"Competitive bidding" is a procurement method by which the District contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.

Except as otherwise provided by Government Code Chapter 2267 or other law, the District may contract for the construction, alteration, rehabilitation, or repair of a facility only after the District advertises for bids for the contract in a manner prescribed by law, receives competitive bids, and awards the contract to the lowest responsible bidder.

Gov't Code 2267.101

The competitive bidding process is governed by the process outlined below. The District must comply with applicable legal requirements in this policy as well as other applicable legal requirements [see CV(LEGAL)], which include the following steps:

1. Giving PUBLIC NOTICE of the project;
2. Publishing CONTRACT SELECTION CRITERIA;
3. MAKING EVALUATIONS PUBLIC after the contract is awarded; and
4. Providing for INSPECTION, VERIFICATION, AND TESTING necessary for acceptance of the facility by the District.

Education Code 44.031(g); Gov't Code 2267.052, .055, .056(c), .058, .105

Note: Terms in all capital letters, above, point to margin notes in the referenced policy.

PREPARATION OF REQUEST

The District shall prepare a request for competitive bids that includes construction documents, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to submit a bid. *Gov't Code 2267.103*

USE OF ARCHITECT OR ENGINEER

The District shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents required for a project to be awarded by competitive bidding. *Gov't Code 2267.102* [See CV]

OPENING BIDS

The District shall receive, publicly open, and read aloud the names of the offerors and their bids. Bids shall be opened only by the Board at a public meeting or by an officer or employee of the District at or in an office of the District. A bid that has been opened

may not be changed for the purpose of correcting an error in the bid price. *Gov't Code 2267.104; Local Gov't Code 271.026*

The Board shall have the right to reject any and all bids. *Local Gov't Code 271.027(a)*

SAFETY RECORD

In determining who is a responsible bidder, the Board may take into account the safety record of the bidder; of the firm, corporation, partnership, or institution represented by the bidder; or of anyone acting for such firm, corporation, partnership, or institution, provided that the Board has:

1. Adopted a written definition and criteria for accurately determining the safety record of the bidder.
2. Given notice in the bid specifications that the safety record of a bidder may be considered in determining the bidder's responsibility.
3. Ascertained that such determination is not arbitrary and capricious.

Local Gov't Code 271.0275

CONFLICT OF LAWS

Except as otherwise specifically provided in this policy, Local Government Code Chapter 271, Subchapter B, does not apply to the competitive bidding process. *Gov't Code 2267.106*