



PP-04-00 PROCUREMENT OVERVIEW AND POLICY

I. OVERVIEW

This section addresses the acquisition of goods and services from external sources by the Los Angeles Community College District (LACCD).

“Procurement” is the act of acquiring goods or services for the direct benefit or use of the organization. Within LACCD, “procurement” refers to both purchasing and contracting transactions. In this section, the terms “procurement”, “contract”, and “purchase” may be used interchangeably to refer generally to procurement transactions.

The general procurement function at LACCD is performed at each college, regional location, and the District Office. Facilities construction related procurement is handled through college plant facilities offices, and by the Facilities Planning and Development Department at the District Office. Facilities procurement information may be found in the Facilities Procedures section of the manual. Travel related purchases are covered by the policies found in the Human Resources Guide or Personnel Commission Rules.

II. OBJECTIVES

The LACCD procurement process should adhere to the following objectives:

1. Comply with laws, regulations, rules and policies governing procurement by community college districts in California and conform to Board rules and administrative regulations within LACCD;
2. Encourage competition among suppliers in order to obtain best pricing and terms, superior product quality, and good customer service;
3. Prevent favoritism, fraud, waste, abuse and corruption in soliciting suppliers, awarding contracts and expending public funds;
4. Provide all suppliers an equal opportunity to participate and earn the District's business;
5. Be efficient in the time and resources expended to execute a transaction; and
6. Result in the timely delivery of the correct products and services to the customer.



III. POLICY

It is the policy of LACCD to procure necessary supplies, materials, equipment and services in a timely and efficient manner for a reasonable price, via transactions that are advantageous to the District in accordance with procedures set forth by the Board of Trustees, the California Public Contract Code, the California Education Code and other applicable laws of the State of California.

1. Except as noted below, LACCD shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. For those employees with delegated contracting authority for specified procurement transactions, LACCD shall be bound to the contracts without prior authorization from the Board of Trustees. However, these contracts still require ratification by the Board within 60 days of the contract execution.
2. Contracts with LACCD shall be limited to three years for purchase of materials or supplies and five years for equipment or services, unless otherwise defined by statute.
3. LACCD shall not contract out for any personal services that are generally found within the expertise of District's classified service, except for those reasons specified within Education Code Section 88003.1.
4. LACCD shall formally bid contracts for supplies, materials, equipment and services in accordance with the bidding threshold established by the State of California and is adjusted on an annual basis. For transactions not required to be formally bid, LACCD will apply other competitive procurement processes when practicable.
5. The Chancellor has delegated signatory authority for certain contracts to employees identified in Administrative Regulation B-19. Any employee who signs a contract in violation of his/her authority may be disciplined. Education Code section 81655 provides that any employee shall be personally liable to the LACCD for any and all monies of the LACCD paid out as a result of that employee's malfeasance. LACCD costs incurred as a result of employee malfeasance may be charged to the location which created the liability, as determined by the Chancellor or his/her designee.
6. When advantageous to do so and legally permissible, the LACCD may facilitate volume purchasing and institute district-wide supplier contracts. In addition, it may take advantage of procurement methods permitted by the State to facilitate purchasing and reduce the cost of supplies, materials, equipment and services.

IV. DEFINITIONS

Whenever the following terms appear in these policies and procedures, the definitions will have the corresponding meanings.



“Bid” A firm offer from a supplier to sell the District goods or services at a specific price for a procurement estimated to cost more than the Large Purchase threshold in which award will be made to the supplier offering the lowest price, all other factors being equal. Bids must be solicited through an Invitation for Bids (“IFB”) and submitted sealed in writing, to the District by mail or personal delivery; faxed or emailed submittals are not acceptable. If the procurement is estimated to cost less than the Large Purchase threshold, offers may be solicited as Quotes rather than as Bids.

“Bid Threshold” The dollar amount above which California state law, as specified in Public Contract Code section 20651, requires a procurement transaction to be acquired through formal sealed bidding. The amount started at \$50,000 and is increased effective January 1 of each year by the Board of Governors of the California Community Colleges based on an inflation index. As of January 1, 2008, the Bid Threshold was \$72,400.

“Board” The Board of Trustees of the Los Angeles Community College District.

“Board Approval” An action taken by the Board of Trustees to authorize a purchase order or contract for services BEFORE the award, commencement or issuance of a contract or purchase order. This action is taken by the board in the public session of a board meeting.

“Board Ratification” An action taken by the Board of Trustees to authorize a purchase order or contract for services AFTER the award, commencement or issuance of a contract or purchase order. This action is taken by the board in the public session of a board meeting. Purchase orders and contracts requiring board ratification must be ratified within 60 calendar days of purchase order issuance or contract commencement.

“College” Any of the nine colleges within the Los Angeles Community College District and, when referring to a Location, the District Office. A College includes all of its satellite campuses.

“College President” or “President” The President of any of the nine Colleges within the Los Angeles Community College District and, at the District Office, the Deputy Chancellor.

“College Procurement Specialist (CPS)” One of three (3) regional procurement professionals in the District who: (a) is responsible for serving three



colleges; (b) resides at one of his/her three assigned Colleges, and (c) reviews, approves/releases Medium-Purchase transactions initiated by the Colleges. The CPS reports directly to the Vice Presidents of Administrative Services at his/her three Colleges and coordinates with the Contracts and Purchasing Manager at the District Office.

“Contracts and Purchasing” The Contracts and Purchasing Section within the Business Services Division housed at the District Office.

“District” The Los Angeles Community College District, including any or all of its colleges and locations.

“ERP or Procurement System” – Represents the Enterprise Resource Planning System known as “SAP” for which the on-line procurement database exists with other modules such as financial and cost accounting, payroll, benefits and personnel hiring. The procurement module of the system is used to process purchase orders and contracts, provide electronic approval of these documents and house procurement reports.

“Goods” Supplies, materials, equipment or other Personal Property procured by the District for its business use.

“Invitation for Bids (“IFB”) Also referred to as “Formal Advertising,” the solicitation used to request sealed Bids in accordance with Public Contract Code section 20650 et seq. and Education Code section 81641 et seq.

“Large Purchase” A procurement transaction at or above the formal bid dollar amount (\$72,400 as of January 1, 2008) at which sealed bids must be solicited as prescribed in Public Contract Code section 20651. Also, Professional Services valued above the Large Purchase threshold that are procured through a Request for Proposals process.

“License” A contract authorizing a non-exclusive use, but not ownership, of property. A Permit for Use and a Civic Center Permit are licenses authorizing other parties’ use of District Real Property.



“Location” Any of the nine Colleges and the District Office, for a total of 10 Locations within the District. A satellite campus is deemed to be a part of its associated College.

“Medium Purchase” A Procurement transaction *above* the Small Purchase maximum dollar amount (\$5,000) and *below* the Large Purchase dollar amount threshold (\$72,400 as of January 1, 2008). A Medium Purchase requires the receipt of not fewer than three (3) responsive written quotes or proposals.

“Micro-Purchase” A Procurement transaction at or below the dollar amount (\$2,500 as of December 31, 2006) at which informal competitive quotes must be solicited. No quotes are required for micro-purchases but it is considered best business practice to solicit quotes when practical to do so.

“Personal Property” Any property that is not Real Property; any Goods.

“Personal Service” Routine labor for which no special training, education or certification or license is required, such as maintenance, which is not a professional service. Personal Services reasonably projected to cost more than the Large Purchase threshold must be procured through the issuance of an Invitation for Bids.

“Procurement” A purchase order, contract, lease, license, authorization of payment, authorization to pay library materials, purchasing card transaction, or other method used within the District to acquire Goods or Services for the benefit of the District. Also, the act of purchasing or contracting for goods or services.

“Professional Service” Also referred to as “Special Service,” labor which is described in Government Code section 53060. Professional Services are deemed to be exempt from the requirement in Public Contract Code section 20651 for sealed bidding. However, if the estimated value equals or exceeds the Large Purchase threshold, a Request for Proposals process is customarily used to procure the service.

“Proposal” A firm offer from a supplier to sell the District Goods or Services at a specific price for a procurement in which award will be made based on price and other factors considered together. Proposals are to be solicited only for



Professional Services and electronic data-processing equipment and other Goods and Services as referenced in “Request for Proposals” below.

“Quote” A firm offer from a supplier to sell the District Goods or Services at a specific price for a procurement costing less than the Large Purchase Bid threshold in which award will be made to the supplier offering the lowest price, all other factors being equal. Unless otherwise specified, a Quote may consist of a catalog price or an emailed, faxed, mailed or hand-delivered written offer. Copies of, or other evidence of solicited or received, Quotes must be retained by the initiator. If the procurement is estimated to cost more than the Large Purchase threshold, offers must be solicited as sealed Bids rather than as Quotes.

“Real Property” Land, buildings, and their structural components; also infrastructure improvements, such as roads and sewers.

“Request for Proposals “(“RFP”) The solicitation used to solicit Proposals for Professional Services as described in Government Code section 53060 and electronic data-processing equipment and other Goods and Services as described in Education Code section 81645.

“Services” Labor, as distinguished from Goods, purchased by the District for its business use. See also “Personal Services” and “Professional Services.”

“Small Purchase” A procurement transaction (defined for this definition as a single line-item on a purchase order or contract, rather than the entire amount of the purchase order or contract) *above* the Micro-Purchase maximum dollar amount (\$2,500 as of December 31, 2006) and *below* the Medium Purchase dollar amount threshold (\$5,000). A Small Purchase requires the solicitation of not fewer than three (3) Quotes or Proposals and receipt of at least one.

“Vice President of Administrative Services” The Vice President of Administrative Services or Vice President of Administration at a College. At the District Office the responsibilities identified to a Vice President of Administration at a college location may be the responsibility of the Director of Business Services. The Vice President of Administrative Services typically oversees the procurement function at the colleges.



V. LEGAL AUTHORITY AND CITATIONS

[California Education Code](#)

[Section 81644](#)

[Section 81655](#)

[Section 88003.1](#)

[California Public Contract Code](#)

Section 20650, et seq
Government Code

Section 53060

[LACCD Board Rules](#)

[Chapter VII, Article I, Contracting](#)

LACCD Administrative Regulation B-19



PP-04-01 PROCUREMENT RESPONSIBILITIES AND ORGANIZATION

I. OVERVIEW

Generally, three different functional areas are responsible for handling procurement at LACCD: (1) the college purchasing offices; (2) College Procurement Specialists (CPS); (3) Contracts and Purchasing Section at the District Office.

Procurement responsibilities are divided among these three areas based on dollar threshold and type of transaction. Purchases of services, supplies and equipment are ordinarily handled in the following manner:

A. College Purchasing Office - purchases up to \$5,000; except procurement transactions initiated by the college Plant Facilities Offices and in some colleges specially funded programs. For facilities related procurement, please see the Facilities Procedures starting in section 06-00.

B. College Procurement Specialist - purchases from \$5,000 up to the formal bidding threshold.

Procurement regions are divided in the following manner:

1. East Los Angeles College, Trade Tech College, and West Los Angeles College
2. Southwest College, Harbor College, and City College
3. Valley College, Pierce College, and Mission College

C. Contracts and Purchasing Section at the District Office – purchases requiring formal bidding or special handling due to the complexity and nature of the transactions; cooperative and piggyback purchases; and other purchasing transactions not delegated by the Chancellor or Board of Trustees to the colleges set forth in Administrative Regulation B-19.

II. RESPONSIBILITIES

A. College Purchasing Office

1. Assisting college faculty and staff in making routine purchases up to \$5,000 and other transactions delegated to the colleges by the Board and Chancellor;
2. Obtaining quotes from suppliers;
3. Entering all procurement documents into the financials and procurement database;
4. Working with college receiving department and accounts payable on campus to resolve procurement issues which may impact receipt of goods and/or payment of suppliers.



B. College Procurement Specialist

1. Assisting college faculty and staff throughout their region in making purchases from \$5,000 up to the bid threshold;
2. Monitoring college procurements for compliance with board policies, administrative regulations and best practices;
3. Obtaining quotes from suppliers and engaging in informal competitive procurement when deemed necessary;
4. Entering purchases in the procurement database within their assigned purchasing thresholds;
5. Drafting agreements for services within their assigned purchasing thresholds;
6. Creating board items to be presented to the Board of Trustees for authorization or ratification.

C. Contracts and Purchasing Section at the District Office

1. Assisting the colleges in making purchases above the bid threshold and transactions not delegated to the colleges, including performing the following:
 - a) Placing legal advertisements,
 - b) Coordinating bidders' and proposers' conferences, as required,
 - c) Preparing Invitations for Bids and Requests for Proposals,
 - d) Issuing addenda to solicitations,
 - e) Opening bids and proposals,
 - f) Overseeing the evaluation of bids and proposals, and recommending awards to the Board of Trustees;
2. Negotiating and preparing contracts;
3. Performing the duties of the College Procurement Specialist for the District Office and for any region temporarily without a CPS.
4. Providing necessary procurement training to procurement initiators, department heads, specially-funded program directors, directors of college facilities, vice presidents and other administrators and staff involved in the procurement process throughout the District.



- D. The Procurement areas are not responsible for the following:
1. Employment transactions, including but not limited to the following:
 - a) Services of professional experts, students or other unclassified service workers, as distinguished from professional services of architects, engineers, appraisers or environmental consultants;
 - b) Certificated services;
 - c) Classified services;
 - d) Contracts for construction-related services.
- E. Enterprise Resource Planning (ERP) Financials and Purchasing Specialists/Analysts

Technical configuration of the ERP procurement databases and on-line technical support functions are handled by the ERP finance and purchasing specialists, not by the District Contracts and Purchasing Section staff.

III. LEGAL AUTHORITY AND CITATIONS

LACCD Board Rules
Chapter VII, Article I, Contracting
Administrative Regulation B-19



PP-04-07 SHORT TERM AGREEMENTS AND CONTRACTS FOR SERVICES

A. SHORT TERM AGREEMENTS

I. OVERVIEW

- A. Short-Term Agreement (STA) is a contract for personal or professional services or rental of equipment with a term of one year or less and costing \$5,000 or less. No quotes are needed for services costing up to \$2,500. At least a minimum of three informal competitive quotes from potential contractors are needed prior to obtaining services, with the exception of transactions for Community Services programs, modeling services, musical performances, workshop presenters, and when compatible parts and servicing is a demonstrated need or grant guidelines require otherwise. The quotes are kept on file with the College in the purchase transaction file. These transactions are handled at the colleges and require approval by the Vice President of Administrative Services.

II. PROCESS

- A. An STA is typically entered in the procurement database system as a purchase order document (PO), STA document type.
- B. An STA can only be amended through submission of a PR/RFC (Purchase Requisition/Request For Contract). However, the duration of the STA, including any amendments made to the STA, may not exceed the maximum one-year period and the total cost of the STA, may not exceed \$5,000. Any amendments made to STAs are handled by the College Procurement Specialists and the District Contracts Section only.
- C. An STA must be ratified by the Board of Trustees within 60 days of commencement of service. A copy of the STA with both parties' signatures should be forwarded to the appropriate College Procurement Specialist for recordkeeping purposes.



B. CONTRACT AGREEMENTS

I. OVERVIEW

A Contract (CO) originated as a Request for Contract (RFC) is used to procure personal or professional services, equipment maintenance, leases of equipment, real estate, grants, student health center services, student intern arrangements and other services and products for which a short-term agreement, purchase order or a limit order is not appropriate. Written quotes from three or more potential contractors are needed prior to obtaining services except when compatible parts and servicing is a demonstrated need or grant guidelines require otherwise. The original quotes are kept on file with the College in the purchase transaction file. These transactions are initiated at the Colleges and require approval by the College President or Vice President of Administrative Services. Contracts not requiring formal bid are routed by the College to either the College Procurement Specialist (accompanied by any quotes collected) to review, release and convert. Contracts requiring formal bid or involving special circumstances are sent directly to the District Contracts & Purchasing Manager to review, release and complete.

II. PROCESS

- A.** A Contract is initiated as a Request for Contract (RFC) and entered at the initiating location. The RFC should contain the following information: (1) a specific description of what is being procured and purpose; (2) unit cost and total contract cost; (3) contract term; and other specific terms or conditions relevant to the transaction. The RFC should also state if the transaction is a new contract, an amendment to an existing contract or an encumbrance of additional funds. If it is an amendment to an existing contract, the existing contract number should be provided.
- B.** For an RFC of \$5,000 and less, after it is converted into a Contract (CO), two originals of the agreement are sent to the contractor for signature and returned to the originating college for signature by the Vice President of Administrative Services. One original is retained on campus and the other is returned to the contractor. A copy of the fully signed contract should be sent to the College Procurement Specialist .
- C.** For RFCs over \$5,000 up to the statutory bid threshold (presently \$65,100), the RFC is electronically approved by the initiating College Vice President of Administrative Services and the document routes to



the College Procurement Specialist for review, release and conversion into a contract after review of any backup documents provided by the initiator. Two originals of the contract are sent to the contractor for signature and return to the initiating college Vice President of Administrative Services for signature. One executed original is sent to the contractor and the second original is sent to and retained by the College Procurement Specialist. A certified copy is sent to the initiating college Vice President of Administrative Services for the campus purchasing file.

- D.** Contracts transacted by the colleges or at the regional level are to be reported by the College Procurement Specialist for ratification at the a board meeting within sixty (60) days of commencement of the contract.
- E.** Contracts not delegated to the College Presidents for transaction under Administrative Regulation B-19 are to be processed by the District Contracts and Purchasing Section. The RFC for these transactions are entered at the initiating colleges and are electronically reviewed, approved and released by the Vice President of Administrative Services. Once the contract transaction has been electronically released by the Vice President, the District Contracts & Purchasing Manager must also review, approve and release the contract in the procurement database system. If required, a formal bid or formal request for proposal may be initiated by the District Contracts Section.
- F.** For a RFC initiated for Specially Funded Program (SFP) grants, with no cost associated with the transaction, all relevant backup documents must be sent to the College Procurement Specialist to convert the RFC into a CO and prepare the board agenda item. The backup documents include a paper Contract Request Form signed by the Program Director and the Vice Presidents of Academic Affairs and Administrative Services, the official Award Letter, copies of the grant contract and a copy of the Budget Transfer Authorization (BTA). Once the RFC is converted into a CO, the College Procurement Specialist drafts the agenda item for board ratification and sends two signed copies of the contract (or as many as the granting agency requires) to the granting agency for their signature and return of one copy to the District. This copy needs to be held on file with the College Procurement Specialist for auditing purposes.



C. LIMIT ORDER AGREEMENTS

I. OVERVIEW

- A.** A Limit Order Agreement (LOA) is a contract used to procure the services of athletic officials for college sporting events. The LOA was created to provide an efficient means of contracting for athletic official services through the financial and procurement system. An LOA is handled at the colleges and require signed approval by the Athletic Director on the Athletic Voucher Form. The Vice President of Administrative Services must release the LOA in the procurement system. The LOA also requires the CPS release in the system.

II. PROCESS

- A.** The initiating College verifies that a vendor identification number exists for the athletic official or requests that the official be entered in the system as a new vendor.
- B.** An RFC (Request for Contract) is entered in the system by the college athletic department prior to the athletic season, indicating on the line item that the document is intended to create a Limit Order Agreement. A separate line item should be created to designate each athletic sport and distinct cost center. The RFC must be issued using the “one time vendor code”. Individual partner codes will be used to invoice and issue checks to the specific officials performing the services covered by the Limit Order Agreement. As a result, it is still important that an initiator of an LOA check to confirm that the official has a vendor number in the procurement system.
- C.** Once approved the RFC is then converted into a Limit Order Agreement by the College Procurement Specialist. The Limit Order must be released by the Vice President of Administrative Services.
- D.** Prior to each athletic event, the athletic official must sign the Athletic Voucher Form. The Athletic Director or Athletic Coach will request the official to sign the voucher form agreeing to the terms and conditions of the LOA. The athletic official should verify his or her social security number and address on the form. Once the form is signed by the official, the Vice President of Administrative Services will authorize payment by also signing the voucher form.
- E.** All Limit Order Agreements must be ratified by the Board of Trustees within 60 days of issuance. Screen prints of the Limit Order



Agreements with both parties' signatures are to be forward to the appropriate College Procurement Specialist.

- F. The original Athletic Voucher Form shall be maintained by the Vice President of Administrative Services.

D. LEGAL AUTHORITY AND CITATIONS

<http://sap.laccd.edu/sap/forms/>



04-08 PROCUREMENT OF SPECIAL AND PROFESSIONAL SERVICES

I. OVERVIEW

"Special services and advice," also referred to as professional services, are described in Government Code section 53060. Special services include financial, auditing, legal, architectural/engineering, insurance brokerage, payroll issuance and preparation, and other administrative matters where the practitioner is specially trained and experienced to handle such matters. The key to determining a "special service" is whether the professional's independent knowledge, expert training, discretion and judgment is needed to render complete and adequate service under the contract. When procuring a professional service in combination with a personal service, it must be determined which service is the primary part of the overall services requested in order to direct whether an Invitation for Bid (IFB) or a Request For Proposals (RFP) is the legally appropriate means of procurement.

Special services/professional services procurements are deemed to be exempt from the legal requirement of formal bidding. Nonetheless, the District has adopted as its business practice to procure such services through a competitive process whenever possible. Specifically, the following situations may arise when it is advantageous for the District to competitively procure the services: (a) multiple suppliers of the service compete in the local market and may be interested in doing business with the District, and (b) the District could reasonably derive a material benefit, such as significant cost savings or superior service, from inviting competitive offers, and (c) the service is expected to cost \$5,000 or more. At the discretion of the procuring location, services costing less than \$5,000 may be obtained utilizing quotes.

Professional services are to be procured through a RFP or Request For Qualifications (RFQ) process. Depending on the anticipated dollar amount for the service, the transaction is either handled by the college, College Procurement Specialist or District Purchasing and Contracts Section in accordance with the preceding section 04-01 and the division of authority set forth in Administrative Regulation B-19.

Unlike the RFP, the RFQ omits the requirement for submittal of a price proposal and limits the District's evaluation of offers to an assessment of the relative qualifications of the competing firms to perform the services. Generally, RFQs are used only for engineering and architectural services.



As with the sealed bidding process used for Large Purchases, the purpose of the RFP is to create a fair, equitable and objective process for qualified suppliers of a particular service to compete for the District's business on a "blind bid" basis (that is, each proposer not knowing what its competitors are offering), with the goal of selecting the most advantageous offer to the District, price and other relevant factors considered.

II. PROCESS

A. Request for Proposals (RFP)

1. Specifications (Scope of Work) – The requestor will initiate the RFP process by preparing a set of service specifications and deliverables. Often referred to as the Scope or Statement of Work, the specifications describe the work to be accomplished, the time frame for completion, any relevant professional or industry standards to be followed, and the deliverables—or work products—to be provided during and at the end of the engagement. If possible, a requestor should also provide with the Scope of Work a list of suggested suppliers to which the RFP should be sent.

2. Evaluation Criteria – Accompanying the Scope of Work should be recommendations for evaluating the proposals submitted. Unlike invitations for bids, in which award is made to the lowest responsible and responsive bidder, the RFP evaluates qualitative factors in the proposal in addition to price. However, evaluation criteria should still utilize qualitatively objective standards for determining whether a vendor should be selected. Some examples of objective but qualitative criteria are the following:

- a) Number of years of experience in the service field being procured;
- b) Number of years of experience serving clientele similar to the District;
- c) Experience and education of the personnel proposed for the project;
- d) Possession of a specific license or certification in order to provide the service.

Other more subjective evaluation criteria also may be applied, such as previous clients' satisfaction as reflected in reference checks, and the quality of the technical approach proposed for accomplishing the work objectives. As a general rule, but not necessarily in all cases, price (hourly rate or overall project pricing) should be solicited in the RFP and evaluated as part of the overall proposal.

To enhance the objectivity of the evaluation process, points or weights are to be assigned and published in the RFP to the various primary factors comprising the evaluation criteria, so that both proposers and evaluators know, in general, in advance how proposals will be comparatively scored. Sub-factors used to assist evaluators in scoring primary factors need not be published in the RFP.



3. Notice – For professional services anticipated to equal or exceed the statutory bid threshold, the District Contracts and Purchasing Section will legally advertise for proposals in the same manner as bids for Large Purchases are advertised. A notice requesting proposals will be published at least once a week for two weeks in a newspaper of general circulation published in the District service area boundaries. The notice must include, at a minimum, the scope of work to be performed and when proposals are due. If a pre-proposal meeting is scheduled, the date, time and place of the meeting also must be included in the notice. If a pre-proposal meeting is mandatory to all proposers, this information should also be included in the notice. Notices also may be advertised in trade journals or other publications targeted at suppliers of the services being procured. For services expected to cost less than the statutory bid threshold, legal advertising of the notice is optional.

In addition to advertising, copies of the notice or RFP may be sent directly to suppliers that have requested to receive such solicitations or which have been identified by the requestor or District as potential proposers. Finally, a copy of the RFP also will be posted on the LACCD Website.

4. RFP Document – The RFP document will generally contain the following information:

- Background on the District, the requesting college (if applicable), and other information relevant to describing the District as a prospective customer;
- Explanation of why the specified services are needed;
- Instructions to proposers on how and where to submit their proposals;
- Instructions on what information to include in the proposal and how to organize the information;
- Evaluation criteria to be applied and their relative weights;
- Scope of Work;
- Price Proposal Form, on which the proposer enters its identifying information, pricing and signature;
- Terms and conditions of the contract or the proposed contract template to be offered to the successful proposer, if award is made;
- Miscellaneous forms and instructions.



5. Changes to the RFP – Any material changes to the RFP will be made only through written addenda distributed to all who received the original RFP. Distribution may be made by first-class US Mail, email, facsimile or personal delivery to addresses or telephone numbers furnished by the RFP recipients. A copy of the addendum also will be posted on the LACCD website http://www.laccd.edu/business_services/ along with the original RFP. Issuance of an addendum will be provided far enough in advance of the proposal-submittal deadline to provide a reasonable period of time for proposers to receive the addendum and, if reasonable and appropriate given the nature of the RFP change, modify their offers accordingly; otherwise, the submittal deadline must be extended. Any addendum should be sent and posted on the LACCD website.

6. Pre-proposal Meeting – Whenever it is deemed necessary in order to facilitate the communication of information between the District and prospective proposers, a pre-proposal meeting will be convened by the District prior to the submittal deadline. The date, time and place of the meeting will be included in any RFP advertisement placed or notice issued. The pre-proposal meeting may be conducted at the site where the work is to be performed and conducted as a "job-walk" for prospective proposers. Any questions and answers of a material nature from the pre-proposal meeting, together with any material changes to the RFP announced at the meeting by District representatives, will be documented in an addendum sent to all recipients of the original RFP and posted on the LACCD website.

7. Proposal Submission – Proposals, contained in a sealed wrapper, will be accepted up to the noticed proposal submittal date and time. Time and date of receipt will be mechanically stamped or handwritten accompanied by the signature of the recipient, on the wrapper. Proposals received after the deadline will not be opened but will be either returned to the proposer or held sealed until the conclusion of the RFP process. Only if fewer than two responsive proposals are received will any late proposals be considered, in which instance all late proposals must be considered. If required in the RFP instructions, an electronic file of the proposal (e.g., in MS Word or PDF format) must be submitted on diskette or CD-ROM together with the paper proposal.

Proposals may be delivered in person by the proposer, through the US Mail or via a private third-party carrier (e.g., overnight delivery or courier service), but in no event will a delay caused by such delivery method be allowed by the District as a valid reason for acceptance of a late proposal. Only if the District is the direct cause of late receipt of a proposal will such offer be accepted. Faxed proposals will not be accepted.

If permitted in the RFP instructions, as an alternative to the submittal of a paper proposal, proposals may be prepared in MS Word or PDF format and submitted



electronically as an attachment to an email message sent to a secure mail box designated by the District.

Unlike sealed bids, proposals are not opened in a public setting. Instead, they are opened by District employees in private so as not to expose the contents of any proposal to competitors. This serves to preserve the District's ability to negotiate changes favorable to LACCD with one or more proposers without their knowledge of what their competitors may be offering.

8. Proposal Evaluation—The RFP will specify whether interviews will be conducted following review of proposals. If the RFP does not specify that interviews are to be conducted, the review of proposals will follow the procedure outlined below:

a. Proposals will be evaluated in accordance with the criteria and weights published in the RFP.

b. To further the objectivity of process, a panel of evaluators-including representatives from other District locations or from outside LACCD may be convened to score the proposals independently.

c. The RFP shall set forth in general the process by which a "competitive range" of proposers will be identified for the purpose of participating in interviews and beyond, which may be by any reasonable means such as, but not limited to, those proposers receiving scores for their written proposals that exceed a pre-established minimum score or by limiting the competitive range to a pre-established fixed number of top scoring proposers.

(c1.) The chair of the proposal review panel (usually, the initiator of the RFP) will be responsible, in advance of the proposal scoring, for the development of a score sheet which will reflect the criteria and weight assigned to each factor under consideration and for determining the method by which the total proposal score will be determined (such as, without limitation, by averaging all evaluator proposal scores, averaging the evaluator proposal scores after elimination of the highest and lowest scores, or such other methodology of averaging as may be appropriate).

(c2.) Each panel member will review the written proposals and score them according to the criteria specified in the RFP and the sub-factors applicable to those criteria, if any, provided to the panel.

(c3.) Each member of the panel will be responsible for combining the scores of the weighted criteria and assigning their own total score to each proposal.

(c4.) Unless the RFP specifies that the scores be confidential, they shall be depicted in a summary table/spread sheet.



d. If the RFP does not specify that interviews are to be conducted, the proposal receiving the highest score in (c4.) will, subject to the conduct of negotiations, if any, be deemed to be most advantageous and will be recommended for award of the contract.

9. Interviews— If specified in the RFP, after the proposals have been initially evaluated following the procedure outlined in section #8 (a-c4), interviews will be conducted with the proposers identified as within the competitive range.

a. The chair of the proposal review panel or initiator of the RFP (if different individuals) will convene the interview panel which may be comprised of either the same members as the proposal review panel or different individuals with specific expertise relevant to the selection process.

b. The chair of the interview panel will ensure that a set of questions is developed and that the same questions are posed during each interview. This shall not preclude the evaluators from asking other questions, but the scoring shall be based primarily on the questions listed and the proposers' responses as determined from the answers to those and any other related follow-up questions.

c. The chair of the interview panel will be responsible, in advance of the interview scoring, for the development of a score sheet which will reflect the criteria and weight assigned to each factor under consideration in the interviews and for determining the method by which the total interview score will be determined (such as, without limitation, by averaging all evaluator interview scores, averaging the evaluator interview scores after elimination of the highest and lowest scores, or such other methodology of averaging as may be appropriate)..

d. Prior to the interviews, the chair of the interview panel will determine whether:

(d1.) the total proposal score will be added to the total rating of the interview for each proposer/presenter in order to develop an aggregate final rating or

(d2.) the total rating of the interviews will be considered independently from the proposal scores. In this case the total of the panel members' ratings of each interview will serve as the aggregate final rating for each proposer/presenter.

e. The proposer/presenter receiving the highest aggregate final rating as determined in paragraph d. (using the method specified in either [d1.] or [d2.]) will, subject to the conduct of negotiations, if any, be deemed the offer most advantageous to the District and will be recommended for contract award.

f. If specified in the RFP, more than one proposer/presenter may be selected as among the most advantageous offers. For example, this would be



the case when a pool of consultants with particular expertise, such as executive search consultants, is being developed.

10. As specified in the RFP, negotiations may be conducted with some or all of the proposers in the competitive range. When conducting negotiations care must be taken to not divulge the contents of another proposer's price or any information that a proposer has identified, and that is in fact, proprietary.

B. Award – Any award of a contract to a successful proposer must be authorized or ratified by the Board of Trustees at a regular public meeting. All proposers will be notified in writing of the recommendation of award or the actual award. Any vendor who had submitted a proposal that was responsive to the RFP and who wishes to file a protest of the award shall do so in compliance with Rule PP-04-09.

C. Recordkeeping - A copy of the original RFP, including all addenda issued thereto, and originals of all proposals, correspondence and other proposer-generated documents will be retained by the issuer of the RFP for the duration of the contract award or for a longer period if required by the District's records retention policy.

The District is subject to the California Public Records Act set forth in Government Code sections 6250-6270. As such, proposals, correspondence and other proposer-generated documents are subject to public inspection, unless otherwise excluded by the Public Records Act. For this reason, proposers are to be instructed to identify in their proposals information they deem to be proprietary in nature. Identification of information as "proprietary" by the proposer does not guarantee non-disclosure of the information if public disclosure is otherwise permitted or required by law.

III. LEGAL AUTHORITY AND CITATIONS

Public Contract Code sections 20650-20660

Education Code sections 81550 et seq, 81641, 81651

Government Code section 53060

Board Rules 7100 and 7102.16

04-02 – Types of Transactions

Government Code sections 6250-6270



PP-04-09 BID PROTESTS AND APPEALS

I. OVERVIEW

It is the policy of the District to afford due process to suppliers that have participated in a competitive procurement process and believe they have not been accorded fair treatment or that the selection process was materially flawed.

This process extends to suppliers whose bids have been rejected as “non-responsive” to a solicitation or which have been declared “non-responsible” and ineligible for award. At the same time, it is not the District’s intent to unnecessarily delay the award of contracts resulting from legitimate processes or provide a forum for bidders interested solely in denying business to their competitors.

Accordingly, this section establishes the rules and procedures for vendors to protest the recommended awards resulting from requests for quotes, invitations for bids or requests for proposals. Different rules and procedures are applied to purchases below and above the statutory bid threshold.

Since most purchases below the statutory bid threshold are delegated to the colleges and purchasing regions and are transacted informally (e.g. orally, via email or fax, through catalog pricing), with the objective of expediting the transactions, the protest process is correspondingly abbreviated and college-based. Conversely, because purchases equal to or exceeding the bid threshold are reserved to the District Contracts and Purchasing Section and are transacted in a formal manner, with resulting contracts requiring prior approval by the Board of Trustees, the protest process is equally formal and administered by the District Business Services Office.

This section does not cover the process for bid protests of public works projects under the California Uniform Cost Accounting Act (CUPCAA). This process may be found in the Facilities Section or in Board Rule 7103.6.

II. PROCESS

A. Purchases below statutory bid threshold

1. Filing of protest

A supplier that has submitted a quote or proposal to a college for less than the statutory bid threshold, and wishes to lodge a protest



against the award to another supplier (hereafter in this section, "Protestor"), supplier must comply with the following:

- (a) Submit such protest in writing to the Vice President of Administrative Services of the college (hereafter in this section, "Vice President");
- (b) The protest must be submitted within two (2) business days of notification of the proposed award; and
- (c) The protest letter must state the basis for the protest and the remedy sought.

2. Disposition of protest

Upon receipt of a protest, the Vice President will:

- (a) Suspend award pending disposition of the protest;
- (b) Notify the supplier recommended for award (hereafter in this section, "Awardee") about the protest; and
- (c) Invite the Awardee to submit, within two (2) business days of notice of the bid protest, any information in support of the award.

If the Vice President upholds the protest, this decision and its basis will be conveyed in writing to the Protestor, the Awardee, and any other supplier that submitted a quote or proposal. The communication will also declare the college's intention to: (a) award to another supplier, or (b) cancel the solicitation and re-solicit quotes or proposals, or (c) cancel the solicitation and not re-solicit for at least six (6) months.

If the Vice President denies the protest, this decision and its basis will be conveyed in writing to the Protestor and all other suppliers that submitted a quote or proposal. In denying the protest, the Vice President may declare the college's intention to: (a) award to the Awardee; or (b) cancel the solicitation and re-solicit quotes or proposals, or (c) cancel the solicitation and not re-solicit for at least six (6) months.

Whether upholding or denying the protest, if the Vice President elects to cancel the solicitation and not re-solicit for at least six months, then the decision on the protest and the action will be deemed final and there will be no further avenue of appeal for any party.



3. Appeal

Except where the Vice President's decision is deemed final as stipulated above, any supplier notified of the Vice President's decision on a protest must, within two (2) business days of notice, appeal the decision in writing to the President of the college and include in the appeal to the President the same information as required for the original protest. The disposition of the appeal will be handled in the same manner as the protest.

The President's decision on the appeal will be conveyed to all parties in writing. The President's decision in the matter will be final and there will be no further avenue of appeal for any party.

4. District Office transactions

If the protested transaction is for the District Office, the initial protest described above will be directed to the Director of Business Services and the appeal will be to the Deputy Chancellor, whose decision in the matter will be final. Such decision will be communicated to all parties in writing within a reasonable time period after the decision is made.

5. Notice of protest procedures

The procedure described above will be provided upon request to any supplier that requests information on how to protest an award below the statutory bid threshold. The procedure for supplier protest will be made available on the LACCD website.

B. Purchases at or above statutory bid threshold

1. Filing of protest

A supplier that has submitted a sealed bid or proposal to the District under a solicitation estimated to equal or exceed the statutory bid threshold, and wishes to lodge a protest against the award to another bidder/proposer, must comply with the following:

- (a)** Submit such protest in writing to the Director of Business Services at the District Office (hereafter in this section, "Director");
- (b)** Protests must be submitted within five (5) business days of notification of the proposed award; and



- (c) The protest letter must state the basis for the protest and the remedy sought.

2. Disposition of protest

Upon receipt of a protest, the Director will:

- (a) Suspend award pending disposition of the protest;
- (b) Notify the Awardee about the protest; and
- (c) Invite the Awardee to submit, within two (2) business days of notice, any information in support of the award.

If the Director upholds the protest, this decision and its basis will be conveyed in writing to the Protestor, the original Awardee, and any other supplier that submitted a bid or proposal. The communication will also declare the District's intention to: (a) award to another bidder/proposer, or (b) cancel the solicitation and re-solicit bids or proposals, or (c) cancel the solicitation and not re-solicit for at least six (6) months.

If the Director denies the protest, this decision and its basis will be conveyed in writing to the Protestor and all other suppliers that submitted a bid or proposal. In denying the protest, the Director may declare the District's intention to: (a) award to the Awardee; or (b) cancel the solicitation and re-solicit bids or proposals, or (c) cancel the solicitation and not re-solicit for at least six (6) months.

Whether upholding or denying the protest, if the Director elects to cancel the solicitation and not re-solicit for at least six months, then the decision on the protest and the action will be deemed final and there will be no further avenue of appeal for any party.

2. First appeal

Except where the Director's decision is deemed final as stated above, any supplier so notified of the Director's decision may:

- (a) Submit within five (5) business days of notice of the Director's decision, an appeal in writing to the Chancellor, who may elect to delegate disposition of the appeal to the Deputy Chancellor.
- (b) Appeal to the Chancellor or Deputy Chancellor (collectively, hereafter in this section, "Chancellor") and such an appeal must include the same information as required for the original protest. Disposition of the appeal will be handled in the same manner as the protest.



The Chancellor's decision on the appeal will be conveyed to all bidders/proposers in writing. Whether upholding or denying the appeal, if the Chancellor elects to cancel the solicitation and not re-solicit bids or proposals for at least six (6) months, then the decision on the appeal and the action will be deemed final and there will be no further avenue of appeal for any party.

3. Final appeal; public hearing

Except where the Chancellor's decision is deemed final as stipulated above, any bidder/proposer so notified of the Chancellor's decision may:

- (a)** Submit within five (5) business days of notice of the Chancellor's decision, an appeal in writing to the Board of Trustees (hereafter in this section, "Board") and request a public hearing on the appeal at a regularly scheduled Board meeting before action is taken on the recommended award.
- (b)** Appeal to the Board and such an appeal must include the same information as required in the Chancellor's appeal.

Upon receipt of such appeal, the Board will defer award (if one is recommended) until after disposition of the appeal. The Board will also notify the Awardee about the appeal and invite that party to (a) submit information in support of the award, and (b) appear at the public hearing if one is requested. Both the public hearing on the appeal and the award of contract, if one is recommended, may appear on the same public board agenda. Notice of the action taken by the Board will be conveyed to all bidders/proposers within a reasonable time period.

If an appeal is filed but no public hearing is requested, or if the appellant fails to appear for a requested public hearing, the Board may rule summarily on the appeal or postpone a decision until a future date. Notification of the action taken or decision made by the Board will be provided to all bidders/proposers within a reasonable time period.

If a public hearing is held, the Board will take testimony from the appellant and others that wish to speak on the matter before rendering a decision on the appeal. The Board, in its discretion, may limit the time allotted to testimony or the type of information that may be presented.

If the Board denies the appeal, it may proceed to award the contract if one is recommended on the Board agenda. If the Board



upholds the appeal, then the Board may: (a) declare its intent to award to another bidder/proposer and direct staff to place a recommendation for said award on the next available Board agenda, or (b) cancel the solicitation and order the re-solicitation of bids or proposals, or (c) cancel the solicitation and order that bids/proposals not be re-solicited for at least six (6) months. The Board's decision on the appeal will be final, with no avenue for further appeal, and will be conveyed to all bidders/proposers in writing. Notification of the Board's decision will be communicated to all bidders/proposers within a reasonable time period after the decision is made.

4. Notice of protest procedure

A true and accurate summary of the rules and procedures for filing a protest, as described in II.B.1 above, will be included in any invitation for bids or request for proposals for purchases at or above the statutory bid threshold. Thereafter, a copy of the rules and procedures governing appeals will be furnished to each Protestor as part of a response to the protest. The protest procedure will also be made available on the LACCD website.

5. Recordkeeping

File records containing documentation on supplier protests and appeals, including but not limited to correspondence and written decisions, shall be maintained by the Office of the Vice President of Administrative Services or in the Office of the Director of Business Services respective to the dollar threshold of protest initiation.

Files should be kept in a chronological, complete and orderly manner as these documents constitute the administrative record for the process afforded to a specific supplier by the District in a particular case and could be exposed in potential litigation with a supplier or subject to a California Public Records Act request.

III. LEGAL AUTHORITY AND CITATIONS

Public Contract Code sections 10290, 20650-20660, 22030-22045

Education Code sections 81550 et seq, 81641, 81651

Government Code section 53060



**LOS ANGELES COMMUNITY COLLEGE
DISTRICT
BUSINESS OPERATIONS POLICY AND
PROCEDURES**

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Board Rules 7100, 7100.16 and 7102.16, 7103.6

04-02 – Types of Transactions

04-06 - Large Purchases

Government Code sections 6250-6270