



Book	Administrative Procedures
Section	Chapter 6 - Business and Fiscal Affairs (including former Article 3 - Business, Operations, Systems and Facilities)
Title	Bids and Contracts
Code	AP 6340
Status	Active
Legal	Education Code Sections 81641 et seq. Government Code Section 53060 Labor Code Sections 1770 et seq. Public Contract Code Section 2600 Public Contract Code Section 2600.5 Public Contract Code Section 20103.7 Public Contract Code Section 20112 Public Contract Code Sections 20650 et seq. Public Contract Code Sections 22000 et seq. 2 Code of Federal Regulations Part 200.318 Title 5 Sections 59130 et seq.
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1. BOARD OF TRUSTEES DELEGATIONS OF CONTRACTUAL AUTHORITY

Contracts may be signed by certain college or District officials if the Board of Trustees has expressly delegated contractual authority to such officials by written resolution. An official with the right to exercise delegated authority pursuant to Education Code 81655 can choose to sign contracts in advance of Board authorization. However, the official is responsible to ensure that the contract complies with the delegation and all applicable laws and that it is submitted to the Board of Trustees for ratification within 60 days after the official signs it. The delegation of authority pursuant to Education Code 81655 shall not be used to enter into any contract that is subject to the competitive bid requirements of the Education Code and the Public Contract Code.

2. STATUTORY REQUIREMENT FOR BOARD APPROVAL OR RATIFICATION

In order to comply with Education Code Section 81655, contracts let pursuant to Board Policy 6340 and Administrative Procedure 6340 shall be valid and constitute an enforceable obligation against the District only when they have been

approved or ratified by the Board of Trustees by a formal action of said Board duly passed and adopted by majority vote. Contracts shall be presented for approval or ratification by the Board within sixty (60) days after execution.

3. FORM OF CONTRACT

All contracts must be written in a format approved by the Vice Chancellor, Business Services or designee. Authorized District staff are encouraged to utilize the District's standard contract templates located on the District's Purchasing, Contracts, and Risk Management website. Contracts differing from the standard District form require review and approval by the Director, Purchasing, Contracts and Risk Management or designee. Contracts shall not be implemented in any manner until the appropriate signature approval is received, insurance certificates (COI) with the appropriate endorsements naming the District as additional insured (if applicable) are collected, and a Purchase Order is established by District Purchasing Services.

4. LIMITS ON CONTRACT DURATION

Pursuant to Education Code Section 81644, contracts for services or equipment shall not exceed five years duration and contracts for materials or supplies shall not exceed three years duration.

5. CHANGE ORDERS

Changes to contract dates, scope of work, dollar amounts, or other terms and conditions must be documented through written amendments that are sequentially numbered, dated, and signed by both the contractor and an authorized District representative.

Construction Contracts. For public works and construction contracts, change orders, whether additive, deductive, or scope-only must be processed in writing and are subject to the following requirements.

The Board of Trustees must approve or ratify all change orders. Change orders within delegated authority may be executed administratively and submitted for ratification at the next regular Board meeting. Change orders that exceed delegated authority require prior Board approval before execution.

The Board may authorize a contractor to proceed with a change or alteration without competitive bidding if the cost of the change does not exceed the greater of the applicable bid threshold under Public Contract Code §20651 or §20655, or ten percent of the original contract price, consistent with Public Contract Code §20659.

Change orders that would cause cumulative additive changes to exceed ten percent of the original contract price require prior Board approval and a written finding that a recognized exception to competitive bidding applies. Recognized exceptions include changes necessitated by an emergency as defined under Public Contract Code §1102, situations where competitive bidding would be impracticable, useless, or yield no advantage to the District because the work is unforeseen, is integral and inseparable from the work already in progress, or requires continuity of performance by the existing contractor, or another exception recognized under California law. The written finding shall identify the specific exception relied upon and the factual basis supporting it, and shall be included in the Board agenda item submitted for approval. A sole source or futility-of-bidding determination may be incorporated into the change order approval item where appropriate.

Deductive change orders reduce the contract price and do not independently require prior Board approval regardless of the dollar amount, provided the change is within delegated authority and documented in writing. Deductive change orders are subject to Board ratification at a subsequent meeting.

Goods and Services Contracts. For contracts involving the purchase of goods or services previously approved by the Board of Trustees, any increase to the contract amount that exceeds ten percent of the original board-approved contract amount requires prior Board approval. Increases that do not exceed ten percent of the original board-approved contract amount may be executed within delegated authority and are subject to Board ratification at a subsequent meeting. Cumulative increases shall be counted toward the ten percent threshold.

No-Cost and Time-Only Changes. Change orders involving only time extensions or with no cost impact do not require prior Board approval but must be processed through the District's internal review and signature process and are subject to Board ratification at a subsequent meeting.

All contract amendments must be submitted to the Chancellor's Office or designee for review prior to execution and, when applicable, placed on a Board agenda for approval or ratification. It is the responsibility of the requesting Division or Department Manager or College President to ensure timely submission for Board action in accordance with this procedure.

6. REQUIREMENT TO SOLICIT BIDS

The bid limit for the purchase of materials, supplies, and services to be furnished, sold, or leased is established by the State of California Public Contract Code § 20651. The limit is subject to change on January 1 of each year. Contracted goods or services exceeding the bid limit require an advertised formal competitive bid process conducted by Purchasing Services unless a statutory exception applies. Contracted goods or services shall not be split into two or more contracts within one fiscal year for the purpose of circumventing the bid limit.

The amount subject to the bid limit requirements is the total contract value over the term of a written agreement including all costs for all years including all applicable taxes, shipping fees, and other associated charges. If the total contract value is below the applicable bid limit, then the product or service may be purchased without conducting an advertised formal competitive bid process. However, the purchase may be subject to a District requirement to obtain informal bids or quotations when the purchase cost is less than the statutory bid limit (see procedures below).

Informal bidding promotes free and open competition among sellers for public dollars and can substantially reduce acquisition cost for the needed goods or services.

7. ADDITIONAL COMPETITIVE BIDDING PRACTICES REQUIRED

The purchase of specific goods valued less than \$20,000 requires at least one documented written price quotation obtained by the requesting department. The quotations and other applicable pricing information shall be attached to a Purchase Requisition. If the Purchase Requisition is submitted without a valid quotation, Purchasing will solicit quotations based upon the item descriptions on the Purchase Requisition.

The purchase of specific goods valued from \$20,001 to the Public Contract Code § 20651 bid limit requires at least three written price quotations obtained by the initiating department or with the assistance of District Purchasing Services. The Budgeter authorized to requisition such expenditure will supply applicable specifications with an approved Purchase Requisition to District Purchasing Services. Purchasing Services shall use the information to issue a Request for Quotations (RFQ). The RFQ will be posted online if practicable. Requestors should allow up to 2-3 weeks or longer depending on the type of goods after the requisition is approved in the Finance Module for District Purchasing Services to issue a purchase order.

8. NOTICE CALLING FOR FORMAL ADVERTISED BIDS

For non-public works bids, the District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, [and may post on the District's web site or through an electronic portal,] a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may only accept a bid that was submitted electronically.

Bid and contract forms shall be prepared and maintained by Purchasing Services. All applicable statutory provisions and board policies shall be observed in preparation of the forms. The Director, Purchasing, Contracts, and Risk Management shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bids for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be 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 that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

Purchasing Services shall make available to the prospective bidders bid forms with sets of specifications and if applicable, drawings and shall provide a convenient place where bidders, subcontractors, and personnel may examine the specifications and drawings. Purchasing Services shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room. When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

9. AWARDING OF BIDS AND CONTRACTS

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District for good and sufficient reason.
- All bids shall be conducted via the District's e-bidding platform, and bidders shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications unless under alternative delivery methods. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
- Bid protests must be submitted in writing to the Vice Chancellor, Business Services or its designee, within five business days of the bid award notice.
- Subject to the Board's subsequent action to adopt, modify or reject the disposition of a bid protest, the Vice Chancellor, Business Services or designee is authorized to handle and dispose of bid protests arising out of the bidding of contracts.
- Except for bid protests arising during the bidding process, the Vice Chancellor, Business Services or designee is authorized to handle and dispose of all other disputes or matters of controversy regarding the bidding of contracts without subsequent review, reconsideration or appeal of the decision to any other employee, officer of the District, or to the Board of Trustees or any member(s) thereof.

10. PURCHASE WITHOUT ADVERTISING FOR BIDS

The Vice Chancellor, Business Services, or designee is authorized to make purchases without advertising for bids under the following circumstances:

- Purchases from vendors holding public agency contracts when advantageous.
- Purchases or leases of materials or services from other public agencies within the same county, city, town, or district, by authorized contract or purchase order.
- Purchases made through the State of California Cooperative Purchasing Program operated by the Department of General Services.
- Purchases made through the Foundation for California Community Colleges (FCCC) CollegeBuys Program for the procurement of goods and services for community college districts, if this results in a lower contract price under the same terms, conditions, and specifications, without conducting an independent local bidding process.
- Purchases valued between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

11. EXCEPTIONS

Certain purchases are specifically exempt from competitive bidding requirements under applicable law. Perishable foodstuffs and seasonal commodities needed in the operation of cafeterias and food services are exempt from bidding pursuant to Public Contract Code § 20660. Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, and periodicals needed for the operation of the District may be purchased without taking estimates or advertising for bids pursuant to Education Code § 81651. Purchases under cooperative agreement contracts (“piggybacks”) pursuant to Public Contract Code § 20652, contracts awarded through the State of California’s CMAS or GSA schedules pursuant to Government Code § 10298, and professional services contracts such as consulting, auditing, financial, educational, and other specialized services pursuant to Government Code § 53060 are also exempt from bidding. Although these categories are exempt from competitive bidding, prior Board approval is required if the total purchase amount exceeds the bid threshold established under Public Contract Code § 20651. If the total amount is below the bid threshold, Board approval is not required. Certain exceptions may be executed in advance and submitted to the Board for ratification rather than prior approval. These include:

- Cooperative purchasing agreements awarded through the Foundation for California Community Colleges’ CollegeBuys program (Public Contract Code § 20661; California Code of Regulations, Title 5, § 59131).
- Special services pursuant to Government Code § 53060 (including legal, financial, economic, accounting, engineering, or administrative matters) and insurance services, which may be executed upon approval by the Vice Chancellor, Business Services or designee and subsequently ratified by the Board.
- Utility payments (e.g., electricity, water, waste, telecom), which may be executed when necessary and ratified by the Board.

12. CUPCCAA - CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

At its April 4, 2016, meeting (Agenda Item 26), the Board of Trustees adopted Resolution 2016-14, electing for the District to become subject to California’s Uniform Public Construction Cost Accounting Act (CUPCCAA). Pursuant to Public Contract Code § 22032, the District may procure repair, maintenance, and public works projects in accordance with the current CUPCCAA thresholds as established and periodically adjusted by the California Uniform Construction Cost Accounting Commission and the State Controller. Projects below the informal bid limit may be performed by force account, negotiated contract, or purchase order. Projects up to the formal bid limit may be awarded using informal bidding procedures, while projects exceeding the formal bid limit must be awarded through formal bidding, with limited exceptions.

“Public projects” are defined in PCC § 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting of any publicly owned, leased, or operated facility. It is unlawful to split or separate a project into smaller components to avoid competitive bidding requirements. All bid notices must include an affirmative statement requiring compliance with Labor Code §§ 1775 and 1776 (prevailing wages) and § 1777.5 (apprenticeship requirements). Bidders must submit all required documentation to demonstrate compliance, and failure to do so will render a bid incomplete. The District shall develop and maintain a list of contractors as required by CUPCCAA.

Award to Low Bidder; No Bids

All contracts must be awarded to the lowest responsive and responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further complying with this procedure.

Notice Inviting Informal Bids

When a Public Project anticipated to cost up to informal limits per CUPCCAA is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the electronic submission of bids and describe how to obtain more detailed information about the Project. The District shall notify all contractors for the category of work to be bid, as shown on the Contractors List. The District may also notify all construction trade journals. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Notification shall be completed at least ten days before bids are due.

Notice Inviting Formal Bids

When a Public Project, which is anticipated to cost in excess of formal limits per CUPCCAA is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent electronically to the required construction trade journals. The notice to construction trade journals shall be sent at least 14 calendar days before the date of bid opening. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Notification shall be completed at least 14 days before the date of bid opening.

Proprietary Product or Service

If the District determines and makes a finding that a particular material, product, thing, or service must be designated by specific brand or trade name, and that such designation is permissible under Public Contract Code Section 3400, the District may either procure the item directly from the specified source(s) or include the designation in its bid documents. In such cases, whether the procurement is subject to formal or informal bidding, the solicitation may be directed exclusively to contractors legally able to provide the designated product or service.

Award of Contracts

Contracts procured through the informal bidding process may be awarded by the Vice Chancellor of Business Services or designee, while contracts procured through the formal bidding process shall be awarded by the Board of Trustees.

13. EMERGENCY REPAIR CONTRACTS WITHOUT BID

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Vice Chancellor, Business Services or designee shall declare an emergency and may make a contract in writing or otherwise on behalf of the District for labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids and thereafter seek approval of the Board by 4/5 majority in accordance with Public Contract Code 22050.

14. RECORD RETENTION

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

15. NOTICE OF COMPLETION

The Vice Chancellor, Business Services or designee are empowered to execute and file a "Notice of Completion and Acceptance of Work" on behalf of the District. Such notices shall be approved by the Board of Trustees.

[See Board Policy 3143 Contracts](#)

Approved 12/6/04

Revised 12/1/11

Revised and renumbered (formerly AP 3143) 6/12/26