



# SCHOOL BID GUIDELINES & EXCEPTIONS 2008

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**The calendar year 2008 formal bid threshold for California school districts is \$72,400, with the following exceptions:**

- ✓ “Public projects” (construction) - the limit is \$15,000
- ✓ Districts that adopt the “Uniform Construction Accounting Procedures” as outlined in Public Contract Code Section 22030 et seq., - the limit is \$125,000
- ✓ Transportation services - the limit is \$10,000. Districts are NOT required to contract with the lowest bidder (see E.C. #39802)
- ✓ Computer equipment – District may choose any of the three lowest bidders.

**Formal bidding is not required for:**

- ✓ Cooperative purchases (i.e., “piggyback” purchasing)
- ✓ Emergencies
- ✓ Energy conservation services
- ✓ Instructional materials
- ✓ Perishable food
- ✓ Professional services
- ✓ Waste Management Services

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- ⊛ **More information and reference material is included in the pages that follow.**
  - ⊛ **Even though formal bidding may not be *required* for smaller purchases, informal methods (i.e. Request for Quote) are generally advantageous for the district.**
  - ⊛ **Some services (i.e., architectural services) are procured through a competitive Request for Proposal process.**
  - ⊛ **All purchases must be made in accord with any other policies established by the Whittier Union High School District Board of Education.**
  - ⊛ **Caution! This guide is for quick reference only and may not be all-inclusive or up to date. When in doubt, check with legal counsel!**



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## Additional Information and Code References

**The bid limit for goods, services, and maintenance.** This amount is set by Public Contract Code Section 20111(a), and is subject to annual adjustment by the State Department of Education.

**The threshold for “public projects” (i.e. construction) remains at \$15,000 per Public Contract Code Section 20111(b) and is not subject to annual adjustment.**

### **DISTRICT BOARD APPROVED PURCHASING GUIDELINES**

Purchases which do not require formal bidding as shown above, but cost more than \$10,000 generally (almost always) require at least three written quotations which are attached to the Purchasing documents and kept on file. Purchases costing less than \$10,000 also generally require three written quotations, however, in some cases oral quotations will suffice. Buyers should keep notes of the conversations for attachment to the Purchasing documents. For purchases under \$8,000, oral or written quotations from one vendor may be secured. All the above paragraph may be waived only at the discretion of the Purchasing Department.

### **TRANSPORTATION SERVICES**

Education Code Section 39802. In order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board shall, whenever an expenditure of more than ten thousand dollars (\$10,000) is involved, secure bids pursuant to Sections 20111 and 20112 of the Public Contract Code whenever it is contemplated that a contract may be made with a person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. The governing board may let the contract for the service to other than the lowest bidder.

### **INSTRUCTIONAL MATERIALS**

Public Contract Code Section 20118.3. The governing board of any school district may purchase supplementary textbooks, library books, educational films, audiovisual 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.

### **COMPUTER HARDWARE AND SOFTWARE – ONE OF THREE LOWEST**

Public Contract Code Section 20118.1. The governing board of any school district may contract with an acceptable party who is one of the three lowest responsible bidders for the procurement or maintenance, or both, of electronic data-processing systems and supporting software in any manner the board deems appropriate.



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## **EMERGENCIES**

Public Contract Code Section 20113. (a). In an emergency when any repairs, alterations, work, or improvement is necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property, the board may, by unanimous vote, with the approval of the county superintendent of schools, do either of the following:

- (1) Make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids.
- (2) Notwithstanding Section 20114, authorize the use of day labor or force account for the purpose.

## **PERISHABLE FOOD**

Education Code Section 38083. Perishable foodstuffs and seasonal commodities needed in the operation of cafeterias may be purchased by the school district in accordance with rules and regulations for such purchase adopted by the governing board of said district notwithstanding any provisions of this code in conflict with such rules and regulations.

## **“PIGGYBACK” PURCHASES FROM OTHER PUBLIC AGENCIES**

Schools may purchase materials and equipment from contracts obtained by the bids of other districts of public agencies. (Public Contract Code Section 20118). Note : Effective Jan. 1, 2007, PCC 20118 is amended to include the ability to contract direct with and make payment directly to a vendor under the same terms.

Districts may (or in some cases, shall) purchase standard school items via the Standard School Bid as developed by the County Superintendent of Schools (Education Code Sections 38110-38112).

## **STATE COOPERATIVE PURCHASING PROGRAM**

A School District may purchase supplies through the State Office of Procurement of the Department of General Services, which acts as the buying agent for political subdivisions of the State. (PCC 10325, Cal. Code of Regulations Sec. 1895.1-1895.16; Govt. Code Sec. 14814 and 54205).

In 1993, the State of California Assembly chaptered AB 1727 (Polanco). This bill enabled the Department of General Services to create a multiple award schedule program in 1994, known as the California Multiple Award Schedules (CMAS) program. The CMAS program was later enhanced as a result of Senate bill SB 910 (Polanco), chaptered in 1995.

More information is found here: <http://www.pd.dgs.ca.gov/cmas/default.htm>



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## **PURCHASE FROM THE FEDERAL GOVERNMENT**

Education Code Section 17602. The governing board of any school district may purchase from the federal government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids.

## **PROFESSIONAL SERVICES**

Government Code Section 53060. The legislative body of any public or municipal corporation or district may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required.

## **ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, CONSTRUCTION MANAGEMENT, LAND SURVEYING, ETC.**

Districts are not required to accept the “low bid,” but rather the best qualified firm to perform the desired service, as outlined in Government Code Sections 4525 through 4529.5.

Caveat: Be aware that if State School Facility Program funds are being used for design professionals, Education Code Section 17070.50 requires that districts must certify that such services were obtained by means of a competitive process consistent with the requirements of Government Code Section 4525 et seq.

## **LEGAL SERVICES**

Education Code Section 35205. The governing board of any school district may contract with a qualified attorney in private practice to provide legal services and compensation of this attorney in private practice pursuant to contract under this section shall be a proper use of school district funds.

## **ENERGY CONSERVATION SERVICES**

Government Code Section 4217.10. To help implement the policy set forth in Section 25008 of the Public Resources Code, and to extend that policy to facilities of local governments, public agencies may develop energy conservation, cogeneration, and alternate energy supply sources at the facilities of public agencies in accordance with this chapter.

Government Code Section 4217.16. Prior to awarding or entering into an agreement or lease, the public agency may request proposals from qualified persons. After evaluating the proposals, the public agency may award the contract on the basis of the experience of the contractor, the type of technology employed by the contractor, the cost to the local agency, and any other relevant considerations...



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Government Code Section 4217.18. The provisions of this chapter shall be construed to provide the greatest possible flexibility to public agencies in structuring agreements entered into hereunder so that economic benefits may be maximized and financing and other costs associated with the design and construction of alternate energy projects may be minimized....“

## **WASTE MANAGEMENT SERVICES**

Public Resources Code Section 40059.

(a) Notwithstanding any other provision of law, each county, city, district, or other local governmental agency may determine all of the following:

- (1.) Aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.
- (2.) Whether the services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding, or it, in the opinion of its governing body, the public health, safety, and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit, or otherwise, either with or without competitive bidding. The authority to provide solid waste handling services may be granted under terms and conditions prescribed by the governing body of the local governmental agency by resolution or ordinance.

(b) Nothing in this division modifies or abrogates in any manner either of the following:

- (1.) Any franchise previously granted or extended by any county or other local governmental agency.
- (2.) Any contract, license, or any permit to collect solid waste previously granted or extended by a city, county, or a city county.

## **CONTRACT RENEWAL**

CALIFORNIA CODES

### **EDUCATION CODE**

**17595.** Nothing in this **code** shall preclude the governing board of any school district from purchasing materials, equipment or supplies through the Department of General Services pursuant to Section 14814 of the Government **Code**.

**17596.** Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for the district, or for materials or supplies to be furnished or sold to the district may be made with an accepted vendor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, not to exceed three years.