

AP 6340.1 Contracts—Construction

Reference: ***Education Code Section 81641 et seq; 81550 et seq; 81800 et seq; Public Contract Code Section 20650 et seq; 22000 et seq; 3400, 20118.2; Government Code Section 4525, et seq; 12940; Labor Code Section 1775 et seq; Facilities Planning Manual for the California Community Colleges; GCCCD Board Policy 6330 and 6340***

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The Board of Governors of the California Community Colleges shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs related to floor areas.

The Vice Chancellor—~~Business Services~~ or designee shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.

The Vice Chancellor—~~Business Services~~ or designee shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Governing Board for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications and revised cost estimates, if any, will be submitted for approval to the State Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees.

As allowed under Public Contracts—Code Section 3400, when issuing bids for equipment and systems that will be installed into District buildings, if the District makes a finding that a particular material, product, thing, or service is designated by specific brand or trade name for the purpose of matching other products or systems in use on a particular public improvement either completed or in the course of completion or if the necessary material, product, thing, or service is only available from one source, the District is not required to use the words "or equal" in the bid specifications when calling out for said brand or trade name.

If certain products, brands, and services have been determined by the District to have standards for which no equal would be allowed due to standardization and compatibility with existing District systems, then the District will adopt resolutions specifying such products, brands, and services that can be called out in bid specifications by specific brand or trade name without using the words “or equal”. Such resolutions will be effective until a revision is made and then will be evaluated by a District committee and a recommendation will be made to the Governing Board to either re-adopt or discontinue the use of the designated products/brands.

As allowed under Public Contracts Code Section 20118.2, due to the highly specialized and unique nature of technology, telecommunications, related equipment, software, and services, and factors such as standardization and compatibility of existing systems, the District may procure computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through competitive negotiation rather than the formal bid process.

Competitive negotiation requires that a request for proposals shall be prepared and submitted to an adequate number of qualified sources, as determined by the District, to permit reasonable competition consistent with the nature and requirement of the procurement. The notice of request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.

The Governing Board of the District shall identify specific individuals with signatory authority for construction contracts and only those specific individuals can bind the District contractually.

The Governing Board of the District shall identify specific individuals with signatory authority for change orders to construction contracts and only those specific individuals can bind the District contractually.

All construction contracts and change orders regarding construction contracts must be presented to the Governing Board. The District will present new ~~contracts~~ projects to the Governing Board for permission to award and approval prior to signing of contracts; however, award of construction contracts and change orders will be presented to the Governing Board as ratification items.

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:

- Cash
- A cashier’s check made payable to the District
- A certified check made payable to the District
- A bidder’s bond executed by an admitted surety insurer, made payable to the District

The District may require each prospective bidder for construction contracts to complete and submit to the District a standardized questionnaire and financial statement in a form specified by the District, including a complete statement of the prospective bidder's financial ability and experience in performing public works contracts.

If the District requires prospective bidders to complete and submit questionnaires and financial statements as referenced above, the District shall adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements, in order to determine the size of the contracts upon which each bidder shall be deemed financially qualified to bid.

Professional services or advice related to construction contracts is exempt from the competitive bidding requirements as outlined in the [Education and Public Contract Government](#) Codes.

The District, solely at its discretion, may utilize the standards and procedures under the "Uniform Public Construction Cost Accounting Act", which provides an alternative method for the bidding of public works projects by public entities up to certain dollar limitations.

The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding. (See AP 6340 Bids and Contracts).