Purchasing

The objective of the purchasing program is to purchase from the lowest bidder considering each of the following requirements, and in accordance with the requirements of law:

A. Buy the proper product for the purpose required.
B. Have the product available when needed.
C. Buy in quantities appropriate for the rate of use.
D. Pay the lowest price obtainable for the quantity required.
E. Buy without favor or prejudice while considering the factors of quality and service, in addition to price.

The Purchasing and Material Management Department shall be guided in purchasing activities by applicable federal and state statutes, administrative codes, court decisions, legal opinions, policies of the Board of Trustees, and board-approved agreements. The Vice President, Business and Administrative Services, shall prepare written administrative procedures for the conduct of the purchasing, contracting and material management functions.

Purchases of materials, supplies, equipment, or services shall not be made from any employee of the district unless:

A. The employee or spouse of the employee owns less than three percent (3%) of the business.
B. The employee has no control or influence in initiating the order or in defining the specifications such as the quality, quantity, or timing of the purchase or performance of service.

The purchasing power of the district shall not be used to procure or to secure advantage in the purchase of any goods and services for employees, officers or any other individuals.
Recognizing that individual preferences have a high value to those requesting goods and services, nevertheless the Purchasing and Material Management Department has a duty to seek opportunities to standardize on items when there are significant benefits in cost, quality, value or maintenance.

When feasible, the Purchasing and Material Management Department will develop more than one source of supply to encourage competition, avoid charges of favoritism, and ensure deliveries.

**Business Diversity**

The district is committed to increasing the participation of minority-owned business enterprises (MBE), women-owned enterprises (WBE), and disabled-veteran-owned enterprises (DVBE) in the procurement activities of the college.

**Delegation of Authority**

The board through the superintendent/president delegates the authority to purchase on a ratification basis up to the current Public Code bid level as specified in Public Contract Code §§20651, et seq. to the Vice President, Business and Administrative Services, and/or the Director of Purchasing and Material Management.

Only the district superintendent/president, the Vice President, Business and Administrative Services, the Director of Purchasing and Material management, or other person as designated by board resolution shall be authorized to represent the district and to execute documents or agreements arising from the purchasing and contracting function.

**Bids and Advertising**

Every transaction between the district and a purveyor of supplies, equipment, or services exceeding the annually prescribed bid limit as stated in Public Contracts Code §20651 shall be formalized by advertising for bids or proposals, written specifications and a written agreement in a legally prescribed form. At the discretion of the Director of Purchasing and Material Management, the formal bid process may be waived if the interests of the district are best served by a contract, lease or purchase order issued through any other public agency or corporation in accordance with Public Contract Code §20652. An acknowledged purchase order may replace the written agreement at the discretion of the Director of Purchasing and Material Management.

All bids subject to competitive bidding shall be processed in a legally prescribed manner and shall remain sealed and unopened until the designated date and time of the bid opening.

Transactions involving public works projects, specifically with reference to work to be done in the aggregate amount of $15,000 or more for any and all goods and services involved in the project, shall be formally advertised and bid, and shall include written specifications, drawings (if any) and a written agreement in a legally prescribed form.
Some purchases do not legally require a formal bid process no matter what the dollar amount. Those types of purchases are usually for intangible professional services such as consulting, attorneys, architects, inspectors and engineers, products that must be congruent with existing technology or security systems, and software. For purchasing transactions not requiring a formal bid process as described above, the following procedures will be used at the discretion of the Director of Purchasing and Material Management:

A. When the first quote for supplies, equipment or services exceeds $25,000, written quotations shall be invited from a minimum of at least three vendors. Professional services may be exempted from this requirement by the Vice President, Business and Administrative Services.

B. When the first quote for supplies, equipment or services exceeds $10,000, telephone quotes shall be invited from a minimum of at least three vendors.

The above bid and quote amounts shall not apply to goods or services purchased through the San Diego County Purchasing Agent, purchasing agencies of the state of California or cooperative purchasing agreements with other school districts and/or public agencies or corporations.

Blanket Purchase Orders

Blanket purchase orders may be established with approval of the Vice President, Business and Administrative Services, or designee with vendors who frequently supply items whose purchase cannot be anticipated and stocked. The intent of using blanket orders is to allow more efficient procurement of those goods or services that constitute high volume, low-cost purchases.

Reimbursement for Purchases

Employees purchasing items for the district from their own funds and expecting to be reimbursed do so at their own risk. Reimbursement will be made only if in the normal purchasing sequence a purchase order would have been issued for the item or services purchased. Examples of why a reimbursement might not be allowed are (1) not an emergency; (2) unsuitable or unsafe for its intended usage; (3) not legally viable (e.g. a contractual obligation to purchase from another vendor); (4) insufficient budget funds; (5) could have been purchased at a significantly lower price from another source; (6) failure of the product to meet established district standards; and (7) repeated abuse or pattern of requests for reimbursement of unauthorized purchases.

Requests for reimbursement must be made by submitting a purchase request (B-148) accompanied by an itemized original receipt or other valid proof of payment from the vendor. The department chair or other appropriate budget manager and the Director of Purchasing and Material Management must approve the request. If the employee purchase is reimbursable, a Request for Payment will be issued and the employee will be reimbursed by commercial warrant.

In the event that the employee purchases food from a restaurant or other food service provider where the purchase would typically include the payment of a tip or gratuity, it is understood that a tip is a normal cost directly related to such service and should be treated as a collateral cost of providing meal services. To that end, the district will
approve the reimbursement of tips not to exceed the standard eighteen percent (18%) margin normally allocated for such service.

Procedures for Purchasers

The Director of Purchasing and Material Management shall be responsible for developing, disseminating and implementing purchasing and contracting procedures for employees to follow. Such procedures will be developed using a collegial process with a goal of combining simplicity and ease of use with the strict realities of the district’s fiduciary responsibility for the public funds entrusted to it. The procedures will be available in hard copy and electronically on the district’s Web site.

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

A. Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes.

B. Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.

The bid minimums are annually readjusted by the board as required by Public Contract Code §20651(d). The current bid minimum can be found at www.cde.ca.gov/fg/ac/co/.

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, and construction of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

Notice Calling for Formal Advertised Bids

The district shall publish at least once a week for two weeks in a newspaper of general circulation circulated within the district or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on district’s Web site or through an electronic portal, a notice calling for bids or proposals, stating the materials or supplies to be furnished and the time and place when bids will be opened.

Bid and contract forms shall be prepared and maintained by the Office of Purchasing and Material Management. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Director of Purchasing and Material Management shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.
All bid notices for work to be done shall contain an affirmative statement requiring compliance with California Labor Code §§1775 and 1776 governing payment of prevailing wages and California Labor Code §1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the district, any certified or cashier's check received shall be returned to the respective bidder.

The Director of Purchasing and Material Management shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

A deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

**Awarding of Bids and Contracts Awards**

The awarding of bids and contracts shall be subject to the following conditions:

A. Any and all bids and contract proposals may be rejected by the district for good and sufficient reason.

B. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.

C. Bid and contract award recommendations to the board shall show a tabulation of the bids received in reasonable detail.

D. Bid and contract awards shall be made to the lowest responsive and responsible bidder substantially meeting the requirements of the specifications. The district reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

**Purchase without Advertising for Bids**

The Director of Purchasing and Material Management is authorized to make purchases from firms holding public contracts without calling for bids where it appears advantageous to do so.

The Director of Purchasing and Material Management may, without advertising for bids within the same state, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Director of Purchasing and Material Management may make purchases through the State of California Cooperative Purchasing Program, operated by the Department of
General Services, and other public agency consortiums and/or cooperatives as appropriate.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the district are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, Director of Purchasing and Material Management may make a contract in behalf of the district for labor, materials and equipment without advertising for or inviting bids, subject to ratification by the board.

Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

Contracts

The district shall define “contract” to be a written agreement describing the mutual intent of the parties, the scope of work or product to be provided, the form and amount of consideration, and the requirement of mutual signatory acceptance of the parties. In accordance with Education Code §81655, all contracts must be either approved or ratified by the Board of Trustees.

All contracts valued at more than the current Public Code bid level will be presented to the board for prior approval. When bids are required, the board shall award each such contract to the lowest responsive and responsible bidder who meets the specifications published by the district and who shall give such security as the board requires, or reject all bids.

No matter what the expected dollar value of a contract for legal or public auditing services, such a contract will be presented to the board for prior approval, unless it is determined by the superintendent/president and the Vice President, Business and Administrative Services, that time is of the essence, and that the district’s best interests are best served by issuing a contract on an immediate basis. Any such contract issued under these circumstances shall be brought forward to the Board of Trustees for formal approval at the next board meeting.

Contracts valued at less than the current Public Code bid level specified in Public Contract Code §20651 et seq. may be presented to the board for ratification rather than prior to execution, with the ratification being accomplished no later than sixty (60) days after execution of the agreement by the Director of Purchasing and Material Management. A summary list of contracts to be ratified (including vendor name, purchase order number, and dollar value of the contract) shall be presented to the board as a consent item at each monthly business meeting. While a member of the board may request a copy of any contract from the superintendent/president, all contracts presented to the board for ratification shall be deemed to be fully executed
district commitments and may not be subsequently cancelled, withheld or amended unless determined by the Vice President, Business and Administrative Services, to be a legally unenforceable obligation.