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### III. Administrative Section

#### A. Procurement

##### 1. Contract Administration

The West Contra Costa Unified School District (WCCUSD) Contracts Team, under the Facilities and Operations Division, handles the procurement of quality goods, services, and construction from responsible vendors at the lowest cost or best value. The Contract Team's purpose is to ensure that the procurement of goods and services is conducted in accordance with the procedures set forth by the District's Board of Education, the California Public Contract Code (PCC), the California Education Code, other applicable laws of the State of California, and the District's internal control policies. Consistent with California Public Contract Code (PCC), the District solicits Invitations to Bid, Requests for Proposals (RFP), Requests for Qualifications (RFQ), and/or other formal methods of procurement for contracts that exceed bid limits.

The Contracts Team, with the Director of Contracts' oversight, determines the appropriate bidding method based on the estimated project cost. A bid summary form may be completed for public works projects to help determine the bidding method (formal or informal).

Contracts are required for procurement of all the following goods and services:

- Annual Service / Maintenance Agreements
- Professional Services (Architects, Engineers, Special Consultants)
- Licensing Services
- Facility Purchase
- General Construction Work (Contractor)

In addition, contracts are required for service work performed by any independent contractor. An independent contractor is defined as an individual who acts as a company in performing a service for or providing a tangible product to the District. Independent contractors are in business for themselves, and they are responsible for their own tax reporting to the IRS, providing a Social Security Number for tax identification in lieu of a Tax ID Number.

In accordance with Board Policy 3600, the District may require independent contractors to submit a written conflict of interest statement disclosing financial interests and shall determine the need or lack thereof for this conflict of interest statement before beginning the contracting process.

## 2. General Guidelines

### a. Purchasing Bid Limits and CUPCAA

PCC §20111 requires school districts to competitively bid and award any contracts over a certain expenditure level, which is adjusted annually for inflation, to the lowest responsible bidder. The State Superintendent of Public Instruction determines the bid threshold amount. For the year beginning January 1, 2020, the bid threshold amount was set at \$95,200. Contracts that are subject to competitive bidding include:

- Maintenance Repairs that are not considered public projects per PCC 22002(c)
- Equipment, Materials, or Supplies Lease or Purchase
- Non-Construction Services

Internal District procedures require the department Project Manager (PM) to solicit three (3) written quotes and document the companies contacted.

Information on the latest bidding thresholds can be found on the website of the California Department of Education's Office of Financial Accountability and Information Services at <https://www.cde.ca.gov/fg/ac/co/>

Construction and reconstruction projects have a bid threshold of \$15,000 that is not adjusted for inflation. However, an exception to the bid threshold amounts listed above is provided in PCC §22000-22045, which state that school districts may adopt the California Uniform Public Construction Cost Accounting Act (CUPCAA) procedures. These rules allow the districts that adopt them to increase the formal bid limits for their public projects. On May 20, 2009, the District's Board of Education passed Resolution #90-0809 to adopt CUPCAA's alternative bidding procedures. CUPCAA is a useful tool for the District because it raises informal quote thresholds, simplifies the informal quote process for small projects, reduces advertising costs, expedites the bidding processes, and increases the likelihood that bids are submitted by responsive, responsible contractors. CUPCAA allows the District to have a less formal bid process with appropriate guidelines and checks and balances in place.

The Act requires the California Uniform Construction Cost Accounting Commission to review bid limits every five (5) years. A legislative

amendment is necessary to make any change to the Act. Complete details and updates on CUPCCAA can be found on the Commission's website at [https://sco.ca.gov/ard\\_cuccac.html](https://sco.ca.gov/ard_cuccac.html). The most recent amendment was enacted with the passage of AB 2249 on August 20, 2018. As of January 1, 2019, the bid threshold limits are as follows:

**i. Negotiated Contract (Informal Quotes): up to \$60,000**

Contracting for construction services is exempt from bidding requirements; these projects are performed by negotiated contract.

- Under CUPCCAA, the District is required to create and maintain a list of qualified contractors, organized by category of work that they perform. Each year, the District is required to publicly invite licensed contractors to submit their name for inclusion on this list.
- Although the District may select a qualified contractor from this list for projects under \$60,000 without going through an informal or formal bid process, the District has established internal procedures that require Project Managers (PMs) / Departments to solicit informal quotes (at least three) for all projects.
- CUPCCAA contracts are prepared according to the Project Controls Thresholds Guide, attached in the Appendix as Item 2. As applicable, documents, contractor license certification, DIR registration, insurance, and bonds are required of all contractors doing work under these provisions. The Contracts Team drafts and prepares the Notice of Award (NOA), Contract Documents, and Notice to Proceed (NTP).

**ii. Informal Bid: greater than \$60,000 but less than \$200,000**

Contracts for construction services are awarded to the qualified contractor that submits the lowest informal bid through the informal bidding process, using the following process:

1. The Contracts Team sends a Notice of Invitation requesting informal bids to a list of specified trade journals at least ten (10) days prior to the informal bid closing date. The District must award the contract to the lowest responsive, responsible bidder. Note: The District also has the option to send the Notice of Invitation to the list of

qualified contractors; however, the District is not currently utilizing this method.

2. The Contracts Team prepares an informal bid package, which includes bid and contract forms and specifications / drawings.
3. CUPCCAA contracts are prepared according to the Project Controls Threshold Guide, attached in the Appendix as Item 2. All contractors doing work under these provisions are required to provide documents, contractor license certification, DIR registration, insurance, and bonds as applicable. The Contracts Team drafts and prepares the Notice of Award, Contract Documents and Notice to Proceed.

**iii. Formal Bid: greater than \$200,000**

Any contract for construction services may be subject to standard formal bidding procedures. All contracts that exceed the maximum threshold are subject to all formal bidding procedures.

The Contracts Team ensures that, when a contract must be competitively bid, the process adheres to a number of rules, regulations, and policies, including the following:

- The Board of Education must either award the contract to the lowest responsive, responsible bidder or reject all bids (PCC §22038). PCC §1103 defines a “responsible bidder” as one that has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract.
- For the purpose of securing bids, the District must publish a notice calling for bids at least once a week for two (2) weeks in a newspaper of general circulation published in the District or, if there is no such paper, then in a newspaper of general circulation published in the county (PCC §20112).
- The published notice must state the scope of work to be done or materials or supplies to be furnished, and the time and the place bids will be opened. Regardless of whether or not bids are opened at the exact time listed in the

public notice for opening bids, a bid shall not be received after that time (PCC §20112).

- The Board of Education can only award a contract to a "responsible bidder," i.e. a bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the public works contract (PCC §1103). Before rejecting the lowest bid on the basis that the bidder is not "responsible," the District's legal counsel is consulted to ensure that both substantive and procedural legal requirements are met.
- The Board of Education must reject bids that are "non-responsive," i.e. bids that do not comply with all statutory requirements or do not substantially conform to the notice calling for bids and the material requirements of the specifications. However, the Board of Education may either waive minor and non-substantive irregularities that do not provide a competitive advantage or reject bids that do not conform completely to the notice calling for bids and bid specifications. Before either rejecting the lowest bid on the basis that it is non-responsive or waiving any irregularities, legal counsel is consulted to ensure that both substantive and procedural legal requirements are met.
- Vendor must possess a valid contractor or business license and be registered with the Department of Industrial Relations (DIR).
- Contractors / Subcontractors whose bid price is equal to or greater than one-half of one percent (0.5%) of the total base bid amount must be listed as a part of the bid proposal (PCC §4100). When applicable, subcontractors that are required to be prequalified pursuant to PCC §20111.6 must also be listed as part of the bid proposal.
- Listed Contractors / Subcontractors can only be substituted under very specific circumstances, as permitted by the PCC, and with the District's written permission. Bid shopping is illegal and is not allowed by the District.

- It is unlawful to split bids into smaller contracts to avoid public competitive bidding requirements (PCC §§20116, 22033).
- Contractors on a public works project may provide an equal to materials, products, things, or services specified in the contract documents (PCC §3400).
- Specifications may designate by brand or trade name if the Board has made a finding based on the following:
  - (1) to conduct a field test or experiment of the product;
  - (2) to match existing products in use on the particular public work;
  - (3) to obtain a product that is only available from one source; or
  - (4) to respond to an emergency.
- On March 29, 2017, the District's Board of Education passed Resolution # 69-1617, which designated specific material(s), product(s), thing(s), or service(s) for use on Public Works contracts.
- Public Works contracts must be bid using prevailing wage rates.

The formal bidding process is described in further detail in Section III.B.2 Construction Bidding: Design-Bid-Build.

#### **b. Conflict of Interest Policy**

The District's Governing Board is charged with maintaining the highest level of ethical standards to ensure that decisions are made in the best interest of the District and the public, and also in accordance with all laws and regulations. To that end, the Board adopted Bylaw 9270 and its corresponding Appendix as a Conflict of Interest Code that incorporates all legal provisions. The purpose of this policy is to observe all state statutes regarding conflict of interest and to engage in District business activities in a manner that avoids conflicts of interest and/or the appearance of impropriety.

In addition, the District extends its code of ethics standards to all vendors who do business with the District. In the standard construction bidding requirements, contractors must provide a Non-Collusion Declaration with their bids. See Appendix Item 16 for a sample Non-Collusion Declaration.



For professional service providers, the RFQ/RFP process includes a certification of conflict of interest.

### **c. Contract Templates**

The District uses standardized contract document templates for all of their construction and professional services contracts. Any deviations from the approved contract templates requires approval by legal counsel.

District Legal Counsel will annually review the standard contract and amendment templates to implement any updates in regulatory requirements, as well as any recommendations that can strengthen the District's protections.

## **3. Construction**

### **a. Project Controls Thresholds Guide**

The Contracts Team has prepared a chart for use in determining the type of bidding process and required documents for the procurement of construction services at various contract value levels. These contract value amounts range from small to large, in accordance with CUPCAA bid limits. The Project Controls Thresholds Guide for Construction Services can be found in the Appendix as Item 2.

### **b. Delivery Methods**

There are several methods in which a building project is designed and constructed, each with its own considerations for cost, risk, and schedule. The types of project delivery methods in use by the District include:

#### **i. Design-Bid-Build**

This is the traditional method of delivering a construction project. There is a clear distinction between the design and construction phases of this building process. The architect is selected through an RFQ/P (Request for Qualifications and Proposal) process, and after the design documents are approved by the Division of the State Architect (DSA), the project is competitively bid. The Architect RFQ/P process is further described in Section III.B.4 Professional and Special Services Bidding, and the Design-Bid-Build contractor bidding process is further described in Section III.A.2.a Purchasing Bid Limits and CUPCAA and Section III.B.2 Construction: Design-Bid-Build.

One of the risks inherent in Design-Bid-Build projects is the potential for conflicts between the design documents and the constructability of the project. This almost always results in change orders that increase the cost of the project, potentially requiring a budget increase. In general, this process is best followed on more simple projects with smaller budgets that aren't subject to a strict schedule. A further discussion of the Design-Bid-Build construction process can be found in Section II.A.2.e Determine Project Delivery Method, Section II.A.4 Professional and Special Services Procurement, and Section II.B.2 Construction: Design-Bid-Build.

## **ii. Design-Build**

Under the Design-Build method, the architect and contractor work together as a team under one contract to deliver the project from start to finish. The Design-Build Entity (DBE), usually a partnership between an architect firm and a general contractor, is selected via an RFQ/P process that is further described in Section III.B.3 Construction: Design-Build.

This approach requires the owner to have determined the project requirements before design, and they can establish a firm maximum price for the project with a significant amount of cost control. A further discussion of the Design-Build construction process can be found in Section II.A.2.e Determine Project Delivery Method, Section II.A.3 Design-Build Projects, and Section II.B.1 Design-Build Management.

## **c. Bid and Award**

All contracts for construction, professional services, equipment, materials, and supplies that meet the state-mandated limits for competitive bidding must go through a public competitive selection. This selection process, which may be formal or informal, must be completed and thoroughly documented for presentation to the Board. Award of the contract to the selected vendor must be documented in the Minutes of the Board meeting.

The bidding process for each type of contract is described in more detail in Section III.A.2.a Purchasing Bid Limits and CUPCCAA and Section III.B Bidding.

#### **4. Professional and Special Services**

Architectural and professional services providers are subject to a fair and competitive selection process, and special services providers may be as well. Responses to the District's Request for Qualifications (RFQ), followed by their Request for Proposals (RFP) are thoroughly reviewed and evaluated. The comprehensive evaluation of each firm's qualifications is thoroughly documented, and the selection of the designed firm is specifically justified.

All of this documentation reflecting the District's due diligence involved in selecting the service provider is to be retained in the project file. The process by which the vendor was determined must be thoroughly documented in the Board précis. Award of the contract to the selected vendor must be documented in the Minutes of the Board meeting.

The RFQ/P process for Architects, Professional and Special Service providers is described in more detail in Section III.B.4 Professional and Special Services Bidding.

There is an exemption to the competitive selection process for service providers. Without going to bid, Districts may contract with an entity to furnish "special services and advice" to the District in financial, economic, accounting, engineering, legal, or administrative matters. Any person so employed must be specially trained and experienced, and competent to perform those special services, as required by Government Code §53060. However, all "architectural and engineering services" as defined in Government Code §4529.10 must be procured pursuant to a fair, competitive selection process through a Request for Qualification / Proposal process.

##### **a. Proposal Approval Checklist**

The Proposal Approval Checklist Form (PACF), attached in the Appendix as Item 1, is used to document procurement transactions for approval, with the exception of change orders and check requests. This form requires District staff to diligently track each step in the procurement review process, including the review of professional services, and ensures that all required relevant documentation is included in the procurement package.

The instructions for completing the PACF are as follows:

i. Enter the following information in the fields provided:

- Site Name
- Project Name

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- Fund: enter the funding source(s)
- Project Number: for Fund 21 Bond program only, first 3 digits are the Site Code, next 5 digits are the Project Number, final 2 digits are the Phase (ex: 16510170-00)
- Vendor: enter the vendor number. Refer to Vendor listing under FOC drive:\Munis Vendor Info\Munis Vendor Listing MM.DD.YY (ex: 12679)
- Vendor Name: same as above
- Vendor Contact: vendor contact person's name
- Email: vendor contact person's email address
- Phone Number: vendor contact person's phone number
- Department: Department requesting proposal
- Account Code: Project Account code (ex: 10170-1651017000-97456190-200XSPV)
- Amount: Proposal Amount
- Department / Project Manager Signature: Proposal Initiator's signature
- Date: Signature Date
- % of work by Fiscal Year: if the project will be completed beyond current fiscal year, then enter the % of work performed for each fiscal year (July 1-June 30). Otherwise, enter 100% on the current fiscal year.
- Complete items 1 through 7 on the form as applicable.

ii. Engineering Approver shall review and approve the project.

iii. Contract Approver shall review and approve if the proposal meets all requirements.

iv. Fiscal Approver shall review and approve if the project is within the board approved budget. Funding availability will be checked.

v. Munis contract / requisition is created and funding allocated, if available. If the funding is **NOT** available, only the Munis contract / requisition number is created. The requisition remains in **HOLD** status until the funding is available. Once funding is available, the Munis contract / requisition entry is completed.

vi. The Munis contract / requisition is released to electronic workflow approval once the executed contract, the PWC (if required) and the executed PACF are attached.

### **b. Professional Services Agreements**

The District has created standard document templates for all Architectural and Professional Services contracts. The standard contracts are reviewed annually by legal counsel to ensure they incorporate any updates in regulatory requirements and offer the utmost protection for the District.

During the contract award process, any deviations from the standard contract terms and conditions requested by a professional services provider must be reviewed and approved by legal counsel.

The RFQ/RFP process for architects and other professional service providers is described in more detail in Section III.B.4 Professional and Special Services Bidding.

### **c. Additional Services**

From time to time, Professional Services contracts have to be amended, either because the scope or terms of services need revisions. In the cases where an amendment is required due to a change in staffing levels that increases cost, the District will review the increase and the individuals' qualifications against the cost of providing a District employee to perform that service. If there is no cost change, the District need only document the individuals' qualifications and District Approval. In any case, the District staff reviews and approves staffing levels and billing rates for every contract and amendment. Staffing levels are reviewed quarterly.

#### **i. Add Service Review and Approval Process**

The amendment process begins when the Director of Contracts or the Project Manager, as the case may be, receives a proposal from the service provider. After reviewing the proposal, a Proposal Approval Checklist Form (PACF) is prepared in the manner described in Section III.A.4.a Proposal Approval Checklist. A sample PACF is attached in the Appendix as Item 1.

The amendment requires review and approval from the entire Bond Controls Team (BCT). The package is first reviewed by Engineering, who approves the additional work for the project. Then, the package is routed to Contracts, who reviews and approves that the proposal meets all requirements. Lastly, Fiscal reviews and approves if the contract amendment amount is within the Board-approved budget. They also confirm funding

availability on the account code in Munis and generate a budget transfer if necessary.

#### **ii. Staffing Level Increases to Existing Prof. Services Contracts**

In the event that a professional services provider is requesting an add-service to increase staff above the levels approved in their existing contract, the Bond Controls Team (BCT) will evaluate such request against the department's staffing needs, which are reviewed quarterly. If the additional work cannot be performed by District staff, the BCT will prepare a Proposal Approval Checklist Form (PACF) for the add-service after thorough review of staffing levels and billing rates.

The firm requesting the increased staff will provide the same background information for each individual that was requested in the RFQ process, including:

- Statement of Qualifications (SOQ)
- Role
- Availability
- Hourly Rate

In the event that a professional services firm wishes to substitute staff members without incurring any additional cost, the senior representative will submit a request to the BCT with the name of the candidate, their qualifications, and the person or role being replaced. An email or other communication from the District that approves the substitution must be filed in the project file.

#### **iii. Add Service Documentation**

The Proposal Approval Checklist Form (PACF) is attached to the amendment package and reviewed first by Engineering, who approves the additional work for the project, then by Contracts, who reviews and approves that the proposal meets all requirements. Finally, Fiscal reviews and approves if the contract amendment amount is within the Board-approved budget, in addition to confirming funding availability on the account code in Munis and generating a budget transfer as necessary.

#### **iv. Add Services over \$50,000**

The Contracts Team creates the Contract Amendment and prepares the Engineering Approval Table for Professional Services Contracts which provides a summary of all prior amendments to

the vendor's contract for the Board to review. The Engineering Approval Table is attached in the Appendix as Item 10. The Contracts Team then summarizes the history and current changes to the vendor contract in the Board précis, including the Contract Amendment and Engineering Approval Table as attachments.

All documents are attached to the Proposal Approval Checklist Form (PACF), along with the proposal. The package is then reviewed by the Associate Superintendent of Operations, who adds the item to the Board Agenda. If the cumulative value of all amendments for the contract exceeds \$50,000, then the item requires Board approval. However, if the cumulative value of all amendments is less than \$50,000, then the item will be grouped with other similar amendments and presented to the Board as a ratification item within sixty (60) days, pursuant to Board Policy.

Once approved by the Board, the Contracts Team enters the amendment in Munis and attaches the executed PACF. After confirming that the vendor's insurance is still valid, the Contracts Team emails the agreement to the vendor.

When the signed agreement is received back from the vendor, the Contracts Team prepares the Professional Services Agreement Amendment Checklist (PACF), which is attached in the Appendix as Item 1, and creates a package that includes all relevant, required documents. The Contracts Approver reviews the package and signs the PACF to indicate review and approval of all required contract documents.

The package is then forwarded to the Associate Superintendent of Operations, who reviews and approves the contract amendment. The Contracts Team completes the process by emailing a fully executed copy of the Amendment to the vendor and filing the complete package of documents in the project record.

## **5. Goods and Material Purchases**

The purchase of equipment, materials, and supplies is governed by PCC §20111, which requires that the District competitively bid any contract involving an expenditure over the public bidding threshold as determined annually by the State Superintendent for Public Instruction. For more information about the current bid limit threshold, please see Section III.A.2.a Purchasing Bid Limits and CUPCCAA. For more information about the competitive bidding process, please see Section III.B.1 General Bidding Guidelines.

Exceptions to the competitive bidding requirements include the following:

**CMAS:** Ed Code §17595 and PCC §10299 provide that competitive bidding may be waived when purchasing materials, equipment, or supplies through the Department of General Services or utilizing its California Multiple Award Schedule (CMAS). California Multiple Award Schedules are supplier agreements based upon an existing Federal GSA or other approved multiple award contracts. CMAS offers a wide variety of commodity and information technology products at prices that have been assessed to be fair, reasonable, and competitive.

**Piggyback Bids:** PCC §20118 provides that competitive bidding may be waived by proper arrangement with another public agency to purchase or lease materials, supplies, equipment, vehicles, and other personal property where the purchasing agency has complied with its own applicable statutes. This is known as “piggybacking,” and works by using the pricing from a “piggyback contract”—a contract held by another school district or public agency—in the absence of additional public bidding. The originating district must follow formal bid procedures and other piggyback procedures. Piggybacking reduces the cost of procurement and often provides lower prices than a single jurisdiction would be able to obtain. A piggyback contract generally cannot include any “public work”. The piggybacking district must meet the bid requirements, including bonds, insurance, and new contract(s).

For purchases below the bid threshold, the District requires the department Project Manager (PM) to solicit three (3) written quotes. The PM completes the Proposal Approval Checklist Form (PACF), which is attached as Appendix Item 1 and referenced in Section III.A.4.a Purchasing Bid Limits and CUPCCAA above. The process continues in the same manner as described above through Section (vii).

## **6. Fraud Prevention**

### **a. Controls**

The District’s Fraud Prevention policy is governed by Board Policy 3400. Board members, District employees, vendors, consultants, contractors, and all other parties who do business with the District are expected to act with integrity and due diligence in dealing with the District’s assets and financial resources. The District has established internal controls to prevent and detect any irregularities or financial impropriety in its day to day business operations. These controls may include, but are not limited to, segregating employee duties relating to authorization, custody of assets, and recording or reporting of transactions. Detailed, written job descriptions explain the segregation of functions between employees.



District staff are also provided continuous in-service training on the importance of fraud prevention.

In addition to these control methods, the District has established policies and procedures for all procurement activities that meet the requirements of Public Contract Code, the Department of Education Code, CUPCCAA and all other regulatory agencies. Through use of the Proposal Approval Checklist Form (PACF), as documented in Section III.A.4.a Proposal Approval Checklist, the District ensures that all procurement transactions are reviewed and approved by every member of the Bond Controls Team (BCT) before the transaction is finalized.

#### **b. Deviations**

District employees are expected to be on alert for any indication of fraud, irregularity, or financial impropriety within their area of responsibility. Any incidences of known or potential wrongdoing that impact the District shall be immediately reported to the employee's supervisor and/or the Superintendent or designee. The District has also established a fraud hotline through WeTip, which is available 24/7 for employees and members of the Community to anonymously communicate any concerns. The Fraud Hotline phone number is **1-800-US FRAUD** and is featured on the District website at <https://www.wccusd.net/Page/8140>.

The Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the district's auditors, law enforcement agencies, and/or other governmental entities as appropriate.

### **B. Bidding**

#### **1. General Guidelines**

Procurement of all goods and services by the District is conducted in accordance with the procedures set forth by the Board of Education, the California Public Contract Code (PCC), the California Education Code, and other applicable laws of the State of California and the District's internal control policies. Consistent with the California Public Contract Code, the District solicits Invitations to Bid, Requests for Proposals (RFP), Requests for Qualifications (RFQ), or other formal methods of procurement for contracts exceeding bid limits.

### **a. Purchasing Bid Limits and CUPCCAA**

PCC §20111 requires school districts to competitively bid and award any contracts over a certain expenditure level, adjusted annually for inflation, to the lowest responsible bidder. Each year, the State Superintendent of Public Instruction will determine the bid threshold amount. For the year beginning January 1, 2020, the bid threshold amount was set at \$95,200.

An exception to the bid threshold amounts listed above is provided in PCC §22000-22045 which state that a District may adopt the California Uniform Public Construction Cost Accounting Act (CUPCCAA) procedures. These rules effectively allow Districts that adopt them to increase the formal bid limits for their public projects. On May 20, 2009, the District's Board of Education passed Resolution #90-0809 to adopt CUPCCAA's alternative bidding procedures.

The Purchasing Bid Limit and CUPCCAA rules and regulations are explained in greater detail in Section III.A.2.a Purchasing Bid Limits and CUPCCAA.

### **b. Project Controls Thresholds Guide**

The Contract Administration Team uses a chart, which is known as the Project Controls Thresholds Guide or the Construction Services Contract Value Threshold chart, based on information supplied by the Engineering and Project Teams. This chart helps determine the bidding process and required documents for procurement of construction services at various contract value levels. These contract value amounts range from small to large, in accordance with CUPCCAA bid limits. The Project Controls Thresholds Guide can be found in the Appendix as Item 2.

The Bond Controls Team (BCT) determines the appropriate bidding method based on the estimated project cost. A Bid Coordination and Schedule Checklist, attached in the Appendix as Item 3, is sometimes completed for public works projects to help outline the bidding milestone dates.

## **2. Construction: Design-Bid-Build**

Step-by-step workflow diagrams for the informal and formal bid processes are under review and will be included in the final Appendix. The procedures described below are summarized from those workflows and District contract documentation, which will govern in case of any discrepancy.

#### **a. Project Labor Agreement**

The District has had a Project Labor Agreement (PLA) in place since 2003. The purpose of a PLA is to establish the terms and conditions under which contractors who successfully bid on projects are expected to perform in order to complete the project in a safe, efficient and speedy manner. The agreement may include provisions to prevent any work stoppages, promote a harmonious work environment between labor and management, and ensure the payment of a Prevailing Wage rate. The District's PLA is attached in the Appendix as Item 10.

The PLA applies to all construction work, including demolition, site preparation, alteration and repair work, and any related change order work. Originally, the PLA applied to the projects listed on Attachment B to the agreement; however, there is a provision that allows the agreement to be extended to other projects. Contract documents for all bond-funded projects that cost \$1 million or more include an extension of the PLA to each project.

The terms and conditions of the PLA have been incorporated into the District's Div. 00 and 01 Front-End Construction Documents to enforce consistent application of the agreement's provisions. The PLA Implementation Specification (Document 00 80 00) describes how the District's Labor Coordinator, Employer's Advocate at (925) 930-0014, will assist the District in implementing the PLA throughout the Bidding, Pre-Construction and Construction phases. In addition, the Labor Coordinator will manage all Program inquiries and issues, Contractor verification, monitoring and enforcement of Program policies.

#### **b. Local Capacity Building Program (LCBP)**

The Board has expressed a strong desire to include local businesses in the planning and construction of Bond-funded programs. In fact, the Board stated the following as one of the purposes for entering into a PLA: "To the extent permitted by law, it is in the interest of the parties to this agreement to utilize resources available in the local area, including those provided by minority-owned, women-owned, small, disadvantaged and other businesses."

In order to provide economic opportunity for residents and businesses and stimulate local economic development, the District established a Local Capacity Building Program (LCBP). The intent was to further encourage and facilitate equal opportunities for local and small West Contra Costa County businesses who are interested in doing business

with the District and working on Bond-funded projects. The goals of the LCBP included the following:

- Increase number of West Contra Costa County businesses participating in all aspects of the District's construction projects and construction-related professional services;
- Alleviate unemployment and underemployment of West Contra Costa County community residents;
- Increase participation of under-utilized local businesses, otherwise qualified to participate in District construction projects;

In July 2014, SB 854 eliminated the requirement to use the labor compliance programs and shifted the cost and responsibility from school districts to the Department of Industrial Relations (DIR). Due to the legislative changes and considerable cost-savings, the District discontinued the Labor Compliance Program in June 2017. In an effort to continue to collect local capacity hiring statistics for the Board, the District has shifted the reporting responsibility to the contractor, who is required to provide copies of all certified payroll to the DIR.

In addition to certified payroll, contractors are required through contract documentation to provide the District with local hiring participation reports. Document 00 80 00 of the Front-End Documents, which applies to enforcement of the PLA, requires the contractors to demonstrate good faith in hiring local workers. However, Union rules and practices may sometimes supersede those requirements.

To reaffirm their commitment to the local community, the District has also required a plan for local outreach, including trade contractors, as part of the procurement plan for Design-Build projects. The contract language in the District's construction contracts includes a requirement for local participation outreach and engagement.

Prospective bidders can always view, print, or download plans and specifications on the District's Planroom, located at: <https://www.wccusdplanroom.com/>. The District maintains a dedicated computer terminal at the Facilities Operations Center (FOC), located at 1400 Marina Way South, Richmond, California; prospective bidders are welcome to use this terminal to view and download all contract documents free of charge.

In addition, the District will continue to encourage local participation through direct vendor outreach and solicitation.

### **c. Contractor Prequalification**

One of the mandatory provisions of CUPCCAA, as more fully described in Section III.A.2.a Procurement Purchasing Bid Limits and CUPCCAA and Section III.B.1.a Bidding Purchasing Bid Limits and CUPCCAA, is that the District must maintain a list of registered bidders for each calendar year. Each November, the District publishes a notice in various trade journals and publications, inviting all licensed contractors to submit information for inclusion on the District's annual list of qualified bidders. This notice requires contractors to provide the following information:

1. Company name
2. Contact name and mailing address
3. Contact phone number, fax number and email address
4. Type of work contractor is interested in performing
5. Type of work contractor is licensed to perform
6. Contractor's license class and number
7. Department of Industrial Relations (DIR) Registration Number

The CUPCCAA Contractor Registration Application and instructions for submission can be found on the District's website at:

<https://www.wccusd.net/Page/9049>.

The District will publish and update their CUPCCAA list of qualified bidders on the District's website at: <https://www.wccusd.net/Page/9049>.

A sample Prequalified Bidders List is attached in the Appendix as Item 4.

The District may include any contractor's name it desires on the contractors list but must include, at minimum, all contractors who have properly provided the District with the required information either during the calendar year in which the list is valid, or during November or December of the prior year. This list will automatically include all contractors who submitted one or more bids to the District during the prior year. A contractor may have their firm added to the bidders list at any time by providing the required information.

In addition to the registration requirements of CUPCCAA described above, PCC §20111.6 requires mandatory prequalification of all general contractors and MEP subcontractors on construction contracts with a projected value of \$1 million or more. This prequalification process applies to all electrical, mechanical and plumbing subcontractors with license types C4, C7, C10, C16, C20, C34, C36, C38, C42, C43, and C46.

For any project that meets this requirement, Documents 00 11 16 Invitation to Bid and 00 21 13 Instructions to Bidders describe the

mandatory prequalification requirements for the project. Contractors must submit a Prequalification Questionnaire for Prospective Bidders prior to submitting a bid or proposal on the project. This form can be found on the District's website at: <https://www.wccusd.net/Page/9049>.

Contractors must complete the application and submit it to the District at least ten (10) business days prior to the bid opening date. The District will publish in the final Addendum the list of prequalified general contractors and electrical, mechanical, and plumbing subcontractors who are eligible to bid at least five (5) days prior to bid opening.

Prequalification will place contractors on the District's Qualified Bidders list for a period of one calendar year.

Firms that are already prequalified with the District may renew their prequalification for an additional year by completing the Prequalification Questionnaire for Currently Prequalified Firms. Firms may renew annually for two (2) years; however, the renewal form may not be used if a firm originally prequalified more than three (3) years prior to the date of renewal. The District reserves the right to revoke, suspend, or rescind a contractor's prequalification status due to a change in status or the failure to update information.

#### **d. Front End Documents (Division 00 and 01)**

The Project Manual that is produced by the Architect includes the administrative, organizational, performance, and payment requirements from Division 00 and 01, which are known as the Front-End Documents. The rest of the manual contains a detailed description of the project scope in the Specifications Section. The District uses standard Division 00 and 01 documents, approved by Legal Counsel, for all projects. In general, Division 00 covers bidding requirements, and Division 01 covers the rules by which the project is expected to be managed.

Section 00 11 16 of the Front-End Documents includes the Invitation to Bid, which is the public notice that calls for bids from prequalified contractors. The Invitation to Bid is published in its entirety in a local newspaper of general circulation in the District (or the County, if there is no more local paper) at least once a week for two (2) weeks. Per PCC Section 20112, the published notice must state the scope of work to be done or materials or supplies to be furnished, and the time and place where bids will be opened. The Invitation to Bid includes this required information, as well as:

- Prequalification Requirements

- Bid Security Requirements
- Pre-Bid Conference Requirements
- Basis for Award

Section 00 21 13 of the Front-End Documents includes Instruction to Bidders, containing all of the documents, forms and information required for consideration of a bid. This document describes what is required of bidders, requirements for a successful bid and how to submit it, how to ask questions about the contract documents, how the lowest responsive, responsible bidder will be determined, how the contract will be awarded, how a bidder may submit a bid protest, and the bidder's responsibility.

#### **e. Bidding Schedule**

The District maintains a schedule of all upcoming public bidding opportunities on their website at <https://www.wccusd.net/Page/9048>. The schedule includes dates for each of the following:

- Drawing Availability
- First Bid Advertisement
- Second Bid Advertisement (one week later)
- Job Walk/s (one week apart if more than one)
- Final Addenda (published at least 72 hours prior to Bid Date)
- Bid Date

A sample Bid Schedule is attached in the Appendix as Item 5.

#### **f. Bid Advertisement**

The Invitation to Bidders is published in a generally circulated newspaper once a week for two (2) weeks, approximately five (5) weeks prior to the designated Bid Date. This notice includes the scope of work to be done, or materials or supplies to be furnished, the dates of one or more job walks, and the time and place bids will be opened.

#### **i. Proof of Publishing**

Proof of publication of the Invitation to Bid must be retained in the central program bidding files as part of the complete bid package and filed in the project file.

#### **g. Pre-Bid Job Walk/Meeting**

Depending on the scope and anticipated cost of the project, the District may choose to offer one or more Pre-Bid Conferences or Job Walks for bidders. The District may also determine that attendance at one of the



meetings is mandatory for potential bidders. Attendees will be required to sign in on a Job Walk Attendance form which will constitute proof of attendance.

#### **h. RFIs for Clarification**

If potential bidders have any questions about anything specific in the Contract Documents prior to bidding, they are required to submit the Pre Bid RFI Form, attached as Appendix Item 6, to the District's dedicated procurement email address: [facilities\\_procurement@wccusd.net](mailto:facilities_procurement@wccusd.net). The District will issue any interpretations or clarifications deemed necessary in writing as Addenda to all parties recorded by the District as having received the Contract Documents. Questions received less than seven (7) calendar days prior to the date for opening Bids may not be answered. Any other requests for clarification or questions will not be considered.

#### **i. Materials/Product Substitutions**

The District maintains a list of Standard Materials and Products for use in constructing and maintaining their facilities. The list can be found on the District's website at:

<https://www.wccusd.net/site/handlers/filedownload.ashx?moduleinstanceid=13545&dataid=20440&FileName=Material%20and%20Product%20Standards.pdf>.

The Contract Documents (or the Addenda) will specify all products and systems to be used in the construction of the project. Potential bidders may use the Product Substitution Request Form, to request a substitution at least seven (7) days prior to the bid date. Such requests must include all required documentation and show sufficient cause for the requested substitution, or they will be rejected. The Product Substitution Request Form is attached in the Appendix as Item 7.

All approved substitutions will be listed in the Addenda. Any rejection of a substitution request prior to the bid opening shall be conclusive, requiring Bidders to list only approved items. A bid shall be deemed non-responsive if it lists a product or manufacturer of a substitution that is not approved.

After Bid Award, the contractor may provide an equal to materials or products specified in the contract documents. However, pursuant to PCC 4300, specifications may be designated by brand or trade name if the Board has made a finding based on the following:

1. To conduct a field test or experiment of the product;



2. To match existing products in use on the particular facility;
3. To respond to an emergency;
4. To obtain a product that is only available from one source.

Sole-Source items are materials and products that must be manufactured by a single source to ensure safe, practical, and efficient construction as well as maintenance operations over the useful life of the facilities. On March 29, 2017, the Board passed Resolution # 69-1617, which designated specific materials and products for use on public works projects. A copy of the Resolution can be found on the District website at:

<https://www.wccusd.net/site/handlers/filedownload.ashx?moduleinstanceid=13545&dataid=20631&FileName=Resolution%2045-1516.pdf>

#### **j. Addenda**

After publication of the Project Manual, any modifications to parts of the Contract Documents, clarifications, or additional information will be communicated to potential bidders through the issuance of Addenda by the District. Bidders must acknowledge each Addendum in its Bid Form by number or the Bid may be considered non-responsive. Each Addendum shall be part of the Contract Documents and will be issued no later than seventy-two (72) hours prior to the Bid Date. A complete listing of Addenda for each Bid may be obtained from the District.

#### **k. Bid Day**

The date and time of the Bid Opening will be stated on the Invitation to Bid. Each Bidder shall ensure that the Bid:

- Is sealed and marked with name and address of the Bidder, the Project name and number, the bid number and bid package (if applicable), and the date for opening bids;
- Contains all documents as required therein; and
- Is submitted by the date and time shown in the Invitation to Bid

Sealed Bids will be received until the stated time at the Reception Desk located at the District's Facilities Operations Center, 1400 Marina Way South, Richmond, California. At or after that time, the Contracts Team will open the bids and read them aloud publicly. Any bid that is submitted after this time shall be non-responsive and returned to the bidder.

Bidders must supply all information required by each Bid Document. Bids must be full and complete. Bidders must complete and submit all of the

following documents:

- Bid Form: Bidders must submit their signed Bid Form and include an acknowledgement. Their Bid Price must be broken down and explained clearly in both alphanumeric and narrative form.
- Bid Bond or Other Security: Bidders must submit their Bid Form with cash, a cashier's check or a certified check payable to District, or a bid bond by an admitted surety insurer of not less than ten percent (10%) of their base Bid amount, including all additive alternates.
- Designated Subcontractors List: Bidders must submit with the Bid the Designated Subcontractors List for those subcontractors who will perform any portion of Work, including labor, rendering of service, or specially fabricating and installing a portion of the Work or improvement according to detailed drawings contained in the plans and specifications, in excess of one half of one percent (0.5%) of total Bid.
- Non-Collusion Declaration: Bidders shall submit the Non-Collusion Declaration as part of their Bids.

After Bids are submitted, the Contracts Team will review the DIR Registration and Contractor's License of the General Contractor and all listed Subcontractors, as well as the Prequalification Status of the General Contractor. The Contracts Team uses the Internal Tally Sheet, attached as Appendix Item 8, to track all of this information.

Additional sheets required to fully respond to requested information are permissible. Bidders shall not modify the Bid Form or qualify their Bids. Bidders shall not submit scanned, re-typed, word-processed, or otherwise recreated versions of the Bid Form or other District-provided documents.

The Board will award the bid to the lowest responsive, responsible bidder. Any bids that do not comply with all statutory requirements or do not include all documentation required in the Invitation to Bid and the material requirements of the specifications will be deemed "non-responsive" and must be rejected. Incomplete, inaccurate, or untrue responses or information provided by a Bidder in the Bid Proposal or any document accompanying the Bid Proposal shall be grounds for the District to reject such Bid as non-responsive. The District reserves the right in its sole discretion to reject any Bid as non-responsive as a result of any error or omission in the Bid.

Any claim by a Bidder of an error in their bid must be made in compliance

with PCC §5100.

The Contracts Team will review all bids for responsiveness and completeness to determine the lowest responsive, responsible Bidder and the next two (2) lowest bidders. These three bids will be listed on the External Tally Sheet (Appendix Item 9). The Contracts Team will post the bid results, External Tally Sheet, and full bid package of the apparent low bidder on the website here: <https://www.wccusd.net/Page/11710>.

**Posting these documents starts the bid protest period.** Lastly, the Contracts Team will email the Subcontractor List from the three (3) lowest bidders to all contractors who sign up to receive that information during the Bid Opening.

### **I. Protests**

Pursuant to Board Policy AR 3311, a bidder may protest a bid award if they believe that the award was inconsistent with Board policy, the bid's specifications, or was not in compliance with law. A bid protest by any Bidder regarding any other bid on a project must be submitted in writing to the District, before 5:00 p.m. of the fifth (5th) Business Day following the Notice of Bid Award. The protest must contain a complete statement of any and all bases for the protest, referring to the specific portions of all documents that form the bases for the protest. Further details can be found in Section 23 of the Instructions to Bidders Document 00 21 13.

The District reserves the right to reject any or all bids, including without limitation the right to reject any or all nonconforming, non-responsive, unbalanced, or conditional bids, to re-bid, and to reject the bid of any bidder if District believes that it would not be in the best interest of the District to make an award to that bidder. The District also reserves the right to waive inconsequential deviations not involving price, time, or changes in the Work.

The Superintendent or designee shall review the documents submitted with the bidder's protest and render a decision in writing within thirty (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 reasonable notice to the bidder of the time for Board consideration of the protest. The Board's decision shall be final.

### **m. Board Authorization**

At the conclusion of the Bid Protest Period, the Contracts Team will prepare a Proposal Approval Checklist Form (PACF) for the contract to the lowest responsive, responsible bidder and forward it to the Bond Controls Team for review and approval. A copy of the PACF is attached in the Appendix as Item 1.

The package is then returned to the Contracts Team, who will prepare a draft of the Board précis which will completely document the bidding process and the selection of the lowest, responsive, responsible bidder, as well as a draft of the Notice of Award. The Board précis is then routed for review and approval to the Bond Controls Team. The Contracts Approver will finalize the Board précis and forward the document, along with the appropriate backup documents, to the Associate Superintendent of Operations (ASO) for review and inclusion on the Board Agenda.

The selection of the contractor will be specifically stated in the Board minutes.

### **n. Notice of Award**

The Notice of Award (NOA) is Document 00 51 00 of the Front-End Documents and attached in the Appendix as Item 17. This document is issued to the selected contractor as confirmation that the contract was awarded by the Board, the Superintendent, or the Superintendent's designee and confirms the contract price. The Contracts Team prepares the Notice of Award.

The Assistant Superintendent of Operations will sign and date the NOA. The Contracts Team then emails the NOA and Contract Documents to the contractor, which begins the seven (7) calendar day period in which all of the following documentation must be provided:

- Agreement (two copies)
- Escrow of Bid Documentation
- Performance Bond
- Payment Bond
- Insurance Certificates and Endorsements
- Workers' Compensation Certification
- Prevailing Wage and Related Labor Requirements Certification
- Disabled Veterans' Business Enterprise Participation Certification

- Drug-Free Workplace Certification
- Tobacco-Free Environment Certification
- Hazardous Materials Certification
- Lead-Based Materials Certification
- Imported Materials Certification
- Criminal Background Investigation/Fingerprinting Certification
- Roofing Contract Financial Interest Certification
- Apprenticeship Resolution Compliance Certification
- Iran Contracting Act Certification
- Tuberculosis Clearance Certification
- W-9 Form

**o. Notice to Proceed**

When all of the contract documents have been received and signed by all parties, and the contract has been entered in Munis, the Contracts Team will prepare the Notice to Proceed (NTP) for signature by the Assistant Superintendent of Operations (ASO). The NTP is included in the Front-End Documents as Document 00 55 00 and attached in the Appendix as Item 18.

The Contracts Team will email the executed copy of the Contract Document, the NTP, and the Department of Industrial Relations (DIR) number for the project to the contractor. The NTP will establish the contract Commencement Date as well as the date for required Project Completion. The contractor has ten (10) calendar days following the date of the NTP to provide the following documentation:

- Contractor's preliminary schedule of construction;
- Contractor's preliminary schedule of submittals, including Shop Drawings, Product Data, and Samples submittals;
- Contractor's preliminary schedule of values for all of the Work;
- Contractor's preliminary Contractor's Safety Plan specifically adapted for the Project;
- A complete Subcontractors list, including the name, address, telephone number, facsimile number, California State Contractor's License number, classification, and monetary value of all Subcontracts.

### **3. Construction: Design-Build**

As described in Section III.A.3.b.ii Design-Build Procurement, the Design-Bid delivery method is a collaboration between the architect and builder, which are collectively known as the Design-Build Entity (DBE). The Design-Build contract covers the project from design through construction and closeout. Pursuant to Ed Code 17250.1-.55, the design-build procurement process requires a Request for Qualifications (RFQ) / Request for Proposals (RFP) procedure.

#### **a. RFQ/RFP Process for Selection of Design-Build Entity**

The Request for Qualifications (RFQ) process is slightly different with Design-Build Entities (DBEs) because of the nature of the contracts. Prospective DBEs are required to complete a Prequalification Questionnaire as well as a Statement of Qualifications (SOQ), which will be evaluated if the DBE meets the minimum requirements based on the Questionnaire.

As with other RFQ processes, the Contracts Team will publish a Request for Qualifications (RFQ) and manage any questions or requests for clarifications from prospective respondents. Any addenda will be published at least seventy-two (72) hours prior to the date that the RFQ package is due. The Contracts Team will also conduct a prequalification conference with the Project Team, if necessary.

After the RFQ due date, the Contracts Team will review the Prequalification Questionnaires together with the Project Team and award points based on the Prequalification Scoring Guide at the end of the Questionnaire. The Contracts Team will confirm the DIR registration of the DBEs, and the scores will be ranked on a tally sheet. Only those DBEs who meet the District's minimum score on the Questionnaire will proceed to the next step. The Project Team will evaluate the SOQs of the DBEs next and rank them on the tally sheet. The District may conduct interviews with any or all of the respondents, as necessary. At the end of this process, only those DBEs who meet the District's minimum requirements, and whose DIR registration is confirmed, will be invited to submit proposals for the project. The Contracts Team will notify all respondents of their prequalification status.

When the District's requirements for the Design-Build project have been finalized, the Contracts Team will publish the Request for Proposals (RFP) to the prequalified DBEs. During the pre-proposal period, the Contracts Team will manage any questions or requests for clarification. The Project Team will participate in a pre-proposal conference as necessary.

When the submittals have been received, the Contracts Team and the Project Team will evaluate the responses for thoroughness and completeness. The Project Team may also conduct interviews with any or all respondents as necessary. After an exhaustive review process, the Team will rank the DBEs and select a primary entity and a back-up entity in case the District is unable to successfully negotiate a contract with the selected DBE. The Contracts Team will notify all respondents of the chosen firm.

A workflow of the RFQ/RFP process for Design-Build contracts will be included in the final Appendix.

#### **b. Design-Build Contract**

As with all other types of agreements, the District uses a standard template for Design-Build contracts. The District includes a copy of the standard contract in the RFP package that is distributed to prequalified Design-Build Entities (DBEs), who must describe any desired modifications to the terms in their RFP submittal. Any deviations from the standard contract template, whether requested in the RFP submittal or during contract negotiations with the selected DBE, must be reviewed and approved by the District's Legal Counsel.

When the Design-Build contract has been finalized and approved with the selected DBE, the Associate Superintendent's confidential secretary will prepare a Proposal Approval Checklist Form (PACF), a copy of which is included in the Appendix as Item 1, with all appropriate backup. After the PACF receives Contracts approval, it is routed to Engineering for review and approval, and then to Fiscal, where the available funding and budget strings are confirmed prior to approval.

The package is then returned to the Contracts Team, who will prepare the précis for Board approval. The entire package then goes to the Associate Superintendent of Operations (ASO), who will review and approve the documentation before scheduling the contract award on the agenda for the next Board meeting.

After Board approval, the Contracts Team will draft the Notice of Award (NOA) for signature by the ASO. The Contracts Team will then email the NOA and contract to the selected DBE. Upon return receipt of the signed contract, the Contracts Team will fill out the contract checklist to confirm that all required documentation is received. When the package is complete, the Contracts Team will submit the package to the Contracts

Approver for review and approval. Lastly, the ASO will review the checklist and approve the contract.

When the contract has been created, released, and posted in Munis, the Contracts Team will mail an executed copy of the contract, a Notice to Proceed (NTP), and the project's DIR number to the selected firm. All procurement documentation related to the RFQ/RFP process must be filed in the central program files as well as the project files.

#### **4. Professional and Special Services**

Board Policy 3600 authorizes the use of consultants to provide professional advice or specialized technical services which aren't needed on a continual basis and can't be provided by staff due to limitations of time, experience, or knowledge. Such individuals, firms, or organizations may, as consultants, assist staff with decisions and/or project development related to financial, economic, accounting, legal, administrative, or other matters.

Government Code §53060 states that school districts and other public entities may contract with persons or firms who provide "special services and advice" to the District in financial, economic, engineering, accounting, legal, or administrative matters without going to bid. Any person so employed must be specially trained, experienced, and competent to perform the special services required. In addition, PCC §20111 (c) exempts from the public bidding requirement any professional services otherwise exempt from this section.

However, Government Code §4529.10 states that architectural and engineering services related to construction work do require a fair, competitive selection process. School districts generally comply with these requirements by using a Request for Qualifications (RFQ) process, followed by a Request for Proposals (RFP) process, described below. A discussion of the RFQ/RFP Process for Professional Services will be included in the final Appendix.

##### **a. Request for Qualifications**

The Contracts Team will prepare a Request for Qualifications (RFQ) to solicit credentials from a pool of service providers. The Contracts Team will publish the RFQ and manage the Request for Information (RFI) process during the period before Statements of Qualification (SOQs) are due. In response to any questions or clarifications, the Contracts Team will issue Addenda no later than seventy-two (72) hours before due date. The Contracts Team may schedule a pre-proposal meeting if necessary.



The RFQ will describe the services to be performed and the minimum qualifications required for consideration. The Statement of Qualifications (SOQ) submission package will include some or all of the following:

- Statement of Qualifications (SOQ): Description of activities and offices in California, including locations, employees, and a summary of firm's services.
- Professional Team: Identify the individual who will be the senior representative; discuss availability and summary of qualifications. Identify other individuals and support staff; note location and describe each person's role.
- Approach: Describe approach to performing services in detail.
- Key Considerations: Discuss any unique factors related to firm or strategy, and any challenges or issues that the District should consider.
- Financial Position
- Distinguishing Characteristics: How is your firm different from others? Summarize any points the District should take into consideration.
- Recent School District Experience: Select two (2) to four (4) recent and/or long-term assignments with school districts, including project type, delivery method, construction cost, and any other relevant information.
- Fee: Basis on which fee is determined, although the RFP process may request fee proposals to be submitted in a separate submission.
- References
- Legal Questions: conflict of interest statement, compliance statements, any bankruptcy or OSHA violation history, etc.

District staff will evaluate all SOQ packages for the following:

- Demonstrated understanding and responsiveness of RFQs.
- Qualifications and experience of persons named in SOQ.
- Financial strength and demonstrated commitment.
- References

The Contracts Team may request an interview or additional information from any firm prior to making any selection. District staff will evaluate SOQs using a set of uniform criteria to determine the firms that are well-qualified to perform the services on future projects at school sites throughout the District. District staff may select any firms that meet their

needs; fees are not the sole factor. All qualified firms or individuals shall be accorded equal opportunity for consultant contracts regardless of race, color, gender, national or ethnic origin, age, or disability.

The District may solicit SOQs from additional firms from time to time to include with the pool of prequalified firms. Any and all SOQs can be rejected if they are conditional or incomplete, or if there are any alterations or irregularities in the submission. In addition, the District may choose to reject any SOQ that it finds to be misleading or false.

The District will make a recommendation to the Board to designate the chosen firms as prequalified for their respective types of services; however, this does not constitute a specific project award. This action merely creates a pool of prequalified firms to receive future requests for proposals as the need for performance of the services arise.

When the final pool of qualified service providers has been determined, the Contracts Team will email the list to all those who submitted RFQs. This pool of service providers will then be eligible to participate in Requests for Proposals (RFP) for future services. The District will issue RFPs for Professional Services only to prequalified consultants as needed, and on a project-by-project basis. To that end, as a good business practice, the District maintains lists of prequalified architects, engineers, inspectors, testing services, etc. for a range of project sizes.

A discussion of the Request for Qualifications (RFQ) Process will be included in the final Appendix.

#### **b. Request for Proposals (RFP)**

Once the pool of qualified professional service providers has been established, the District may issue a Request for Proposals (RFP) for a specific scope of work. The main purpose of the RFP process is to allow for a comprehensive and competitive analysis of each qualified candidate based primarily on pricing considerations.

The Contracts Team will publish the RFP only to the professional service providers who prequalified in the RFQ process. A discussion of the RFP Process will be included in the final Appendix. In general, the RFP will include general information describing the project and/or the scope of services as well as a list of required information to be submitted in the proposal, including but not limited to:

- Letter of Interest: Brief statement of the firm's experiences, personnel, subconsultants, and what makes the firm a good fit to work with the District.
- Table of Contents
- Executive Summary: Outline of the firms' approach in providing the services and a brief summary of qualifications.
- Proposed Personnel: Key personnel who will provide the services. A definition of each individual's role and responsibilities, along with an outline of their experience.
- Narration of Services Offered by Firm:
  - Detailed Statement of Services
  - Proposed Schedule: Start/End and Duration
  - Firm Information:
    - History, Legal Entity
    - Philosophy of Work
    - Financial Resources and Insurance Coverage
    - Any Legal Claims
    - Letters of Reference
    - Commitment to Professional Staff Development
    - Total Number of Permanent Staff
  - Prior Relevant Experience: All Education clients for whom firm has provided similar services in the past five (5) years.
- Additional data related to firm's proposal
- Firm's current work commitments
- Compensation: Proposed fee for performance of services, as well as breakdown and explanation of the basis of the fee for each of the required tasks. Provide a current fee schedule for the types of services that the firm offers, along with any variations that the District may expect. Include any prospective markups on subconsultant fees and all other costs, fees, or charges anticipated to be part of the price to complete the services.

The RFP includes the standard form of Professional Services Agreement. The prospective firm must include in their response any comments or objections to the form. Any deviations from the template requested by the prospective consultant are reviewed by the Legal Department prior to entering into contract negotiations.

The Contracts Team will manage all clarifications and inquiries and will publish any addenda no later than seventy-two (72) hours prior to the

RFP due date. If necessary, the Contracts Approver will conduct a pre-proposal meeting.

District staff will open the proposals and review them for responsiveness and completeness. The Contracts Team may choose to interview some or all of the firms that submit proposals. Selection of one or more firms to perform the requested services will be based on an evaluation of qualifications and demonstrated competence, as well as a competitive analysis of pricing. The results will be emailed by the Contracts Team to those who submitted proposals.

Any protests to the RFP process must be submitted in writing to the District by the end of the third day following the date of notification that a firm has been selected. The Protest Statement must refer to specific portions of any documents that form the basis for the Protest, as well as any other points of reference. The name, address, and phone number of the person representing the protesting party must also be included. The protesting party must concurrently transmit a copy of the Protest and any attachments to all of the parties with a financial interest in the outcome of the Protest and all other firms who proposed or appear to have a reasonable prospect of receiving an award.

The District reserves the right to contract with any firm (or not to contract with any firm, as the case may be) responding to the RFP for all or any portion of the desired services, or to reject any proposal as non-responsive. The District makes no representation that participation in the RFQ/RFP process will lead to an award of any contract whatsoever.

Following the protest period, the Contracts Team will prepare a Board précis recommending the successful firm(s) to the Board for approval. This précis will include a description of the RFP process followed by the prequalified firms, the evaluation criteria by which the successful firm was selected, and the contract price for the desired services.

All documentation related to the procurement, evaluation, and selection of contract awards for professional services must be retained in the Bond Program's centralized filing system in accordance with District policy and all state laws and regulations. This includes the solicitation, all proposals received, and an overall proposal tally. In addition, the proposal and selection criteria for the consultant to whom the contract was awarded must be filed in the project file.

### **c. Request for Qualifications and Proposals (RFQ/P)**

When the District has a need for a defined scope of specialized services or has a short timeframe in which to procure those services, they may issue a Request for Proposals and Qualifications (RFQ/P), in which the respondent's qualifications and proposal are requested at the same time. The qualification requirements are similar to those required in the RFQ described above (Section III.B.4.a Request for Qualifications), and the pricing and proposed cost statements are similar to those required in the RFP described above (Section III.B.4.b Request for Proposals). The RFQ/P also includes the form of contract for review. The rest of the process is the same as for RFPs above. A discussion of the RFQ/P document will be included in the final Appendix.

### **d. Design and Architectural Services**

Per Government Code §4529.10, architectural and engineering services must be procured pursuant to a fair, competitive selection process through a Request for Qualifications (RFQ) / Request for Proposals (RFP) process, such as the one described above in the sections about Requests for Qualifications (RFQ) and Requests for Proposals (RFP), above.

#### **i. Pre-Qualified Architects**

The District will periodically issue an RFQ for Architectural Services in order to keep the pool of prequalified architects current. The District may also solicit Statements of Qualifications (SOQ) through an RFQ/RFP process such as the one described above from additional firms from time to time to add to the pool. Prequalified architects and engineers are grouped into tiers of project size based on their individual capabilities as determined by the District during the evaluation process.

#### **ii. OPSC Fee Schedule**

Requests for Proposals (RFPs) for Design Services require architecture firms to submit their proposals using the OPSC fee schedule as a basis for their fees. For any subconsultants who will be providing specialty services that may not fit within the OPSC fee schedule, the firms must include the basis for their fee structure so that it can be analyzed along with the firm's qualifications.

All of the rest of the provisions of the RFQ and RFP processes listed above are applicable in the procurement, evaluation, selection and Board approval of architects and engineers.

### **iii. Architectural Standard Contract**

As stated in Section III.A.2.c Contract Templates, the District maintains standard contract templates for all professional services, including architectural services. The template is reviewed annually by the Legal Department to ensure that all current state laws and regulations are incorporated, as well as any revisions that may be in the District's best interests. During the contract negotiation process with any prospective architecture firms, any deviations from the standard contract language will be reviewed and approved by the Legal Department prior to approval by the Board.

### **e. Inspector of Record (IOR)**

The Inspector of Record (IOR) is also a professional service provider that must go through an RFQ / RFP evaluation and selection process, as described above. The District will also maintain a pool of prequalified IORs who are eligible to bid on specific projects as they come up.

#### **i. IOR Standard Contract**

As stated in Section III.A.2.c Contract Templates, the District maintains standard contract templates for all professional services, including Inspector of Record (IOR). The template is reviewed annually by the Legal Department to ensure that all current state laws and regulations are incorporated, as well as any revisions that may be in the District's best interests. During the contract negotiation process with any prospective IOR firms, any deviations from the standard contract language will be reviewed and approved by the Legal Department prior to approval by the Board.

## **5. Contracts Exempt from Competitive Bidding**

### **a. Public Contract Code §10298 et. Seq – CMAS**

Education Code §17595 and PCC §10298 provide that competitive bidding may be waived when purchasing materials, equipment, or supplies through the Department of General Services or utilizing its California Multiple Award Schedule (CMAS). CMAS contracts are supplier

agreements based upon existing Federal GSA or other approved multiple award contracts, offering a wide variety of commodity and information technology products at prices that have been assessed to be fair, reasonable, and competitive.

The District will use CMAS contracts in cases where District staff has determined this to be the most cost-effective method of procurement. As authorized under PCC 10298, the District is not subject to a maximum order limit on CMAS; the regulation does not require that the District set such limits for using CMAS.

### **C. Board Authorization**

Board Policy AR3300 describes how the Board will oversee the District's purchase of goods and services to ensure that maximum value is received for money spent by the District and that records are kept in accordance with the law. The Board authorizes the Superintendent and designees to sign purchase orders and contracts of the District that are duly authorized (awarded) by the Board. The difference between ratification and authorization procedures is described below.

#### **1. Ratification**

The Superintendent and their designees, as agents for the Board, have been delegated a certain level of approval authority, up to which they authorized to enter into contracts or agreements. When those transactions are reported to the Board for ratification, they are confirmed to be legally binding under Board Policy. Ratification items are often grouped for convenience in the Board précis, and they are added to the Board Agenda as Consent Items.

#### **2. Authorization**

For any transaction that exceeds the Superintendent's delegated approval authority, the Board must:

- acknowledge that the transaction meets the needs of the District;
- indicate agreement with the proposal; and
- express approval for the procurement of the goods or services.

In this case, the Superintendent or designee will prepare a Board précis summarizing the item to be procured and the process by which the recommended item was selected. Each authorization item is added to the Board Agenda as a Consent Item.

### **3. Professional and Special Services**

The Superintendent and designees have delegated approval authority to execute Professional and Special Services agreements up to \$50,000 which would only require Board ratification. All agreements over \$50,000 must be awarded by the Board.

In the case of an Amendment to a Professional or Special Services agreement, if the original contract amount plus the amendment amount exceeds \$50,000, then the item requires Board Authorization. However, if the total amount is less than \$50,000, then the item can be grouped with other similar items for Board Ratification. Add-Service Amendments for Board Ratification are submitted every 60 days pursuant to Board Policy and Administrative Regulation 3300.

A sample Professional Services Ratification Board précis (also known as the Engineering Approval Table) is attached in the Appendix as Item 10.

### **4. Construction**

The Superintendent's delegated approval authority for approving construction contracts follows the CUPCCAA bid limits established under PCC §22000-22045 and described in Section III.A.2.a Purchasing Bid Limits and CUPCCAA.

#### **a. Contracts Under \$60,000**

All negotiated contracts up to \$60,000 will be grouped together with other similar items for Board Ratification and submitted every sixty (60) days. A sample Board précis listing CUPCCAA contracts for ratification is attached in the Appendix as Item 11.

#### **b. Contracts Over \$60,000**

All informal and formal bids exceeding \$60,000 require Board Approval on an individual basis. The Board précis will list all bids by bidder with their respective amounts, and identify the lowest responsive, responsible bidder to whom the contract should be awarded.

#### **c. Change Orders**

Change orders to existing approved construction contracts that do not exceed 10% (cumulative) of the original contract value may be submitted as a ratification item. A sample Board ratification précis listing a summary of Change Orders with their respective cumulative change percentages is attached in the Appendix as Item 12. Change orders that in the aggregate exceed 10% of the original contract value or \$250,000



require Board approval and a different précis, attached as Appendix Item 13.

## **5. Goods and Material Purchases**

The Superintendent's delegated approval authority for approving the purchases of goods and materials follows bid limits set by PCC §20111, as modified annually, and described in Section III.A.2.a Purchasing Bid Limits and CUPCCAA. All purchases under the bid limit may be authorized by the Superintendent and grouped monthly into a Board précis for ratification. Any purchases in an amount that require procurement under a competitive bidding process must be submitted to the Board for award.

## **D. Document Control**

The purpose of a Document Control System is to define which project-specific documents and information in various media and/or formats shall be categorized, filed, and maintained for easy retrieval throughout the life of the project. To ensure that projects are managed in an efficient, quality-conscious, and timely manner, all project-related documents must be easily identified, tracked, retrieved, and retained. Actions, Next Steps, and Approvals need to be tracked and logged in a clear, transparent, and accountable manner.

In addition to providing a complete record of the project, documentation must be retained and indexed for ease of locating specific information. In the event these Document Control provisions conflict with the project-specific construction contract documents, the provisions of the contract documents shall govern.

### **1. Centralized Filing System**

The Facility Operations Center (FOC) is the central repository for Project documents and is responsible for compliance with regulations requiring maintenance and access of project records and documentation relating to the expenditure of public funds. These records are part of the documentation required by law for permanent retention, potential audits and/or future litigation. The Facilities Procurement Group provides overall responsibility to the District to maintain the project archive files and electronic backup archives and provide digital flash drives for reference as required.

#### **a. Project Files**

The document control system tracks and organizes all documentation related to a specific Project. Immediately following the Contract Award for each project, the Contracts Team will create a complete set of indexed file folders in the District's File Room. At the same time, the Contracts Team will duplicate the file folder structure in the online

project folder structure on the District's Home Drive.

Project files for documents generated during construction will be set up per the File Index and maintained by the Construction Manager (CM) at the designated project site location or Bond Program office. The CM (or designated administrative staff) shall be responsible for determining the appropriate file index section for all documents, assigning file index numbers, and maintaining "hard copies" of the original documents or materials / media (or a duplicate / copy) in the project files. The CM or designated staff shall assign document control coding to each document, identifying the:

- Project Name
- Project Number

In addition, it is the CM's responsibility to ensure that all documents not otherwise captured in Colbi Docs, as described below, are filed on the District's Home Drive. The electronic document's name will follow the District's electronic document naming protocol, as follows: *Contract Number, Vendor Name, Location, Document Subject*.

#### **b. Program Files**

The Facility Operations Center (FOC) is also the central repository for all Program-related documents, which are required by law to be retained for permanent retention, potential audits, and/or future litigation. This includes all documentation related to managing the Program in general, including all bidding and procurement activities, whether specific to a project or not.

In addition, all project files containing documents generated prior to construction, during planning, design, and procurement will be maintained at the Bond Program office by the Facilities Procurement Group. This includes all documentation related to the RFQ and RFP processes for Architects and other Professional Services providers, as well as the Prequalification processes for all contractors interested in bidding on District projects.

## **2. District Planholder**

Contract documents for all bids will be made available to bidders through BPXpress, 4903 Central Avenue, Richmond, California, or they may be purchased from the District Facilities Office, 1400 Marina Way South, Richmond, California. The District will confirm the document price with BPXpress and publish it in the Invitation to Bid. Bidders may receive a refund if the documents are returned in

clean condition to the District Facilities Office no later than ten (10) calendar days from the bid opening date.

### **3. Online Planroom Kiosk and Archive**

BPXpress offers a public online Planroom for the District where prospective bidders can view, print or download plans and specifications 24 hours a day, 7 days a week, from anywhere in the world. The benefits to the District of this system include:

- Plan-Holders List and plan set distribution is handled by BPXpress
- Keeps track of the most current set of drawings and automatically marks previous drawings as old revisions
- Tracks who holds the current sets
- Rapid addenda notification
- Tracking system to guarantee receipt of addenda
- Ease of posting Bid Results, Pre-Bid Meeting information and Q&A
- Complete tracking system with the ability to prove why and when a particular change was made, in the event of potential litigation

The Planroom can be found at <https://www.wccusdplanroom.com/>. For the convenience of prospective bidders, the District's Facilities Operations Center located at 1400 Marina Way South, Richmond, California offers a dedicated computer terminal where prospective bidders can access the Planroom and view or download the contract documents online at no charge.

### **4. Colbi Docs**

#### **a. Description**

On May 8, 2019, the District approved a contract with Colbi Technologies for the implementation of Colbi Docs on all bond construction projects. Colbi Docs is an online construction document processing system which is replacing Primavera as the District's system for document control. All of the usual construction-related documents, including submittals, RFIs, punch lists, and change requests are organized, tracked, and preserved in the cloud-based system. In addition to simple file storage and retrieval, Colbi Docs will preserve every change and comment with easy access and version control.

The real benefit of the system, though, is Colbi's ability to customize workflow procedures and logs in the system to meet the needs of the District, project by project. With role-based security, documents are routed to the appropriate persons for processing and/or approvals. To maintain system integrity and accuracy, each document is tracked throughout the process and can only be viewed by those authorized to do so.

### **b. Procedure Workflow**

The workflow and order of steps for routing the following types of documents in Colbi Docs is still subject to determination by District, and this section will be updated to reflect the final determinations:

- Submittals
- RFIs
- Transmittals
- Change Requests

## **5. Transition of Documents**

The Director of Contracts is responsible for retaining all project-related documents for completed Projects. The process is structured to accept and process records from multiple sources and in multiple formats. When retrieval of original archived records or materials is necessary, and/or the required information is not available digitally, the materials can be requested from the Facilities Procurement Group by providing specific project information, i.e., Project Name, Date, Document No., drawing roll, drawing set, etc.

### **a. Project Team to District**

The Construction Manager (CM) must retain a copy of the information to identify which box or roll of drawings needs to be retrieved. The Facilities Procurement Group maintains a database that records the final storage location of records and other materials by specific search fields, i.e. project name, contract number, project number, box number, etc.

Upon completion of a project, the CM is responsible for transferring complete and accurate field-generated documents (other than those maintained in ColbiDocs which will be archived separately) into the master project file at the Facility Operations Center, or other location as required by the Facilities Procurement Group for archiving. Records transferred to Archives by the Construction Manager must contain all:

- Correspondence or project documents authored by the CM;
- Correspondence or project documents from outside of District addressed to the CM;
- Correspondence or project documents related to any activity for which CM has full or partial responsibility in overseeing or approving;
- Documentation related to activities in which CM has full or partial responsibility in the use of public funds

The CM is not responsible for documents on which they are simply copied. These

may, however, remain in files that are being transferred to the Archives.

The CM will transfer all project-related records to the Archives within thirty (30) days of Project Completion, in accordance with the Contract Closeout procedures described in Section II.B.2.b.xiv Contract Closeout Procedures.

Records will be organized in accordance with the Project File Index, which will be attached in the final Appendix.

Before shipping boxes, the Construction Manager will contact Facilities Procurement staff for approval and coordination. Unless otherwise directed, the boxes should be delivered to the Facilities Operations Center, 1400 Marina Way South, Richmond, CA 94804.

Correspondence or other documentation submitted after the Project files have been delivered to the Facilities Operations Center (and/or scanned) will be treated as “supplemental” submittals. Depending upon the volume to be submitted, the files will be placed in a box or folder as appropriate. Boxes and/or folders shall be labeled with project name, project number, contract number, and the next box number that continues the original numbering sequence labeled on the smallest ends of boxes.

#### **b. Archiving Electronic Files**

The Construction Manager (CM) shall be responsible for ensuring that all project documents, including all digital files (photographs, recordings, PDF's, etc.) are routinely scanned and filed on the District's Home Drive in project folders that mirror the District's Project File Index structure. As part of project closeout, the CM will be responsible for the following:

- All e-mails on the Construction Manager's server shall be copied into an Outlook Folder established for each Project — with subfolders reflecting the Project File Index;
- Ensure that any and all project-related electronic files that may reside on the CM's shared network drive are transferred to the District's Home Drive in the appropriate Project File Index folders;
- Record Documents (As-Built drawings) from the Contractor shall be archived in electronic format approved by the District.

When the project is complete, Colbi Technologies will deliver a copy of all project documents in ColbiDocs to the District on a digital flash drive. In addition to the documents, Colbi will include a final log for each type of document in the system.

The CM will review the digital flash drive from Colbi for completeness and save the contents on the District's Home Drive along with the rest of the project documents. The digital flash drives will be retained in the project file archives.