

### SECTION 3. ADMINISTRATIVE SECTION

## Procurement & Contracting Process



The Contracts Team manages the procurement of quality goods, services, and construction from responsible vendors at the lowest price or best value. The Contracts Team's purpose is to ensure and conduct the procurement of goods and services per all applicable federal, state, and local laws and regulations. Many statutory requirements outline the framework of various types of procurement, but the general process is very similar.

- Procurement Plans are plans based on the type of services and the estimated value of the contract associated with them in order to ensure compliance with all Statutory Requirements, including bid limits.
- Procurement Documents are bid and/or proposal documents which are developed to describe the project, scope of services, deliverables, form of the contract, duration, and evaluation process for the procurement. This may include prequalification before bidding.
- The Selection Process includes the evaluation, selection, and notification processes that are described in the Procurement Documents and required by statute.
- The Approval and Contracting Process includes the approval process, form of contract, and financial contract process.
- Contract Management & Change Management covers the management of the contract, which includes any changes to the work.

The District has an online planroom to centralize all bid management. The planroom allows firms to create a free account that includes notifications about new opportunities. The online planroom is available at [www.wccusdplanroom.com](http://www.wccusdplanroom.com). In addition, the contracts team also maintains a schedule of all public bidding opportunities on the website at <https://www.wccusd.net/Page/9048>. A sample Bid Schedule is attached in the Appendices as Item 1.10.3.

#### 1. Procurement Plan

The California Public Contract Code requires school districts to bid services over a certain bid threshold competitively. The statute defines the threshold based on the type of services: non-construction services and construction services. Under those bid limits, contracts need not be bid but must follow Board policies and administrative regulations.

The District also confirms adherence to the conflict of interest policy for all procurement. BOE adopted Bylaw 9270 and its corresponding appendix as a Conflict of Interest Code that incorporates all legal provisions. The purpose of this policy is to observe all state statutes regarding conflict of interest and to engage in District business activities in a manner that avoids conflicts of interest and the appearance of impropriety.

In addition, the District extends its code of ethics standards to all vendors who do business with the District. In the standard construction bidding requirements, contractors must provide a Non-

Collusion Declaration with their bids. For professional service providers, the Request for Qualifications/Request for Proposals (RFQ/RFP) process includes a certification of conflict of interest.

1.1. Non-Construction Services: Goods & Materials Purchases. \*

The purchase of equipment, materials, and supplies is governed by PCC §20111, requiring that the District competitively bid any contract involving an expenditure over the annual public bidding threshold. The annual threshold becomes effective January 1 of each year; currently, the 2021 threshold is \$96,700. In addition to the formal bidding process, other alternative bidding procedures may be available for purchases.

1.1.1. California Multiple Award Schedule.

Ed Code §17595 and PCC §10299 provide an alternative to competitive bidding when purchasing materials, equipment, or supplies through the Department of General Services or utilizing its California Multiple Award Schedule (CMAS). CMAS are supplier agreements based upon an existing Federal GSA or other approved multiple award contracts. CMAS offers a wide variety of commodity and information technology products at prices assessed to be fair, reasonable, and competitive.

1.1.2. Piggyback Bids.

PCC §20118 also provides another alternative to competitive bidding by utilizing another public agency's procurement to purchase or lease materials, supplies, and equipment. The process is known as "piggybacking" and works by using the pricing and products from a contract held by another school district or public agency. Piggybacking often provides lower prices than a single jurisdiction would obtain.

1.2. Construction Services. ↙

There are two primary methods to design and construct a project, each with its procurement considerations. Design-Bid-Build (DBB) is the most common method of delivering a construction project. For DBB projects, PCC §20111 (b) requires school districts to bid and award any construction contract over \$15,000 competitively. On May 20, 2009, the BOE passed Resolution #90-0809 to adopt the California Uniform Public Construction Cost Accounting Act (CUPCCAA) alternative bidding procedures. CUPCCAA raises the bid threshold, simplifies the informal quote process for small projects, reduces advertising costs, and expedites the bidding process.

1.2.1. CUPCCAA Informal Quotes: Up to \$60,000.

Public projects \$60,000 or less do not require formal, public bidding. The District requires the Project Managers/Departments to solicit informal quotes.

1.2.2. CUPCAA Informal Bid: Greater than \$60,000, less than \$200,000.

Public projects greater than \$60,000 and less than \$200,000 may follow informal bidding procedures. The bid duration must be at least ten days after the complete bid set is published.

1.2.3. Formal Bid: Greater than \$200,000.

Public projects of more than \$200,000 follow standard formal, public bidding processes outlined in PCC §20111.

1.3. Change Orders on Construction Contracts.

PCC §20118.4 does not require bidding if the change or alteration to the contract is less than 10% of the Contract or \$15,000, whichever is greater. The District process includes presenting all change orders to the contract to the BOE for ratification or approval.

1.4. Design-Build Services.

The Design-Bid construction delivery method features a partnership between the Architect and Contractor, collectively known as the Design-Build Entity (DBE). Ed Code §17250 outlines the design-build procurement process, requiring a two-step RFQ and RFP procedure for authorized projects that are more than one million dollars.

1.5. Professional & Special Services

Architectural and professional services providers also require a fair and competitive selection process under Government Code §4529.10. The procurement process typically starts with a Request for Qualifications (RFQ), followed by a Request for Proposals (RFP). The process can also be a single RFQ/P.

Alternatively, Government Code §53060 allows Districts to contract with an entity to furnish "special services and advice" to the District in financial, economic, accounting, engineering, legal, or administrative matters without a competitive selection process. Any person so employed must be specially trained and experienced, and competent to perform the services.

2. **Procurement**

Construction Services follow a very concise formula of statutory and district requirements triggered by the contract value. The District utilizes the Construction Services Thresholds Guide to summarize the various thresholds that apply to the components of the construction contract. The guide is used internally as a resource and reference and can be found in the Appendices as Item 1.10.1.

2.1. Contractor Prequalification.