

CHAPTER VII  
ARTICLE I  
CONTRACTING

**7100. BOARD RESPONSIBILITY FOR CONTRACTS. The Board of Trustees has the sole responsibility for all contracts obligating the District.**

- 7100.10 Delegation of Authority to Enter Into and Amend Contracts. When such transactions do not exceed the dollar limits established in the Education Code or other laws pertaining to the taking of competitive bids, the Chancellor, or the Senior Vice Chancellor, the Executive Director of Facilities Planning & Development, the Director of Business Services and the Director of Facilities Planning & Development, and such additional positions or individuals which have been authorized by the Board of Trustees, may:
- a. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any limitations or requirements set forth therein.
  - b. Amend the terms and conditions of any contractual arrangement provided that the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable state or federal law.
  - c. Agree to binding arbitration if the Chancellor, Senior Vice Chancellor, Executive Director of Facilities Planning & Development, or Director of Business Services determines that it is an appropriate business decision to do so.
  - d. Delegation Authority: Effective December 1, 2000, except for contracts funded by the proceeds of the bond issues authorized by Proposition A on the April 10, 2001, election ballot, the Chancellor shall have the authority to delegate contracts which do not require formal, competitive bidding to College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting or day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence. Any such delegation shall be in writing. The Chancellor shall issue regulations for such delegation and its implementation.

EC 72287,81640, 81644, 81655, 81656, 81658

Adopted or Restored 09-24-80  
Amended 12-16-89  
Amended 09-20-00  
Amended 08-03-05  
Amended 09-05-01  
Amended 08-03-05  
Amended 03-07-12

- e. Effective October 1, 2001, the Chancellor shall have the authority to issue purchasing cards to District employees for the purpose of buying low-value materials, supplies and services, including business travel-related items. The Chancellor may delegate to the College Presidents, Senior Vice Chancellor and Executive Director of Facilities Planning & Development the authority to (a) designate District employees under their control to be issued purchasing cards, and (b) establish spending limits and other controls on the use of such cards. The Chancellor shall issue regulations establishing the use of purchasing cards and the associated delegation of authority.
  
- f. In accordance with Education Code section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his or her authority may be disciplined. In addition, in accordance with Education Code section 81655, any such employee may be personally liable to the District for any and all moneys of the District paid as a result. District funds incurred as a result of such actions may be charged to the location which created the liability, as determined by the Chancellor or his designee.
  
- g. Effective March 8, 2012, the Executive Director of Facilities Planning and Development shall make future determinations of “substantial complexity” for purposes of allowing retention proceeds in excess of five percent in accordance with Section 7201 of the Public Contract Code, which generally limits retention proceeds in public construction contracts to five percent of the total contract payment unless (1) the governing body or its designee approves a finding during a regular and properly noticed public meeting that the proposed project is “substantially complex” and requires a retention amount greater than five percent and (2) the public entity includes both the finding and the designated retention amount in the bid documents for the project.

Adopted or Restored 09-24-80  
 Amended 12-16-89  
 Amended 09-20-00  
 Amended 08-03-05  
 Amended 09-05-01  
 Amended 08-03-05  
 Amended 03-07-12

7100.11 Emergency Contracts. In an emergency, as defined by the Education Code, a contract may be awarded on behalf of the District by the Chancellor, or designee, the Vice Chancellor of Business Services, or designee, for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. Such contracts shall be reported to the Board of Trustees at the earliest possible date and in all circumstances within thirty (30) days after issuance.

EC 81648, 81656

Adopted or Restored 09-24-80  
Amended 12-16-81  
Amended 09-20-00

7100.12 Non-Discrimination. Any contractor performing work or providing services for the Los Angeles Community College District must certify that there is no discrimination in the contractor's hiring or employment practices because of sex, race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, or sexual orientation, except as provided for in section 12940 of the Government Code. All contractors must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment and Housing Act beginning with sections 12900 of the California Government Code. In addition, the contractor must agree to require compliance by all subcontractors employed on the work by him/her.

When working for the District, contractors and their subcontractors who employ workers in any apprenticeable craft or trade, and who refer apprentices to the Los Angeles Community College District for enrollment, are subject to the provisions of the California Apprenticeship Law, the California Plan in Apprenticeship and the Affirmative Action Plan adopted by the Board of Trustees.

California Fair Employment and Housing Act, Government Code 12900 et seq.; Labor Code section 1735; California Apprenticeship Law, Labor Code section 3070 et seq.; Code of Federal Regulations, Part 30.

Adopted or Restored 09-24-80  
Amended 12-16-81  
Amended 09-20-00

7100.13 Discriminatory Trust and Restraints of Trade. Contractors shall be required to abide by Sections 16721 and 16721.5 of the California Business and Professions Code pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade.

EC 81641  
Adopted or Restored 09-24-80  
Amended 09-20-00

7100.14 Interests of Employees and Board Members. Employees of the District and members of the Board of Trustees shall not have an interest in any contract, other than their individual employment agreement, made by the Board.

EC 72533

Adopted or Restored 09-24-80

Amended 09-20-00

7100.15 Ratification of Transactions. All transactions and amendments thereto, entered into under Board Rules 7100, 7101, 7102, 7103, and 7104 shall be reported to the Board of Trustees for ratification within sixty (60) days of such transactions.

Adopted or Restored 09-24-80

Amended 09-20-00

7100.16 Rejection of Bids. Any and all bids may be rejected by the District for good and sufficient reason.

Adopted or Restored 09-24-80

Amended 09-20-00

7100.17 Advertisement for Bids. The Business Services Division shall advertise for bids in accordance with the provisions of the Education Code.

EC 81641

Adopted or Restored 09-24-80

Amended 09-20-00

7100.18 Agreements with Local Law Enforcement Agencies. The Board authorizes the Chancellor to enter into agreements for each of the colleges with local law enforcement agencies that have jurisdiction within the District's boundaries in order to clarify the operational responsibilities for investigating "Part 1" violent crimes occurring on District college campuses. Such agreements will clearly designate which law enforcement agency has operational responsibility for the investigation of any "Part 1" violent crime occurring on District campuses. In addition, the agreements will delineate the geographical boundaries of each agency's responsibility, by attaching appropriate maps, if necessary. Such agreements shall be submitted to the Board for ratification.

Adopted 08-11-99

Amended 10-17-01

7101. CONTRACTS. Contracts, involving expenditure amounts which require competitive bidding in compliance with law, shall require approval by the Board of Trustees prior to award and will be administered as indicated below:

Adopted or Restored 09-24-80

7101.10 Bid and Contract Forms. Bid and contract forms shall be prepared by the Business Services Division. A file of the basic forms shall be prepared and maintained by the Division. All applicable statutory provisions and Board Rules shall be observed in preparation of the forms.

All bid notices issued by the Los Angeles Community College District shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices.

All bid submissions shall contain all documents necessary to assure the ability to comply with these California Labor Code Sections.

Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Adopted or Restored 09-24-80  
Amended 12-13-89

7101.11 Bid Guarantees. When required or appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

Adopted or Restored 09-24-80

7101.12 Distribution of Bid Documents and Receipt of Bids. The Business Services Division shall make available to the prospective bidders Bid Forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

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

The Business Services Division shall receive the bids, open and read them aloud in public at the time and place specified in the bid, check them for regularity and compliance with legal requirements, and tabulate them.

EC 81641  
Adopted or Restored 09-24-80

- 7101.13 Responsive Bids. An award shall be made to the lowest responsive bidder who meets District specifications and requirements in conformance with law. The Business Services Division shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.
- Adopted or Restored 09-24-80
- 7101.14 Public Works Bonds. Material and Labor Bond and Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District.
- Adopted or Restored 09-24-80
- 7101.15 Acceptance of Completion for Material and Labor Contract. When the entire work has been completed, as provided for in the contract, the Business Services Division shall submit a recommendation for Board acceptance of completion of the contract. After acceptance, a Notice of Completion of contract shall be filed with the County Recorder.
- Adopted or Restored 09-24-80
7102. PURCHASING. The Chancellor, or designee, is authorized to procure equipment, supplies and services for all colleges, divisions and offices of the District within budgetary limitations as authorized in Board Rules 7100.
- Adopted or Restored 09-24-80
- 7102.10 Competitive Bidding. Procurement actions shall be by competitive negotiations and bidding in compliance with statutes with award to the lowest responsible bidder meeting the specifications. The "lowest responsible bidder" is the lowest bidder whose offer responds in quality, fitness and capacity to fulfill and perform the particular requirements set forth by District.
- a. Specifications. Specifications shall be descriptive of materials desired and sufficiently broad to conform to law and to promote competitive bidding.
  - b. Qualified Bidders. An effort shall be made to attract and develop a maximum of responsible bidders capable of offering the best prices consistent with quality, delivery and service.
- Adopted or Restored 09-24-80
- 7102.11 Purchases. Bids for all purchases which exceed the amount permissible for ratification by law shall be submitted to the Board of Trustees for approval prior to award to vendor.
- Adopted or Restored 09-24-80

- 7102.12 Guarantees. A performance guarantee may be required in the form of a bond from a surety company or on a form acceptable to the District.  
EC 81640  
Adopted or Restored 09-24-80
- 7102.13 Purchase Orders for Subsequent Year. Following adoption of the Tentative Budget, but not earlier than May 15, purchase orders may be issued for delivery during the subsequent year in an amount not to exceed fifty percent (50%) of any approved appropriation in the Tentative Budget.  
Adopted or Restored 09-24-80
- 7102.14 Purchase of Cafeteria Supplies. The College President, or designee, is authorized to negotiate with vendors for furnishing perishable merchandise, food for preparing meals and related supplies not provided for by a Districtwide contract at the lowest possible cost consistent with the needs of the cafeteria with respect to service, delivery and quality. The College President is responsible for adhering to all procedures, rules and regulations established by District administration for accounting, control and payment authorization for such materials obtained.  
Adopted and Restored 09-24-80
7103. FACILITIES. The Business Services Division shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities which require State approval. This includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds. Planning and programming shall be done in cooperation with College Presidents, or designees, and with the Educational Services Division.  
Adopted and Restored 09-24-80
- 7103.08 Public Project Contracts: Alternative Procedures. The Board of Trustees has elected to be subject to the California Uniform Public Construction Cost Accounting Act (CUPCCAA), commencing with Sections 22000 to Part 3 Division 2 of the Public Contract Code with an effective implementation date of July 1, 2001. This election provides for the following:  
Adopted 05-09-01  
Amended 07-13-05

- A. Public Projects of \$30,000 or less. These projects may be performed by force account, by negotiated contract or by purchase order. When such work is contracted out, to the extent possible by law, at least three written quotes should be sought. Work specified herein shall utilize qualified contractors with the appropriate and current contractor license classification.
- B. Public Projects of \$125,000 or less. These projects may be let to contract by informal procedures as set forth by the Uniform Public Construction Cost Accounting Act, particularly with respect to Sections 22034 and 22036 of the Public Contract Code. However, if all bids received are in excess of \$125,000, the Board of Trustees may, through a resolution passed by a four-fifths vote, award the contract at one hundred and thirty seven thousand five hundred dollars (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate to be reasonable.
- C. Public projects of more than one hundred twenty five thousand dollars (\$125,000). Public projects of more than one hundred twenty five thousand dollars (\$125,000) will be let to contract by formal bidding procedures consistent with the Board Rules, Administrative Regulations, Business Operations Procedures and all other applicable Codes and laws. Such formal bidding shall be done by the Facilities Planning and Development Department under the direction of the Vice Chancellor of Business Services.
- D. Emergency Work. In cases of great emergency, as determined by the Board of Trustees, including, but not limited to, states of emergency defined in Section 8558 of the Government Code and Section 20654 of the Public Contract Code when repair or replacements are necessary to permit the continued conduct of existing college classes or the operation of services of the District Office or College or to avoid danger to life or property, the Board of Trustees by majority vote may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, work details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board of Trustees or its designee, by contract, or by a combination of the two. The Board of Trustees delegates to the Chancellor or his/her designee(s) the power to declare a public emergency subject to confirmation of the Board of Trustees, by four-fifths vote, at its next meeting.

Adopted 05-09-01

Amended 07-13-05

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7103.08

- E. Contract Ratification and/or Approval by the Board. Public project contracts under \$125,000 shall be reported to the Board for ratification within sixty (60) calendar days of award of the contract. All public project contracts over \$125,000 require prior approval by the Board of Trustees as set forth in the Board Rules.
  
- F. Adjustments to Contract Amounts. Every five years the State Controller's Office may make adjustments to the above-mentioned public project contract amounts. Any such adjustment shall be effective beginning with the fiscal year that commences not less than sixty (60) calendar days following the State Controller's notification to the Los Angeles Community College District.

Adopted 05-09-01  
Amended 07-13-05

7103.09 Delegation of Authority to Contract for Public Projects and Maintenance Work

The Board of Trustees delegates the authority to the Chancellor or the Vice Chancellor of Business Services, Director of Facilities Planning and Development, Director of Business Services, and such additional positions or individuals which have been authorized by the Board of Trustees to contract and over see new construction, alterations, additions, and repair and maintenance activities for District facilities and equipment consistent with the Uniform Public Construction Cost Accounting Act, Board Rules, Administrative Regulations, Business Operations Procedures and any other applicable Codes and laws. Effective July 1, 2001, authority may also be delegated by the Chancellor to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration as designated by the College Presidents, and to acting or day-to-day substitute(s) for the Vice Presidents of Administration in their absence. Any such delegation shall be in writing. The Chancellor shall issue regulations for such delegation and its implementation.

Adopted 05-09-01

In accordance with Education Code section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his or her authority may be disciplined. In addition, in accordance with Education Code section 81655, any such employee may be personally liable to the District for any and all moneys if the action may be charged to the location that created the liability, as determined by the Chancellor or his/her designee.

Adopted 05-09-01

7103.10 Drawings and Specifications. The Business Services Division shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs. The Preliminary Drawings, which shall cover all proposed facilities, together with construction cost estimates, shall be submitted to the Board of Trustees for approval and authorization to proceed with the Working Drawings and Specifications. Upon completion, the Working Drawings, Drawings, Specifications and revised cost estimates, if any, will be submitted for approval to the State Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees. The Final Working Drawings and Specifications, approved by the State Department of General Services and the State Chancellor's Office, together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.

EC 81103, et seq. 81837

Adopted or Restored 09-24-80

7103.11 Repair and Maintenance of Plants. College Presidents, in coordination with the Business Services Division, shall be responsible for the maintenance, repair, minor alterations and improvements of District grounds, buildings, facilities and similar work.

Amended 10-15-80

7103.12 Performance of Work by District Personnel. The Chancellor, President of each college, or designee, is authorized to utilize day labor or force account personnel to perform maintenance, repair, District approved alterations, new construction, or additions for buildings and grounds and related equipment so long as the labor time or cost expenditures do not exceed the limitations of the Education Code.

EC 81649

Adopted or Restored 09-24-80

7103.13 Material and Labor Proposals. Work involving an expenditure amount that requires competitive bidding will be awarded using the criteria established in Board Rule 7101. The Vice Chancellor of Business Services, or designee, is authorized to negotiate Material and Labor Proposals and issue Repair and Services Orders for minor new constructions, alterations, additions, and repair and maintenance activities for District facilities and equipment not to exceed the amount specified in Section 81640 of the Education Code.

College Presidents, or designees, may also negotiate Proposal Contracts and issue Repair and Service Orders for similar activities which have been approved by the Chancellor, or designee, the Vice Chancellor of Business Services, not to exceed the amount authorized by the Chancellor, or designee.

EC 81640

Adopted or Restored 09-24-80

7103.14 Architect/Engineer and Similar Professional Service Contracts for Facilities Related Matters.

- A. The Vice Chancellor of Operations shall adopt a selection procedure to be used when the services of an Architect/Engineer or other related professional service providers are required for a new building or other major new or renovation project and the contract fee for such services will exceed \$50,000 (hereinafter "selection procedure"). The selection committee membership shall consist of the Vice Chancellor of Operations and designees and representatives from the design professions as may be deemed necessary as well as representatives from Facilities Planning and Development and the President or designee from the affected location(s).
- B. The Vice Chancellor of Operations, or designee, is authorized to negotiate professional service contracts with architects, engineers and related professionals involving plans, studies and reports pertaining to District owned and leased real property for projects of a minor scope not requiring the selection procedure. Contracts which require the use of the selection procedure shall be reported to the Board of Trustees for approval prior to the issuance of a contract. Contracts not requiring use of the selection procedure shall be reported to the Board for ratification within sixty (60) days of such transaction.

Adopted or Restored 09-24-80  
Amended 12-15-99

Prequalification of Bidders. Pursuant to Public Contract Code section 20651.5, prospective bidders for a contract or classification of contracts described in Public Contract Code section 20651, of a particular type and/or having an estimated cost to the District (either individually, or in the aggregate during the twelve (12) month period of prequalification provided for herein below), in excess of \$1,000,000.00, may be required by the Executive Director of Facilities Planning and Development, or his designee, to furnish sufficient proof of public works experience and financial ability by completing a standard form questionnaire and financial information.

- A. Applicants for prequalification shall provide answers to questions using a District standard form of questionnaire and financial statement that is based on the prequalification forms (either the long form or short form, as deemed appropriate) attached to these Rules, which are hereby adopted, including any modifications as may be deemed appropriate by the Executive Director. When completed, the questionnaire and financial information shall be verified under oath in the manner in which pleadings in civil actions are verified.
- B. Applicant responses to the District's standard questionnaire shall be evaluated and selected applicants will be prequalified according to a uniform system of scoring that is based on the form of scoring sheet attached to these Rules, which is hereby adopted, including any modifications deemed appropriate by the Executive Director.
- C. Except as otherwise provided by applicable laws, the questionnaires and financial information are not public records and shall not be open to public inspection.
- D. A determination by the District prequalifying an applicant shall not be construed a representation on the part of the District that any bids or proposals will be invited or solicited from an applicant or that a contract will be advertised, offered, bid or awarded only to prequalified applicants.

A determination that an applicant is prequalified shall, unless otherwise cancelled, revoked or limited by the District, remain valid for a period of twelve (12) months after the date that the applicant was prequalified, at which point the District may either allow the prequalification status of the applicant to expire of its own force or the District may, in its discretion and based on submission of updated or new information by the applicant, either renew the applicant's prequalification status for another twelve (12) months or conduct a new prequalification

Adopted	07-19-00
Amended	12-06-00
Amended	09-04-02
Amended	12-01-04
Amended	08-09-06

- E. Applicants wishing to dispute the results of a prequalification determination by the District shall be entitled, prior to the closing time for receipt of bids for the contract for which they have been prequalified (or, in the case of prequalification for a classification of contracts, prior to the closing time for receipt of bids for the first contract bid by District within such classification) to a process for appeal before a committee appointed by the President of the Board of Trustees.

Adopted 07-19-00  
Amended 12-06-00  
Amended 12-01-04

**PLEASE NOTE: THE PREQUALIFICATION AND SCORING FORMS ARE LOCATED AT THE END OF ARTICLE I.**

7103.16 Alternate Bidding Procedure. To comply with the addition of Public Contract Code section 20103.8 effective January 1, 2001, whenever the District is required to competitively bid a project and additive or deductive items are included in the bid form, the Notice To Bidders shall specify one of the four methods described below which the District will use to determine the lowest bid. In the absence of such a specification, the lowest bid shall be the lowest bid price on the base bid without consideration of the prices on the additive or deductive items.

- A. Methods For Determining Lowest Bid. If alternate bids are called for, the Notice To Bidders shall specify which one of the following methods will be used to determine the lowest bid:

- (1) The lowest bid shall be the lowest bid price on the base bid without consideration of the prices on the additive or deductive items;
- (2) The lowest bid shall be the lowest total bid prices on the base bid and those additive or deductive items that are specifically identified in the Notice To Bidders as being used for the purpose of determining the lowest bid price;
- (3) The lowest bid shall be the lowest total of the bid prices on the base bid and those additive or deductive items taken in order from the specifically identified list of those items, depending upon available funds as identified in the Notice To Bidders; or
- (4) The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the District before the ranking of all bidders from lowest to highest has been determined.

Adopted 01-24-01  
Amended 04-18-01

- B. Designated Employee. In the event the District selects method (4) above, the procedure set forth below shall be followed:

The Director of Facilities Planning & Development or his/her designee shall designate an employee to perform the clerical functions described hereinafter. Said designated employee shall not be involved or participate in the decision making process of determining the low apparent bidder based upon the base bid and selected additive and/or deductive alternate bids.

- C. Receipt of Bids. The following procedure shall be followed by the designated employee when receiving bids:

- (1) As each bid is received, the designated employee shall write an assigned number on the front top right corner of the bid envelope and inform the bidder of his/her assigned number.
- (2) As the designated employee opens each bid, the assigned number shall be written in the top right hand corner of the page(s) of the Bid Form that contain the bid amounts.
- (3) After all bids have been opened, the designated employee shall read each bid by assigned number, without reference to the name of the bidder.
- (4) After reading all bids, the designated employee shall either (a) prepare a separate tabulation of each bid, to include only the assigned number and amounts of the base bid and all alternate bids, or (b) photocopy the page(s) of each Bid Form which include the base bid and alternate bid amounts, and excise any reference to the name of such bidder.
- (5) The designated employee shall reinsert the original Bid Forms into the corresponding bid envelopes and shall retain custody of the bid envelopes in a secure area at the District until the low apparent bidder has been determined.
- (6) Once the bid opening has been completed, the designated employee shall give to the Director of Facilities Planning & Development or his/her designee either the bid tabulation of the photocopied pages from the Bid Form containing the base bid and alternate bid amounts.

Adopted 01-24-01  
Amended 04-18-01

- D. Bid Protest. Should any bid protest be filed prior to the determination of the low apparent bidder based upon each bidder's base bid and alternate bids, such bid protest(s) must be in writing and delivered to the attention of the designated employee. Upon receipt of any bid protest, the designated employee shall maintain the bid protest along with the bid envelopes.

Any bid protest received after the District has notified the bidders of the low apparent bidder, shall be directed to the attention of the Director of Facilities Planning & Development.

- E. Selection of Low Apparent Bidder. Once the District has selected the low apparent bidder based upon the base bid and alternate bid amounts submitted, such determination shall be reduced to writing and retained by the District. Upon the selection of the low apparent bidder, the designated employee shall deliver the bid envelopes containing the original Bid Forms, and any bid protests received, to the Director of Facilities Planning & Development or his/her designee.

After the assigned numbers have been matched with the names of the bidders and the Bid Forms along with any bid protests have been reviewed, the bidders who submitted bids shall be notified of the low apparent bidder.

- F. Selection of Alternate Bids. Once the lowest responsible bidder has been selected, the District may determine to add to or deduct from the Contract any of the additive or deductive items.

Adopted 01-24-01  
Amended 04-18-01

OPPORTUNITIES FOR LOCAL, SMALL AND EMERGING BUSINESSES.

The Board of Trustees seeks to continue and further its mission to contribute to the economic development of the community. To that end, the Board adopts the following policy for the inclusion of local, small and emerging businesses.

A. Definitions.

1. "Bid" shall mean all facilities bids and proposals that are projected to be funded by at least fifty percent (50%) by the funds from Proposition A, AA, and/or Measure J, and that are first advertised on or after January 14, 2004;
2. "Emerging" shall mean a firm that has been in business in its substantially current form for up to five (5) years;
3. "Local" shall mean a business that has its principal headquarters located within Los Angeles County;
4. "Small" shall be defined in the same terms as defined by the federal Small Business Administration;
5. "Reimbursable Expenses" shall mean expenses such as photocopying, travel, telephone other services provided by another business, that are specified as permissible under the contract, and that are less than ten percent (10%) in the aggregate of the total contract. Reimbursable Expenses shall not include performance of services or materials supplies that are subcontracted to another person or firm.

B. Goals. The Board establishes a goal of thirty percent participation of Local, Small and Emerging businesses in its contracts regarding facilities awarded each fiscal year.

C. Bidding. As a condition to be considered responsive, a Bid must include the following:

1. Demonstrated participation of at least thirty percent (30%) of the total bid being performed by Local, Small or Emerging businesses; or,

Adopted 1/14/04  
Amended 1/15/14

2. A demonstrated good faith effort to include Local, Small or Emerging businesses, in accordance with regulations to be issued by the Chancellor; or,
  3. The bidder certifies that it intends to perform ninety-five percent (95%) of the work with its own employees, excluding Reimbursable Expenses.
- D. Advertising and Mentoring. In order to further the goals stated herein, the Board directs that the Chancellor or his designee undertake an appropriate advertising program directed to Local, Small and Emerging Businesses. That program should include such things as advertising in papers local to the applicable location where work will be performed, enhancement of the District's website to include a list of self-designated Local, Small and Emerging Businesses, and accessible plan rooms for all businesses to be able to review plans and schedules for upcoming projects. The Board also directs that the Chancellor or his designee undertake an appropriate mentoring program directed to Local, Small and Emerging Businesses to improve their business skills and likelihood of success while participating in the District's facilities program. The mentoring program may be established as a function of the District through the Proposition A/AA and Measure J program, or it may be operated jointly by the District and another public entity with similar goals, whichever is deemed a more effective and efficient approach by the Chancellor or his designee.
- E. Bonding Requirements. In order to further the goals stated herein, the Chancellor or his designee may undertake the development and operation of a District-sponsored bid, labor and materials and performance bond program to facilitate the ability of Small, Local, and Emerging firms to meet District bond requirements under the Proposition A/AA and Measure J program. All firms, regardless of qualification as Local, Small or Emerging, shall be eligible to participate, and all firms shall be required to demonstrate evidence of their ability to perform to the satisfaction of the bond provider(s).

Adopted 1/14/04  
Amended 1/15/14

- F. Mandatory Bid Conferences. Bid conferences, or bid walk-throughs, held to inform interested business about the specific requirements of District construction projects shall generally be mandatory for those considering submitting a bid or proposal for the identified work. However, a Local, Small and Emerging firm may be exempted from the mandatory requirement if it submits an affidavit with its bid submission, stating the firm was unable to send a representative to attend the bid conference/bid walk through due to a specific, unavoidable conflict. The affidavit will further state that the bidder is fully knowledgeable about the requirements of the bid, the bidder is accountable for any information that could have been ascertained by attending the conference/bid walk, and that the bidder has the ability to perform the requested work in a professional and workmanlike manner.
- G. Reporting. The Chancellor or his designee shall make a report to the Board at least semi-annually regarding the District's performance towards these goals.

Adopted 1/14/04  
 Amended 1/15/14

7103.18

BID PROTESTS FOR BOND-FUNDED ACTIVITIES.

- A. Bid protests heard through the administrative level shall be conducted in accordance with regulations issued by the Chancellor.
- B. For matters funded at least fifty percent (50%) by funds from Proposition A, Proposition AA or Measure J, upon exhaustion of the administrative-level appeal(s), the protesting party may seek a further appeal by filing an appeal within five (5) business days. In that event, the Chancellor or his or her designee will promptly forward any such appeal to the Facilities Master Planning & Oversight Committee, which shall serve as an appeal panel. In consultation with the chair of the Committee, the Chancellor or his or her designee will issue a notice of hearing within seven (7) business days. During the hearing, the protestor, intended awardee, and the District may present their positions to the Committee. Other members of the public shall be entitled to address the Committee in keeping with applicable Board Rules.
- C. The Committee will make a recommendation to the Board of Trustees. The Board may accept, reject or modify the Committee's recommendation. The Board decision will constitute the District's final decision on the appeal.

Adopted 7/9/14

7104. LEASES

7104.10 Management of Real Property. All acquisitions of real property, including appraisals and valuations of real property of improvements; the securement of Title Insurance Policies covering land belonging to the District; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property shall be accomplished through the Business Services Division.

Adopted or Restored 09-24-80  
Amended 09-20-00

7104.11 Use of Real Property Not Owned by District. Real property, the ownership of which is not vested in the District, shall not be used for school or administrative purposes except by lease or permit. With the exception of the designation of branch locations for the colleges which may include leases for no more than \$5.00 annually, all requests for real property arrangements shall be made through the Business Services Division. Effective December 1, 2000, the Board of Trustees authorizes the Chancellor to delegate the responsibility and authority to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting and day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence, to negotiate, draft, sign and enter into leases for no more than \$5.00 annually which involve the designation of branch locations for the college. All leases or permits shall be made in conformance with the Education Code, policies of the Board of Trustees and in accordance with published Business Services procedures. The structural safety of such quarters and the terms and conditions of such arrangements shall be investigated and negotiated by the Business Services Division.

The Vice Chancellor of Business Services, or designee, is authorized to lease facilities for District use, not to exceed the maximum amount set forth in EC 81640 for materials and supplies.

EC 81640

Adopted or Restored 09-24-80  
Amended 09-20-00

7104.12 Use of Real Property by Third Parties. Whenever real property owned by the District is not needed for educational purposes, the District may grant the use of such property either under a Civic Center Permit in accordance with Board Rule 7201 et seq., or by lease or permit for use in accordance with Board Rule 7202 et seq. All uses of District facilities which include fair rental fees shall be on a form designed by the Chancellor or his or her designee. All civic center permits, leases, permits for use or sales of property shall be made in conformance with law and with policies of the Board of Trustees.

Adopted or Restored 09-24-80  
Amended 09-20-00

7104.13      Insurance on Lease. Lessee of District facilities shall provide evidence of public liability, property and worker's compensation insurance adequate to protect the District against any liability resulting from Lessee's use of the facility. Lessee's insurance policies shall name the District as additional insured and shall conform to dollar limits and other requirements set forth in Board Rule 7200.18 and as determined by the Business Services Division.

Adopted or Restored      09-24-80  
Amended      09-20-00

7104.14      Violation of Lease. The District, at its discretion, shall have the right to cancel and terminate any lease immediately and without notice upon its discovery of a violation of any term, condition or provision of the lease and/or any of the general terms and conditions for using District facilities as set forth in Board Rule 7200 et seq. on the part of the Lessee. Should any such violation occur, the District, at its discretion, shall have the right to deny any future requests by the Lessee for the lease of District property which is the subject of this lease, or for any other District property or facilities.

Adopted or Restored      09-24-80  
Amended      09-20-00