

OVERVIEW OF FHDA PURCHASING PROCEDURES FOR MEASURE “C” CONSTRUCTION
as of October 12, 2012)

1. PURCHASING SERVICES WEBSITE (15 minutes)

- a. Purchasing Web Site:** <http://purchasing.fhda.edu/>
 - i. Policy/procedures related to purchasing
 - ii. Agreements/Changeorders
 - iii. Vendor information
- b. Purchasing Documents Internal Website:**
<http://purchasing.fhda.edu/purchasingdocs/member/login>
 - i. Construction Documents
 - ii. Division 0/1 Documents
 - iii. Prequalification Documents
- c. Bidnet (post Bids, RFQ's/RFP's and quotes)**
 - Potential vendors can register on this site
 - RFQ's/RFP's and Legal Ads are posted here

2. AGREEMENTS (25 minutes)

- a. What type of service am I seeking?**
 - i. Professional Services (i.e. architect/engineer/inspection/testing)
 - ii. Maintenance Work
 - 1. Must comply with Public Contract Code 20657 (see attached)
 - a. Prohibition of bid splitting
 - b. Informal bidding outreach requirements
 - 2. Must seek 3 written quotes if \$10,000 or more (Board Policy and AP 3140-attached)
 - a. If the project is estimated at \$10k or more, Gilbane staff must provide a copy of the specifications to Purchasing Staff for posting on Bidnet at least 7 days prior to the quotation due date
 - b. See attached Public Contract Code 22002 (d) for the definition of “maintenance work”
 - iii. Public Projects less than \$15,000
 - 1. See attached Public Contract Code 22002 (c) for the definition of “public Project”
 - 2. Must seek 3 written quotes (Board Policy and AP 3140)
- b. Should I conduct an RFQ/RFP?**
 - i. Board Policy and AP 3140 – require a competitive selection process for professional service agreements over \$20K
- c. Which form do I use?**
 - i. Master Agreement/PAA's (Facilities Dept.)
 - ii. Standard Form of Agreement (Facilities Dept.)
 - iii. Agreement for Design Professional Services (Purchasing – Facilities)
 - 1. Created in response to changes in California Civil Code regarding indemnification language for architects, engineers, land surveyors who

- perform the following scopes of work: pre-design, programming, special and conceptual studies, planning and assessment work
- iv. Agreement for Services (Purchasing – all District))
 - v. Independent Contractors Agreement (Purchasing – all District)
 - d. *Do I need to have the agreement ratified/approved by the Board of Trustees?***
 - i. California statutes and Board Policy
 - 1. Managers/Directors have board delegated authority to enter into contracts of \$5,000 or less
 - 2. Exec. Director (Allen)/VP's (Barker/Jean Pierre) have board delegated authority to enter into professional services contracts of \$20,000 or less
 - a. Contracts for professional services over \$20,000 require board approval prior to the start of work
 - 3. Exec. Director (Allen)/VP's (Barker/Jean Pierre) have board delegated authority to enter into maintenance work service contracts less than \$20,000 if the work meets the definition for maintenance cited in Public Contract Code 22002 (see attached)
 - 4. Exec. Director (Allen)/ Vice Chancellor Business Services (McElroy) have board delegated authority to enter into public project contracts less than \$15,000
 - a. Public project contracts of \$15,000 or more require a formal bid and must be approved by the Board of Trustees
 - 5. Vice Chancellor Business Services (McElroy) also has authority to enter into professional service contracts and maintenance work service contracts under bid threshold (currently \$78,900), however payment transactions against a contract get reviewed within 60 days by the Board of Trustees
 - e. *What about Revisions and Changes to Agreements for professional services or maintenance work services?***
 - i. Must be signed by person of proper level of authority
 - 1. Level of authority is based upon total contract price including all previous revisions
 - ii. Incorporate contract time extensions if applicable
 - 1. No cost time extensions must be executed on a Change/Revision form and will require ratification by the BOT if the contract was previously ratified/approved by the BOT
 - 2. Some agreements (i.e. Agreement for Services, Paragraph 11 – Contract Renewal) already have boilerplate language in them
 - iii. Use the correct form to revise the agreement
 - 1. ICA's – Change No. __ to Independent Contractor Agreement
 - 2. Agreements for Service – Change No. __ to Agreement for Services
 - 3. Agreements for Design Professional Services - Change No. __ to Design Professional Services less than \$350,000
 - 4. Standard Form of Agreement – Revision to Standard Form of Agreement form
 - 5. Project Assignment Agreements – Revision to PAA form
 - iv. Does the revision require BOT ratification/approval?

1. If the original contract went to the BOT for ratification or approval, then all subsequent revisions/changes must also be ratified
2. If an agreement did not originally get ratified/approved, and if the revision will increase the contract amount beyond signature authority of the District representative who intends to sign the revision to the contract, then the revision must be approved by the BOT before the District representative signs the revision and prior to commencement of the revised scope of work

f. Does the ICA/Agreement require a Purchase Order (PO) or can it be paid directly with a vendor invoice?

- i. ICA/Agreements \$20k or more require a Purchase Order for Measure C
- ii. ICA/Agreements under \$20K
 1. Multiple payments –must establish a PO
 2. Lump Sum, one time payment may be paid directly without a PO
 - a. Discuss with Bond Director whether to pay direct or via PO
 - i. Do not submit a Requisition for payment purposes only after the work has already been completed
- iii. The Project Engineer is responsible for initiating a Requisition through the Maas accountant

g. Pitfalls to avoid when entering into agreements with vendors.

- i. ICA's/Agreements are not an appropriate tool to procure materials and equipment, the most appropriate tool is via a Purchase Order
- ii. Continuing work after a contract term has expired, even if the total not to exceed contract value was not expended – amend the contract
- iii. Performing the work before the contract is:
 1. Written or exists
 2. Signed
 3. Ratified/approved when applicable
- iv. Submitting a Requisition for a Purchase Order after-the-fact
- v. Public Projects - Splitting of work into smaller value contracts to avoid a formal bid process is a misdemeanor punishable by the state of California
- vi. Improperly classifying scope of work as “maintenance” when it is actually a “public project” with the intent to execute a contract based upon the threshold limits for maintenance work rather than public projects

3. CONTRACTOR PRE-QUALIFICATION (5 minutes)

- a. Job specific v. annual***
- b. Calendar –3+ months to complete the PQ selection process***
 - i. Purchasing takes the lead in establishing the bid calendar and the bid #
- c. Timing – 3 months prior to start of procurement process for construction bid***
- d. Alternative methods of delivery (LBB/DB)***

4. FORMAL CONSTRUCTION BIDS – Design /Bid/Build (10 minutes)

- a. Working relationship between Purchasing/ Bond Director/Project Engineer***
- b. Calendars – allow at least 3 months for procurement phase for construction contract***

- c. Add approximately 3 months to the bid process if contractor pre-qualification is required**
 - i. Prequalification is not recommended for projects under \$1 million
- d. Requires a Banner Requisition to authorize work**
 - i. A complete set of drawings and specifications reviewed and authorized by the bond director
 - ii. The Project Engineer is responsible for initiating a Requisition through the Maas accountant
 - 1. Provide Maas accountant with Bid #, Project #, Construction estimate, scope of work
- e. Construction Change Orders**
 - i. Must be in compliance with AP3213 and Public Contract Code 20659
 - ii. The Project Engineer is responsible for initiating a Requisition to increase the original contract amount through the Maas accountant
- f. Process – who does what and when? (See attached)**
- g. Pitfalls to avoid**
 - i. Lengthy bid amendments to correct issues within the documents
 - ii. Not maintaining the schedule of the finalized bid calendar (ie. slow responsiveness for issuing amendments, dealing with bid protests, appropriate time within the calendar)
 - iii. Splitting of work to avoid a formal bid process is a misdemeanor punishable by the state of California
 - iv. Crunched bid calendars
 - 1. Delay in final specifications/drawings by architect
 - 2. DSA approval delays
 - 3. Construction start/completion due to campus schedules
 - 4. Appropriate amount of time to deal with bidders questions, amendments, bid protests, evaluation of bids
 - 5. Must work within the Board of Trustees meeting schedule

5. REQUISITIONS/PURCHASE ORDERS (10 minutes)

- a. Requisitions (a request to establish a Purchase Order)**
 - i. Required for:
 - 1. Purchases of equipment, materials, and supplies
 - 2. Formal bids for construction
 - 3. Construction change orders
 - 4. All types of agreements \$20k or more
 - 5. Agreements \$20k or under that require multiple payment
 - 6. Revisions to agreements
 - ii. A “Completed” and “Approved” Requisition is processed and a Purchase Order is generally created within 4 weeks assuming all backup is received (for the purchase of equipment, materials, and supplies the statutory bid threshold is currently \$81,000 and all public works projects of \$15,000 or more must be formally bid)
 - 1. Administrator approval queues
 - 2. Processing time should allow for Buyer to obtain written quotes as required by AP3140

3. Processing time for formal bids, change order, etc.
- iii. Entered into Banner by Maas accounting staff (Measure C construction)
 1. Engineer is responsible for providing all backup documents, bid #, project #, construction estimate (when applicable), etc. to Maas accountant
- iv. Backup information
 1. Agreements - fully executed contracts with wet signatures, and BOT minutes when applicable
 2. Construction Bids
 3. Equipment, materials, and supplies
 - a. Engineer is responsible for providing product specifications, proposed vendors, and preliminary quotes as backup documents
 4. Maintenance Work
 - a. Engineer is responsible for providing a scope of work that can be incorporated into an RFQ for potential bidders to quote on
- v. A Requisition is NOT REQUIRED for the following Measure C expenses:
 1. Advertising Fees
 2. Reprographic Fees
 3. DSA Fees
 4. Permitting Fees
 5. Legal Fees
 6. Postage Fees
- vi. Things to Avoid - Pitfalls?
 1. Do not submit a Requisition for payment purposes only after the work has already been completed
 2. Buyer places an approved Requisition on hold because of the following:
 - a. awaiting board ratification/approval
 - b. expired contract
 - c. incorrect or no BOT dates
 - d. contract amount was incorrect
 - e. missing documentation
 3. A Requisition/Purchase Order was issued for one material but a different material was actually required and received causing a discrepancy
 4. "RUSH" Requisitions caused by:
 - a. Not following AP3140 and now the work is in progress/invoice due
 - b. Insufficient planning when coordinating services and Owner Furnished Contractor Install (OFCI) materials or equipment (i.e. There is an agreement for work to be performed with material supplied by the District, however, the materials 1.) were not ordered in a timely manner, 2.) were not ordered at all, or 3.) were not delivered prior to scheduled work due to product lead times), therefore you should:
 - i. Work with Plant Services (or Colleges) and follow through to ensure timely delivery of the OFCI material or equipment
 - ii. Provide Purchasing with sufficient information and an approved requisition in a timely manner to obtain quotes in accordance with AP3140

6. CONTACT INFORMATION

a. District Purchasing Services

- i. Interim Director of Purchasing Services – Gina Bailey (650) 949-6165 baileygina@fhda.edu
- ii. Executive Assistant – Linda Mahi (650) 949-6193 mahilinda@fhda.edu
- iii. Senior Buyer – Annette Perez (650) 949-6163 perezannette@fhda.edu

b. District Accounts Payable Department

- i. Ellen Lyon x 6253 lyonellen@fhda.edu

c. District Measure C accounting staff

- i. Tonette Torres x 6148 torrestonette@fhda.edu
- ii. Esperanza Contreras x 6297 contrerasesperanza@fhda.edu
- iii. Tammy Chuong x 6140 chuongtammy@fhda.edu

d. Maas Co. accounting staff

- i. Susan Moore x 6915
- ii. Irina Thornton x 5872
- iii. Sandra Henderson x 5558

e. Project Managers

- i. Ron Deller x 7226
- ii. Roseanne Sciacchitano x 5710

f. Bond Directors

- i. Tom Armstrong x 8289
- ii. Art Heinrich x 6295

7. QUESTIONS & ANSWERS (30 minutes)

Attachments: GBMC Checklist for Bidding and Award Procedure Responsibilities
Bidding and Award Procedure with Gilbane for Public Projects
PCC 22002(c) & (d)– definition of Public Project and Maintenance
PCC 20651, 20655, 20657, 20659
AP3140¹, AP3143²AP3213

¹ AP3140 is currently under review

² AP3143 is currently under review

Gilbane Building Co./Maas Companies (GBMC) Checklist for Bidding and Award Procedure Responsibilities:

Rev. 10/11/12

Task / Activity	District Purchasing Services	GBMC
Create and maintain bid files for every project. Store the bid files in designated secure areas.	X	
Request draft Bid Calendar and Bid Number for Project from District Purchasing.		X
Provide Bid Number to GBMC for incorporation into specifications and drawings.	X	
Submit Purchase Requisition in Banner for approval.		X
Prepare and submit information to Purchasing to develop a draft Bid Calendar(s).		X
Finalize Bid Calendar - Collaboration between FHDA Purchasing Services and GBMC.	X	X
At least 2 weeks before desired bid advertisement date, submit proposed final version of bid documents to District Bond Director (BD).		X
Prepare and submit draft hard and soft copies of Division 0 and 1, including Special Conditions to Purchasing in accordance with the bid calendar.		X
Review and finalize Division 0 and 1, including Special Conditions.	X	
Burn a CD of District-approved Div. 0 & Div. 1 ("The Project Manual"), Div. 2-16 ("The Technical Specifications Manual"), and contract drawings or send to print shop for reproduction.		X
Prepare and submit Legal Ad for advertisement.	X	
E-mail/Fax "Legal Ad" to nine (9) SF Bay Area trade journals/builders' exchanges and posts information on Bidnet (notify PSA legal counsel if applicable).	X	
Receive, organize and distribute bid packages to nine (9) SF Bay Area trade journals/builders' exchanges, and to other prospective bidders upon request. Provide full set of hard copy bid documents to District Purchasing Services.		X

Gilbane Building Co./Maas Companies (GBMC) Checklist for Bidding and Award Procedure Responsibilities:

Task / Activity	District Purchasing Services	GBMC
Provide Bid Documents to FHDA's nine (9) SF Bay Area trade journals/builders' exchanges, District and college stakeholders, the architect, and all prospective bidders upon request. Provide full set of bid documents to District Purchasing Services.		X
Maintain official plan holders list that (a) includes the company names, mailing addresses, fax numbers, and contact persons for the contractors that obtained the documents from the District/Gilbane <i>and</i> that (b) includes the same information for all contractors who attended the mandatory job walk (when applicable).		X
Assist District Purchasing Services by inviting appropriate District personnel and consultant representatives (architects/engineers) to pre-bid meeting(s) and job walk(s) and scheduling conference room (DAC only).		X
Lead and conduct pre-bid/job walk with GBMC Project Engineer and consultants.	X	
Create an official sign-in sheet for attendees.	X	
Distribute a copy of completed sign-in sheet to all attendees.	X	
E-mail/Fax a list of pre-bid meeting attendees and/or the plan holders list to requestors.	X	X
Maintain Bid Question records.	X	
Receive written questions from bidders, and distribute to GBMC for responses by appropriate agencies.	X	
Receive the answers from the Architect and GBMC and review content with BD and accept/modify.	X	
Review architect Addenda content with BD, add additional information etc.	X	X
Receive final architect Addenda and incorporate into District Amendment.	X	X
Finalize Amendment upon authorization of BD and send to Gilbane for distribution.	X	

Gilbane Building Co./Maas Companies (GBMC) Checklist for Bidding and Award Procedure Responsibilities:

Task / Activity	District Purchasing Services	GBMC
Print and distribute each District-approved sequentially numbered bid document <u>amendment, no less than 72 business hours prior to scheduled bid opening</u> , to all bidders on the plan holders mailing list except those, if applicable, who have failed to attend mandatory pre-bid meetings and/or mandatory job walks, Builders Exchanges, Architect and District.		X
Maintain copy of the amendment distribution list to verify timely and complete distribution.		X
Add copies of all bid amendments to the applicable District Bid File.	X	
Organize and conduct the Bid Opening.	X	
Store all bids in the Bid File.	X	
E-mail/Fax preliminary results of bid information to trade journals/builders' exchanges, prime contractors, subcontractors, and others upon request.	X	
Analyze the accepted bids, verify licenses, and prepare a spreadsheet that shows the lowest responsible bidder.	X	
Confirm bid information and seek references from apparent low bidder.	X	
Create draft for the "Notice of Intent to Award Contract."	X	
Issue the "Notice of Intent to Award."	X	
Receive bid protests (if any) until five (5) calendar days after Notice of Intent to Award.	X	
Draft the FHDA Board of Trustees agenda submittal that recommends award to the lowest responsible and responsive bidder, based upon input from BD.	X	
Submit Board Agenda Item in accordance with Board calendar requirements.	X	
Draft Notice of Award letter to successful bidder and the related "Contract Agreement."	X	

Gilbane Building Co./Maas Companies (GBMC) Checklist for Bidding and Award Procedure Responsibilities:

Task / Activity	District Purchasing Services	GBMC
Issue the FHDA standard "Notice of Award" letter signed by the District Purchasing Director, which includes the request for payment bond, performance bond, certificates of insurance, and three FHDA standard Contract Agreement to the successful bidder after BOT approval of the contract.	X	
Receive signed contractor documents (i.e., Contract Agreement, payment bond, performance bond, certificates of insurance, etc.) by the date designated in the Notice of Award letter.	X	
Meet with Risk Manager to review bonds and insurance and to obtain Risk Management sign-off.	X	
Draft and issue the "Notice to Proceed" letter to contractor, copy BD and GBMC.	X	
Create, encumber and distribute Purchase Order.	X	

**Foothill-DeAnza Community College District (“District”)
Bidding and Award Procedure with Gilbane for Public Projects,
including Construction, Repairs, or Remodeling,
which cost \$15,000 or more [Gilbane Version 10/11/12, Page 1 of 4]**

NOTE: FOR PROJECT PLANNING PURPOSES, SCHEDULE STEPS 2 & 3 APPROX. 50 FHDA BUSINESS DAYS (10 WEEKS) BEFORE THE DESIRED NOTICE TO PROCEED DATE

Responsible Party	ACTION
Gilbane	1. Requests Bid Number and draft Bid Calendar from District Purchasing Services.
Gilbane	2. Submits Purchase Requisition in Banner for approval. Includes Measure C FOAPAL, engineer’s estimate, project number, project title, and name of responsible Gilbane representative.
Gilbane	3. Submits proposed final version of bid documents (Division 1 – 16 and drawings) to District Bond Director (BD) for review at least 2 weeks before desired bid advertisement date.
District BD	4. Collaborates with Gilbane as needed to create a mutually acceptable draft of bid documents. ¹ Ensures the license classification legally required to bid and perform the project is accurately stated in the bid documents. Modifies Special Conditions to meet the project needs.
District Purchasing Services/BD/Gilbane	5. Submits hard copy of approved draft bid documents ² as well as a soft copy to District Purchasing for review.
District Purchasing Services	6. Creates and maintains District bid file for the project.
District Purchasing Services	7. Finalizes bid calendar based upon actual delivery dates of bid documents. Distributes to Gilbane.
District Purchasing Services	8. Reviews draft bid documents, especially special conditions, bid proposal form, determination of apparent low bidder, PSA language, or equal language, alternates, allowances, and unit pricing to ensure clarity and compliance with applicable laws and policies.
District Purchasing Services	9. Collaborates with District BD to gain mutual agreement about necessary changes to the draft bid documents.
District Purchasing Services	10. Edits Div. 0 and Div. 1 of bid documents. Incorporates final bid calendar dates. Ensures that pagination is logical and accurate.
District Purchasing Services	11. Notifies Gilbane that documents have been reviewed and modified and can be picked up for reproduction.
Gilbane	12. Burns CD of District-approved Div. 0 & Div. 1 (“Project Manual”), Div. 2-16 (“Technical Specifications Manual”) and drawings or sends to print shop and instructs print shop to deliver the requested quantity by a specific date to Gilbane office.
District Purchasing Services	13. Creates legal advertisement, submits to appropriate newspaper, and provides a copy of the ad to Gilbane. Publishes ad at least once per week for two weeks per Education Code 81641. Ad must state where a contractor can obtain documents, date, time, and place of any mandatory pre-bid meeting or job walk, as well as when and where bids will be received and opened. The second publishing of the ad must occur at least five (5) FHDA business days prior to the scheduled date for any mandatory meetings or job walks.

¹ The technical specifications must comply with Public Contract Code 3400 regarding brand names, equals, and substitutions.

² Refers to Divisions 0 and 1 plus amendments and addenda unless otherwise required by District Purchasing for the particular project. Gilbane and District BD ensure that language in other Divisions does not conflict with Divisions 0 and 1 and that technical specifications are DSA-approved if mandated by law prior to the bid advertisement date.

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NOTE: FOR PROJECT PLANNING PURPOSES, SCHEDULE STEPS 2 & 3 APPROX. 50 FHDA BUSINESS DAYS (10 WEEKS) BEFORE THE DESIRED NOTICE TO PROCEED DATE

Responsible Party	ACTION
District Purchasing Services	14. Creates “Notice to Contractors Calling for Bids” document.
District Purchasing Services	15. E-mails/Faxes “Legal Advertisement” to FHDA’s nine (9) SF Bay Area trade journals/builders’ exchanges, posts on Bidnet, and notifies Scarth Lyons of PSA projects after legal ad first appears and copies of the final bid documents are available for distribution.
Gilbane	16. Provides a list of potential bidders to Purchasing Services to notify and encourage them to bid for specialty projects.
Gilbane	17. Provides Bid Documents to FHDA’s nine (9) SF Bay Area trade journals/builders’ exchanges, District and college stakeholders, the architect, and all prospective bidders upon request. Provides full set of hard copy bid documents to District Purchasing Services.
Gilbane	18. Maintains official plan holders list that (a) includes the company names, mailing addresses, fax numbers, and contact persons for the contractors that obtained the documents from the District/Gilbane <i>and</i> that (b) includes the same information for all contractors who attended the mandatory job walk (when applicable). ³
Gilbane	19. Assists District Purchasing Services by scheduling conference room, inviting appropriate District & consultant representatives to pre-bid job walk(s) in accordance with the bid documents, the bid calendar, and the legal ad.
District Purchasing Services	20. Conducts pre-bid/job walk with Gilbane Project Engineer. Creates a sign-in sheet of pre-bid/job walk attendees to be maintained in the District’s Bid File. District Purchasing Services will inform participants of PSA requirements, if applicable.
District Purchasing Services	21. Makes available a copy of completed pre-bid/job walk sign-in sheet to all attendees and to Gilbane.
District Purchasing Services	22. Receives written questions from bidders for at least 3 business days after the pre-bid meeting/job walk in accordance with the “Contacts/Project Identification” section of the Division 0 bid documents.
District Purchasing and District BD	23. Reviews written questions and develops draft of bid document amendment. Obtains answers from Gilbane, architect, legal counsel, and campus as appropriate. The amendment may clarify or revise technical specifications; architectural addenda; District instructions, terms, and conditions; and/or other bid document content.
District Purchasing Services	24. Draft(s) the proposed bid document amendment(s) and references each page and paragraph to be changed. References attached drawings or architectural addenda if applicable.
District Purchasing Services	25. Reviews content of draft amendment with District Bond Director (BD). Makes revisions as agreed with District BD. District BD and District Purchasing agree to the finalized amendment. Purchasing sends the finalized amendment to Gilbane for distribution.

³ Since they are public documents, any citizen is entitled to a copy of the bid document upon request, but the District is entitled to charge requestors its cost for making such copies.

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Responsible Party	ACTION
Gilbane	26. Distributes each District-approved sequentially numbered bid document amendment ⁴ upon authorization from District Purchasing Services. Issues the amendment to all prospective bidders on the plan holders list except those, if applicable, who have failed to attend <u>mandatory</u> pre-bid meetings and/or <u>mandatory</u> job walks. Also provides bid amendment to FHDA’s nine (9) SF Bay Area trade journals/builders’ exchanges. Maintains a copy of the amendment distribution list and verification of receipt.
District Purchasing Services	27. Maintains a copy of each bid document amendment in the appropriate District bid file.
District Purchasing Services	28. Receives and opens bids ⁵ on the date and at the time and place published in the bid documents. Bids submitted without the bid security required by California Public Contract Code 20111 shall be rejected. Retains originals of all bids.
District Purchasing Services	29. Faxes bid opening results <i>as requested</i> to FHDA’s nine (9) SF Bay Area trade journals/builders’ exchanges, and to all others who request the information.
District Purchasing Services	30. Analyzes the accepted bids, verifies licenses, verifies bid security, and prepares a spreadsheet that shows the lowest responsible bidder. Calculates the lowest, responsible bid based upon criteria disclosed in the bid documents and reviews analysis and spreadsheet with the District’s Bond Director. Confirms bid pricing, listing of all subcontractors, and reference checks. Collects PSA documentation as required.
District Purchasing Services	31. Requests and obtains any required State authorization for such an award prior to Board of Trustees approval of a capital outlay contract. WHEN APPLICABLE.
District Purchasing Services	32. Confirms funding and budget with District BD.
District Purchasing Services	33. Faxes “Notice of Intent to Award Contract” letter (in compliance with Div. 0, “Instructions for Bidders”) to all companies who submitted bids. This opens a five-calendar-day window for bid protests to be filed with the District Purchasing Director. Responds to all letters of bid protest, claims of mistakes, requests for bid relief, and the like.
Gilbane	34. Writes Board of Trustees Agenda Submittal that recommends award to the lowest responsible and responsive bidder. Submits the agenda item on or before the deadline to the Chancellors Office.

⁴ Public Contract Code 4104.5 requires amendments to be issued at least 72 hours prior to bid closing date or the bid closing date must be extended at least 72 hours. FHDA prefers that bidders receive amendments at least three (3) business days prior to bid closing date.

⁵ If the project is subject to DSA requirements, bids must be based upon the DSA-approved specification, otherwise the Board of Trustees cannot legally award a contract.

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Responsible Party	ACTION
Board of Trustees	35. Authorizes award of a contract to the lowest responsible and responsive bidder.
District Purchasing Services	36. Drafts “Notice of Award” letter to successful bidder and the related “Contract Agreement” by modifying the form that was published in the bid documents. Distributes following Board of Trustees meeting.
District Purchasing Services	37. Notifies the successful bidder the FHDA standard “ ⁴ Notice of Award” letter signed by the District Purchasing Director. Includes the request for payment bond, performance bond, certificates of insurance, and three District standard Contract Agreement to be signed by the contractor.
Successful Bidder	38. Delivers signed contractor documents (i.e., Contract Agreement, payment bond, performance bond, and certificates of insurance) to District Purchasing Services by the date designated in the Notice of Award letter. (Note: If bidder fails to do so, District may ask the Board to approve award to next lowest bidder.)
District Purchasing Services	39. Reviews contractor’s documents. Meets with Risk Manager to review bonds and insurance and to obtain Risk Management sign-off. Obtains Purchasing Director’s signature on Contract Agreement.
District Purchasing Services	40. Writes Notice to Proceed letter and has it signed by the District’s Executive Director of Facilities and Construction Management. Sends a signed original of Notice to Proceed and a signed original of Contract Agreement to successful bidder. Adds signed copies of same to the Bid File. Sends signed copy of Notice to Proceed and signed copy of Contract Agreement to Gilbane.
District Purchasing Services	41. Creates and encumbers Purchase Order which references and incorporates associated bid documents, letters, and the Contract Agreement. Obtains Purchasing Director’s signature on PO. ⁶
District Purchasing Services	42. Distributes signed PO as follows: <ul style="list-style-type: none"> • Contractor’s photocopy PO to Contractor • Requestor pink PO to Gilbane • Purchasing white original PO to District Purchasing Services file • Accounts Payable yellow PO copy to District Accounting Services.
Gilbane	43. Instructs the contractor to reference the correct PO number on every associated invoice.
	-END-

⁶ PO creation is delayed if District and Gilbane Accounting do not provide correct account codes and sufficient funds.

Public Contract Code:

22002. (c) "Public project" means any of the following:

- (1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
- (2) Painting or repainting of any publicly owned, leased, or operated facility.
- (3) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

22002. (d) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

- (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
- (2) Minor repainting.
- (3) Resurfacing of streets and highways at less than one inch.
- (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- (5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

20651. (a) The governing board of any community college district shall let any contracts involving an expenditure of more than fifty thousand dollars (\$50,000) for any of the following:

- (1) The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district.
- (2) Services, except construction services.
- (3) Repairs, including maintenance as defined in Section 20656, that are not a public project as defined in subdivision (c) of Section 22002.

The **contract** shall be let to the lowest responsible bidder who shall give security as the board requires, or else reject all bids.

20651. (b) The governing board shall let any **contract** for a public project, as defined in subdivision (c) of Section 22002, involving an expenditure of fifteen thousand dollars (\$15,000) or more to the lowest responsible bidder who shall give security as the board requires, or else reject all bids. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:

- (1) Cash.
- (2) A cashier's check made payable to the community college district.
- (3) A certified check made payable to the community college district.
- (4) A bidder's bond executed by an admitted surety insurer, made payable to the community college district.

Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the district beyond 60 days from the time the award is made.

20651. (c) This section applies to all equipment, materials, or supplies, whether patented or otherwise. This section shall not apply to professional services or advice, insurance services, or any other purchase or service otherwise exempt from this section, or to any works done by day labor or by force account pursuant to Section 20655.

20651. (d) Commencing January 1, 1997, the Board of Governors of the California Community Colleges shall annually adjust the dollar amounts specified in subdivision (a) to reflect the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the prior fiscal year. The annual adjustments shall be rounded to the nearest one hundred dollars (\$100).

20655. (a) In each community college district, the governing board may make repairs, alterations, additions, or painting, repainting, or decorating upon school buildings, repair or build apparatus or equipment, make improvements on the school grounds, erect new buildings, and perform maintenance as defined in Section 20656 by day labor, or by force account, whenever the total number of hours on the job does not exceed 350 hours. Moreover, in any district whose number of full-time equivalent students is 15,000 or greater, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment, including painting or repainting, and perform maintenance, as defined in Section 20656, by day labor or by force account whenever the total number of hours on the job does not exceed 750 hours, or when the cost of materials does not exceed twenty-one thousand dollars (\$21,000).

20655. (b) For purposes of this section, day labor shall include the use of maintenance personnel employed on a permanent or temporary basis.

20657. It shall be unlawful to split or separate into smaller work orders or projects any work, project, service, or purchase for the purpose of evading the provisions of this article requiring contracting after competitive bidding. The district shall maintain job orders or similar records indicating the total cost expended on each project in accordance with the procedures established in the most recent edition of the California Community College Budget and Accounting Manual for a period of not less than three years after completion of the project. Informal bidding may be used on work, projects, services, or purchases that cost up to the limits set forth in this article. For the purpose of securing informal bids, the board shall publish annually in a newspaper of general circulation published in the district, or if there is no such newspaper, then in some newspaper in general circulation in the county, a notice inviting contractors to register to be notified of future informal bidding projects. All contractors included on the informal bidding list shall be given notice of all informal bid projects, in any manner as the district deems appropriate.

20659. If any change or alteration of a **contract** governed by the provisions of this article is ordered by the governing board of the community college district, such change or alteration shall be specified in writing and the cost agreed upon between the governing board and the contractor. The board may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of:

- (a) The amount specified in Section **20651** or 20655, whichever is applicable to the original **contract**; or
- (b) Ten percent of the original **contract** price.