Contract will be considered the Notice to Proceed, contingent upon direction by the District.
5. **CUPPCCAA Greater than \$200,000:** For all jobs greater than two-hundred thousand dollars (\$200,000), the District shall use the Formal Bidding Procedures as specified in Public Contract Code Section 22037.

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**TABLE AP-8.06A
CONTRACT TYPES AND DISTRICT BUSINESS PROCESS**

	ACCOUNT CODES	AMOUNT		
		\$0 TO \$5,000	Greater than \$5,000 TO \$114,500	Greater than \$114,500
Supplies, Materials and Equipment	4000-4999 6410-6454	One Quote/Submit Req./ issue PO	Submit Requisition	Submit Requisition
		OR	Need	Need
		Need pre-approval from Purchasing	Three (3) quotes, issue a bid or RFP	Issue formal bid (RFP), or any Competitively Bid, Piggy-Back contract (example: City, UC, CSU, CMAS, College Buys, etc.) must be advertise in a local newspaper and post on CCSF website for a min. of two weeks.
		Board notification via the monthly PO Report	OR piggy-back off an existing qualified/ competitively bid contract	Require a Board Reso. (Pre-approved)
		Issue PO	Board notification via the monthly PO Report	Issue PO
			Issue PO	

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	ACCOUNT CODES	AMOUNT		
		\$0 TO \$5,000	Greater than \$5,000 to \$114,500	Greater than \$114,500
Services except for CUPCCAA	5100-5199, 5560-5633, 5650-5056, 5722-5805, 5912-13	One Quote, Submit Requisition, issue PO	Submit Requisition	Submit Requisition
		Request COI (Certificate of Insurance)	Need	Need
		Board notification via the monthly PO Report	3 quotes, issue a bid or RFP/Q	Issue formal bid (RFP/Q), or any Competitively Bid Piggy-Back contract (example: City, UC, CSU, CMAS, College Buys, etc.) must be advertise in a local newspaper and post on CCSF website for a min. of two weeks.
		Board notification via the monthly PO	OR piggy-back off an existing qualified/competitively bid contract	Require a Board Resolution (Pre-approved)
		Issue PO	Board notification via the monthly PO	Issue PO
			Issue PO	

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	ACCOUNT CODES	AMOUNT	
Special / Professional Services	5100-5199, 5560-5633, 5650-5056, 5722-5805, 5912-13	\$0 to \$114,500	
		Special Services: One quote/bid is needed in order to issue a PO per FY.	Special Services are defined as services and advice in financial, economic, accounting, legal, or administrative matters performed by persons are specially trained and experienced and competent to perform the special services required
		Professional Services: One quote/bid is needed in order to issue a PO per FY.	Professional Services include private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms

	ACCOUNT CODES	AMOUNT	
		Greater than \$114,500	
Income Generating. For example: Leases, Rentals, etc.	8000-8999	<p>Application letter or Facilities Use Application shall be presented to the Board prior to accepting funds.</p> <p>Review by Legal Counsel, Risk Management and an Approved Board Resolution are need before submittal</p> <p>Must follow applicable Notice requirements and other applicable requirements of California Education Code.</p>	

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	ACCOUNT CODES	AMOUNT			
		\$0 to \$25,000	\$25,001 to \$60,000	\$60,001 to \$200,000	Greater than \$200,001
CUPCAA					
Construction and/or Improvement of Buildings and/or Grounds (Public Works) And Maintenance	6100-6299 5640, 5657, 5658	Submit Requisition	Submit Requisition	Submit Requisition	Submit Requisition
		One quote from prequalified list/Submit Req./issue PO	Three quotes from the pre-qualified list & reviewed by Legal Counsel, Risk Management	Three quotes from the pre-qualified list & reviewed by Legal Counsel, Risk Management	Review by Legal Counsel, Risk Management
		Board notification via the monthly PO Report	Board notification via the monthly PO Report	Board notification via the monthly PO Report	Requires a Board Resolution (Pre-approved)
		Maintenance contracts over \$15,000 must submit PWC-100 form before work commences, and registered with DIR is required	Must submit PWC-100 form before work commences and registered with DIR is required and Payment and performance bonds required for Public Works	Informal Bidding process, includes notice to all qualified contractors within the applicable trades 10 days before bid opening Payment and performance bonds required for Public Works and Submit a PWC- 100 form before work commences and registered with DIR is required	Formal Bidding process, includes: publishing advertisement in a local newspaper 14 days before bid opening, sending notice to trade journals 15 days before bid opening and posting on the CCSF website for a min. 2 weeks and Payment and performance bonds required for Public Works and Submit PWC-100 form before work commences and registered with DIR is required
		Issue Contract and PO	Issue Contract and PO	Issue Contract and PO	Issue Contract and PO

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EXCEPTIONS:

EDU § 81651– Supplementary textbooks, library books, educational films, AV materials, test materials, workbooks, instructional computer software packages, or periodicals in any amount needed for the operation of the schools of the District without taking estimates or advertising for bids.

PCC § 20660 – Perishable food stuffs and seasonal commodities needed for operation of cafeteria/food service can be purchased pursuant to District rules and regulations for purchase of perishable food and seasonal commodities, even if the rules and regulations do not require bidding for such goods.

A. Statutory Exemptions:

1. Contracts of less than \$5,000 ([PCC §§ 10335\(a\), 10335.5\(c\)\(5\)](#)).
2. Contracts of less than \$5,000 where only per diem or travel expenses, or a combination thereof, are to be paid ([PCC § 10335\(a\)](#)).
3. Emergency contracts. The work or service is for the immediate preservation of the public health, welfare, safety, or protection of state property ([PCC § 1102, 10340](#)).
4. Interagency Contracts. Contracts with other California state agencies, and California State University and University of California campuses (PCC §§ [10335\(a\)](#), [10340\(b\)\(3\)](#); GC § [11256](#); see also [SCM 1, section 3.03](#)).
5. Contracts with other public entities, including contracts with another state, local, or federal agency, auxiliaries of CSU or the California community colleges; or an organization acting as a governmental agency under a joint powers Contract (PCC §§[10335\(a\)](#), [10340\(b\)\(3\)](#); see also [SCM 1, section 3.06.A](#)).
6. Contracts solely for the purpose of obtaining expert witnesses for litigation (PCC [10335.5\(c\)\(3\)](#)).
7. Contracts for legal defense, legal advice, or legal services by an attorney or the attorney's staff (PCC § [10335.5\(c\)\(4\)](#)).
8. Community Based Rehabilitation Program (CRP). Contracts with business entities operating Community Based Rehabilitation Program (CRP), that are justified under one of the exceptions in GC § [19130\(b\)](#), and that meet the criteria established by Welfare and Institutions Code §1 9404 (PCC §[10340](#)). Note: Contracts with CRPs that are justified under GC § [19130\(a\)](#) are required to be competitively bid.
9. Small Business/Disabled Veteran Business Enterprise (SB/DVBE) Option (GC § [14838.5](#); PCC §§ [10335.5\(c\)\(6\)](#), [10340\(b\)\(6\)](#)).
 - a. This option allows for an award under the following conditions:
 - 1) The contract is awarded to a certified SB, micro-business or DVBE;
 - 2) The contract award is greater than \$5,000 and less than \$250,000; and
 - 3) Quotes were received from at least two certified SBs or micro-businesses; or two certified DVBEs.
 - b. An award based on receiving only one quote is not permitted under this method.
 - c. Mixing quotes (e.g. one SB and one DVBE) is not permitted under this method.
 - d. The code does not expressly require award to the low quote, however, if award will be made by other than low quote, the agency must document the business reasons and cost reasonableness basis for selecting the other quote.

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- e. No particular format or timing is required under this option. Agencies have discretion as to how to obtain the quotes. Agencies should provide vendors sufficient information about the services on which the vendors can formulate a quote, including copy of the proposed contract (e.g. scope, payment provisions, and terms).
 - f. The SB preference is not applicable under this method.
 - g. There is no protest right for this method. (GC § [14838.5](#)) Therefore agencies should not cite protest provisions when soliciting quotes.
 - h. Use of this method is capped at \$250,000 for the entire contract term, including any option years and/or amendments. If an agency believes the contract may exceed \$250,000, they should use a different solicitation method, such as an IFB or RFP. If quotes come in over \$250,000, the agency would need to resolicit, either scaling down the project to lower the quotes or using a different solicitation method.
 - i. For public works, the dollar range for which this two-quote method can be used is \$5,000 to \$270,000 (or other project cost limit amount as may periodically be issued by the Director of Finance pursuant to PCC § [10105](#)) (GC § [14838.7](#)).
10. Contracts for the development, maintenance, administration, or use of licensing or proficiency testing examinations (PCC § [10340\(b\)\(7\)](#)).
11. Other Specific Statutory Exemption. The STD 215 should identify the statutory citation supporting the exemption.

B. DGS Approved Exemptions (PCC § [10348](#))

- 1. Non-Competitive Bid (NCB) or Special Category Request (SCR)
 - a. An NCB transaction (formerly “sole source”) is a contract for goods or services or both when only a single business enterprise is afforded the opportunity to provide the specified goods or services.
 - b. Executive Order on NCB The Governor’s Executive Order, D-02-55, issued effective May 20, 2002, rescinded the previous sole source Executive Order W-103-94 and all Management memos related to that Executive Order.
 - c. The NCB form with instructions and signature requirements can be found on the DGS/PD website. See also SCM volume 2 ([SCM 2](#)).
 - d. An SCR is similar to an NCB but involves a group of related contracts rather than a single contract. The SCR form and further information can also be found on the DGS/Procurement Division website and in [SCM 2](#).
- 2. DGS Categorical Exemptions (PCC § [10348](#); historical references: SAM Section 1233, Management Memo (MM) 03-10).
 - a. Services contracts using a DGS Leverage Purchase Contract;
 - b. Subvention and local assistance contracts as defined in [SCM 1](#), section 3.17. This exception applies only when services are provided to the public and not specifically to a state agency;

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- c. Maintenance Contracts under \$250,000 per year for equipment that is under documented warranty, or where there is only one authorized or qualified representative or where there is only one distributor in the area for parts and services under \$250,000.00 per year;
- d. Contracts where the state is unable to compete and select a different contractor because a contractor has already been selected by a federal, state, city, county, or other regulatory entity to perform a service in a specific geographical area (e.g., refuse and/or sewage disposal contracts where there is an exclusive franchise Contract that has no exception for the state);
- e. Public entertainment contracts for state-sponsored fairs and expositions;
- f. Contracts that can only be performed by a public entity as defined in Unemployment Insurance Code Section 605(b);
- g. Contracts for conference or meeting facilities, including room accommodations for conference attendees, not to exceed \$250,000;
- h. Contracts for ambulance services (including but not limited to 911) when there is no competition because the contractor is designated by a local jurisdiction for the specific geographic region; (historical reference: MM 05-04.)
- i. Contracts for emergency room hospitals, and medical groups, physicians, and ancillary staff providing services at emergency room hospitals, when a patient is transported to a designated emergency room hospital for the immediate preservation of life and limb and there is no competition because the emergency room hospital is designated by a local emergency medical services agency and medical staffing is designated by the hospital. This exemption covers only those services provided in response to the emergency room transport; (historical reference: MM 05-04.)
- j. Contracts with health maintenance organizations (HMOs) through a cooperative Contract with the Centers for Medicare and Medicaid Services (CMS) to pay monthly premium payments for medical/Medicare eligible members, where services are essential or necessary for health and safety;
- k. Proprietary subscriptions, proprietary publications and/or technical manuals regardless of media format, up to \$250,000. This includes access to pre-existing proprietary research data through a non-IT services contract, however “subscription” is not intended to include the performance of any personal services (such as, but not limited to, consulting, advice, research);
- l. Rental of proprietary postage meters if they are interfaced and intermembered with existing mailing equipment and there is only one authorized manufacturer’s branch or qualified dealer representative providing services for a manufacturer in a specified geographical area. This exemption applies only in circumstances where annual postage meter rental services are less than \$100,000;
- m. Departmental memberships in professional organizations provided it is solely a membership and does not include the performance of any personal services.

Note: Memberships for represented employees are governed by applicable collective bargaining Contracts and memberships for non-represented employees are governed by CalHR rules; (See SCM 1, section 3.23.)

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- n. Contracts for non-IT services training for state personnel if the cost of the training contract does not exceed \$50,000 and the cost of multiple training contracts with a single contractor does not exceed \$50,000 cumulatively in any 12-month period. (Historical reference: MM 11-05.) The exemption is for pre-existing training courses; it does not cover development of training or other personal or consulting services. Agencies shall not split contracts to avoid competitive bidding or other contract requirements. Agencies with recurring training needs should assess the cumulative amounts departmentally and generally should go out to bid if there are ongoing and/or department-wide needs.