

All District procurements and contracts for goods and services shall be conducted in accordance with applicable laws, rules, regulations and policies of the District.

Delegation of Authority to Contract on Behalf of the District

Pursuant to Education Code §81655, the Board delegates to the Superintendent/President or designee the authority to enter into contracts on behalf of the District and to establish administrative procedures for award of contracts on behalf of the District without prior Board of Trustees actions:

- Contracts entered into on behalf of the District by the Superintendent/President or designee(s) are not enforceable obligations until they are approved or ratified by the Board.
- When bids are required pursuant to Public Contract Code Sections 20650 and 20651, the contracts resulting from such bids shall be awarded to the responsible bidder who submits the lowest priced responsive Bid Proposal. The Superintendent/President or designee shall have the authority to reject all bids.

Pre-Qualification of Bidders

If the Superintendent/President or designee concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

“Piggyback” Purchases

If the best interests of the District will be served by a contract, lease, requisition or purchase order for goods or services through any other public corporation or agency in accordance with Public Contracts Code Section 20652, the Superintendent/President or designee or his/her designee is authorized to proceed with such a contract, lease, requisition or purchase order.

Uniform Construction Cost Accounting Alternative Bidding Procedures; Informal Bidding Procedures

Contracts for a “public project” or “maintenance work” (as those terms are defined in Public Contract Code §22002) may be bid and awarded under the Alternative Bidding Procedures set forth in Public Contract Code §§22030 et seq. and in accordance with the procedures set forth in the District’s Resolution No. 050-05 which adopted the Uniform Construction Cost Accounting Procedures and established the District’s Informal Bidding procedures under the Uniform Construction Cost Accounting Procedures.

Specialty Projects and Goods

Where authorized by applicable law, rule or regulation, the procurement of specialty items may, at the discretion of the Superintendent/President or designee, in accordance with alternative procedures authorized by law, rule or regulation. The foregoing shall include, without limitation: (i) award of contracts for acquisition, procurement or maintenance of electronic data processing

systems and equipment, electronic telecommunications equipment, supporting software, and related materials, goods and services to one of the bidders submitting one of the three lowest priced responsive Bid Proposals; (ii) contracts for energy management systems taking into account “net costs or savings;” (iii) energy conservation contracts; and (iv) contracts for supplementary textbooks, library books, and educational films, audio-visual materials, test materials, workbooks, instructional software packages, or periodicals may be awarded without taking estimates or advertising for bids.

Contracts Without Competitive Bidding/Proposal Process

When authorized by applicable law, rule or regulation, the Superintendent/President or designee may contract for goods or services without engaging in a proposal or bidding process. Except where the nature of the goods or services are unique or where impractical, prior to the award of a contract for goods or services without engaging in a competitive proposal or bidding process, every effort should be made to obtain two or more quotes from qualified vendor(s)/contractor(s). Award of such a contract shall be based upon the best interests of the District, taking into account as appropriate the price(s) proposed by qualified vendor(s)/contractor(s) and other factors.

Professional Services

Pursuant to Government Code §53060, the Superintendent/President or designee are authorized to enter into contracts for special or professional services on behalf of the District without engaging in a competitive bidding or proposal process. The award of such contracts shall be based upon the qualifications and capacity of the vendor/contractor and the completion of necessary services at a fair and reasonable price to the District. Professional services subject to the foregoing shall include without limitation the following professional services: accounting, architectural/engineering, legal, real estate brokerage, project/construction management, and consulting.

Emergencies

If the Board of Trustees by unanimous vote determines pursuant to Public Contract Code §20654 that emergency circumstances exist, subject to approval of the Superintendent of the Santa Cruz County Office of Education, the Superintendent/President or designee are authorized to enter into contract(s) on behalf of the District for the performance of labor or the furnishing of goods and materials without advertising or engaging in a competitive bidding or proposal process. Alternatively, the Superintendent/President or designee are authorized under Public Contract Code §22050 to take any directly related and immediate action required by the emergency and to procure necessary equipment, services or supplies for those purposes without advertising or engaging in a competitive bidding/proposal process. If action is taken pursuant to the preceding sentence, the Board of Trustees shall review the actions of the Superintendent/President or designee as required by Public Contract Code §22050.

Legal References:

- Education Code Sections 81641, et seq.
- Public Contracts Code Sections 20650, et seq.
- Public Contract Code Sections 22000 et seq. and 22030 et seq.
- Government Code §53060
- Government Code §42173.10 et seq.

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