

Policy 3311: Bids

Status: DRAFT

Original Adopted Date: 09/13/2017 | **Last Reviewed Date:** 09/09/2026

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with Government Code 54202, and that meet the requirements for bidding procedures specified in law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, service required, and include all information of which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Award of Contract

Contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

However, the Board may let contracts to other than only the lowest responsible bidder in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000 and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of a student who is to be transported, in which case the Board may contract with other than the lowest bidder (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements (Public Contract Code 2000-2002)
4. When procuring a lease-leaseback contract, in which case the Board shall award the contract based on objective criteria for determining the best combination of price and qualifications in accordance with Education Code 17400 and 17406
5. When procuring a design-build contract for a public works project in excess of \$1,000,000 in accordance with Education Code 17250.20, in which case the Board may award the contract to either the low bid or the best value to the district, taking into consideration, at a minimum, price, technical design and construction expertise,

and life-cycle costs (Education Code 17250.20, 17250.25)

6. When procuring an alternative design-build contract for a public works project in excess of \$5,000,000 in accordance with Education Code 17250.62, in which case the Board may award the contract to either the low bid or the best value, taking into consideration, at a minimum, design cost, general conditions, overhead, and profit as a component of the project price; technical design and construction expertise; and life-cycle costs (Education Code 17250.61, 17250.62)

Protests by Bidders

If the bidder believes that the award is not in compliance with law, Board policy, administrative regulation, or the bid specification, the bidder may protest the award. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protested documents in a timely manner shall constitute a waiver of the right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

Bids Not Required

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property, including the lease of data-processing equipment or the purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor. (Public Contract Code 20118)

Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the district and meet the cost effectiveness requirements specified in Government Code 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on a cost and saving comparison finding specified in Government Code 4217.12. (Government Code 4217.12)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Bus. Code 7056

Bus. Code 7057

Description

[General engineering contractor](#)

[General building contractor](#)

State

CA Constitution, Article 2, Section 31(a)
Code of Civil Procedure 446
Ed. Code 17070.10-17079.30
Ed. Code 17250.10-17250.52
Ed. Code 17250.60-17250.69
Ed. Code 17400
Ed. Code 17406
Ed. Code 17595
Ed. Code 17602
Ed. Code 38083
Ed. Code 38110-38120
Ed. Code 39802
Gov. Code 4217.10-4217.18
Gov. Code 4330-4334
Gov. Code 53060
Gov. Code 54201-54205
Gov. Code 7920.530
Pub. Cont. Code 1102
Pub. Cont. Code 1103
Pub. Cont. Code 12200
Pub. Cont. Code 2000-2002
Pub. Cont. Code 20101-20103.7
Pub. Cont. Code 20103.8
Pub. Cont. Code 20110-20118.4
Pub. Cont. Code 20189
Pub. Cont. Code 22000-22045
Pub. Cont. Code 22152
Pub. Cont. Code 3000-3010
Pub. Cont. Code 3400
Pub. Cont. Code 3410
Pub. Cont. Code 4113
Pub. Cont. Code 6102
Pub. Cont. Code 6610

Description

Prohibition of discrimination in operation of public education
[Verification of pleadings](#)
[Leroy F. Greene School Facilities Act](#)
[Design-build contracts](#)
[Alternative design-build contracts](#)
Leasing Property
[Lease-leaseback contract](#)
[Purchase of supplies through Department of General Services](#)
[Purchase of surplus property from federal agencies](#)
[Purchase of perishable foodstuffs and seasonal commodities](#)
[Apparatus and supplies](#)
[Transportation services](#)
[Energy conservation contracts](#)
[California made materials](#)
[Special services and advice](#)
[Purchase of supplies and equipment by local agencies](#)
[Public record; definition](#)
[Emergency; definition](#)
[Responsible bidder; definition](#)
[Recycled goods, materials and supplies; definition](#)
[Responsive bidders](#)
[Public construction projects; requirements for bidding](#)
[Award of contracts](#)
[Local Agency Public Construction Act; school districts](#)
[Bidder's security; earthquake relief](#)
[Uniform Public Construction Cost Accounting Act](#)
[Recycled product procurement](#)
[Roofing projects](#)
[Bid specifications](#)
[U.S. produce and processed foods](#)
[Prime contractor; subcontractor](#)
[Bribery of public official; voidable contract](#)
[Bid visits](#)

Management Resources

Attorney General Opinion
CA Department of General Services Publication
CA Department of General Services Publication
CA Department of Industrial Relations Publication

Description

[89 Ops.Cal.Atty.Gen. 1 \(2006\)](#)
[Office of Public School Construction, Piggyback Contracts](#)
[Office of Public School Construction Notification to School Districts Regarding Use of Piggyback Contracts for SAB-Administered Programs, July 2022](#)
[Model Prequalification Questionnaire](#)

Management Resources

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Website

Description[City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court \(1972\) 7 Cal.3d 861](#)[Great West Contractors Inc. v. Irvine Unified School District \(2010\) 187 Cal.App.4th 1425](#)[Konica Business Machines v. Regents of the University of California \(1988\) 206 Cal.App.3d 449](#)[Los Angeles Unified School District v. Great American Insurance Co. \(2010\) 49 Cal.4th 739](#)[Marshall v. Pasadena Unified School District \(2004\) 119 Cal.App.4th 1241](#)[CSBA District and County Office of Education Legal Services](#)[California Department of General Services](#)[CSBA](#)[California Department of Education](#)[California Association of School Business Officials](#)**Cross References**

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Description[Nondiscrimination In District Programs And Activities](#)[District And School Websites](#)[District And School Websites](#)[Access To District Records](#)[Access To District Records](#)[Concepts And Roles](#)[Federal Grant Funds](#)[Federal Grant Funds](#)[Sale And Disposal Of Books, Equipment And Supplies](#)[Sale And Disposal Of Books, Equipment And Supplies](#)[Expenditures And Purchases](#)[Uniform Public Construction Cost Accounting Procedures](#)[Uniform Public Construction Cost Accounting Procedures](#)[Lease-Leaseback Contracts](#)[Design-Build Contracts](#)[Procurement Of Technological Equipment](#)[Contracts](#)[Payment For Goods And Services](#)[Payment For Goods And Services](#)[Green School Operations](#)[Energy And Water Management](#)[Energy And Water Management](#)[Integrated Waste Management](#)[Integrated Waste Management](#)[Equipment](#)[Equipment](#)

Cross References

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Description

[Facilities Inspection](#)
[Transportation](#)
[Transportation](#)
[Food Service Operations/Cafeteria Fund](#)
[Food Service Operations/Cafeteria Fund](#)
[District Records](#)
[District Records](#)
[Consultants](#)
[Selection And Evaluation Of Instructional Materials](#)
[Selection And Evaluation Of Instructional Materials](#)
[Selection And Evaluation Of Instructional Materials - Please See District Material In District Office](#)
[Supplementary Instructional Materials](#)
[Concepts And Roles](#)
[Architectural And Engineering Services](#)
[Architectural And Engineering Services](#)
[Conflict Of Interest](#)
[Conflict Of Interest](#)
[Meetings And Notices](#)
[Actions By The Board](#)
[Actions By The Board](#)