This policy establishes the procedures for the procurement and administration of facilities construction contracts and for other similar contracts. This policy shall not be construed to create new or additional rights beyond those granted by Board policy or law.

SELECTION OF PROCUREMENT METHODOLOGY

All construction contracts shall be procured under the competitive sealed proposal method, as provided in Education Code 44.039, as amended, unless the Board expressly authorizes otherwise.

FACTORS FOR CONSIDERATION

The Board has established a relative weight for each of the criteria that may be considered in the decision to award a contract. [See CH and CV] The factors and the relative weights are as follows:

1.	The purchase price	78
2.	The reputation of the vendor and of the vendor's goods or services	1–3
3.	The quality of the vendor's goods or services	1–3
4.	The extent to which the goods or services meet the District's needs	1–3
5.	The vendor's past relationship with the District	1–2
6.	The impact on the ability of the District to comply with laws relating to historically underutilized businesses	1–3
7.	The total long-term cost to the District to acquire the goods or services	1–3
8.	K–12 construction experience	1–5
	Maximum points	100

The factors shall be considered as the selection criteria for awarding a purchase contract, except for factors 4, 6, and 7. These factors shall be considered optional, depending on the type of purchase being made. Prior to any purchase contract being solicited, the Superintendent or designee shall determine whether any of the optional factors shall be considered in making the award.

In accordance with Local Government Code 271.9051, the District may consider a bidder's place of business. [See CH(LEGAL)]

Notice of the factors to be considered and of the relative weight to be given each factor shall be provided to prospective vendors. The relative weight assigned to a particular factor must be within the range established in this policy.

PREPARATION OF CONTRACT DOCUMENTS	The District's purchasing director, risk manager, construction contract administrator, and/or any other person designated by the Superintendent, in consultation with the District's attorney, shall prepare the documents that must be included in any bid or proposal package, other than the technical specifications, that are to be made available to prospective offerors of construction services. These documents shall include but not be limited to the proposed construction services contract, and any general, special, and/or supplementary conditions to the contract.
PROPOSAL SOLICITATION DOCUMENTS	The project architect/engineer shall be responsible for the publication of the notice(s) soliciting competitive sealed bids or competitive sealed proposals. The project architect/engineer shall include in the bid or proposal package all documents required to be included by the District, and submit a specimen of the notice and of the competitive sealed bid/proposal package to the District for review and approval by the construction contracts administration office prior to publication of the notice soliciting competitive sealed bids or competitive sealed proposals.
PROPOSAL SOLICITATION	The project architect/engineer shall coordinate with the District's construction contract administrator the publication of the public notice soliciting competitive sealed bids or competitive sealed proposals.
ARBITRATION	No construction contract shall contain any arbitration clause or agreement, unless the District approves such arbitration clause or agreement, and such action is expressly reflected in the minutes of a duly called meeting of the Board. No representative, agent, servant, official, subordinate officer, or employee has the authority to bind the District to any arbitration agreement, unless such authority is expressly granted by the Board, and such action is reflected in the minutes of a duly called meeting of the Board.
RECEIPT OF BIDS / PROPOSALS	The public notice soliciting competitive sealed bids or competitive sealed proposals shall state that all competitive sealed bids or competitive sealed proposals shall be submitted to a construction contract administrator designated by the Superintendent.
EVALUATION OF BIDS/ PROPOSALS	The construction contracts administration officer shall be responsible for receiving bids or proposals solicited by the District on construction projects. After receiving the bids or proposals, the project architect/engineer, the construction contract administrator, the District's purchasing director, risk manager, and any other person designated by the Superintendent, shall review, evaluate, and tabulate the bids or proposals for submission to the Board for review and approval. This review and evaluation team shall issue recommendations to the Superintendent on award or rejection of any bid or proposal.

BOARD APPROVAL

The Superintendent shall submit all bid or proposal tabulations to the Board and shall make recommendations for award or rejection of bids or proposals. The Superintendent shall be authorized to negotiate further terms with the contractor, as may be permitted by law, and shall thereafter be required to present any resulting final contract to the Board for approval. A written construction contract with the successful bidder or proposer shall be in the form authorized for inclusion in the bid or proposal solicitation documents, and shall not be binding on the District until the Board has approved it. All persons and entities contracting with the District are charged with notice of the limits of the authority of any school official with whom the contracting person or entity is dealing with in the formation of any contract, and are bound at their own risk to ascertain whether the contract is within the power conferred on the public official(s) that the contracting person or entity is dealing with.

NOTICE TO PROCEED

The project architect/engineer, in coordination with the construction contract administrator, shall cause a notice to proceed to be issued to the contractor on a construction project after the Board has approved the contract. Prior to the issuance of the notice to proceed, the project architect/engineer and the construction contract administrator officer shall verify that the contractor's payment and performance bonds, and the required insurance coverages are in place.

CHANGE ORDERS

Betterment funds or any other pools of uncommitted funds shall not be permitted in any construction contract. If changes in plans or specifications are necessary after the performance of the contract is begun, or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the Board may approve change orders making the changes. The total contract price may not be increased because of the changes unless additional money for increased costs is appropriated for that purpose from available funds or is provided for by authorization of the issuance of time warrants. The original contract price may not be increased by more than 25 percent. The original contract price may not be decreased by more than 25 percent without the consent of the contractor. All proposed change orders shall be submitted to the construction contract administrator officer for review. The construction contract administrator shall forward comments and recommendations on each proposed change order to the Superintendent. The Superintendent shall submit the proposed change order with recommendations to the Board for approval or rejection. Change orders shall require the review and consent of the surety prior to Board approval. Change orders that increase the contract price shall require a commensurate increase in the performance and payment bonds.

CONSTRUCTION CONTRACT FILE

The construction contract administrator shall be responsible for maintaining a document file on each construction contract that, at a minimum, contains the following:

1. Copy of Board minutes approving the construction documents for the project;
2. Copy of project specifications and contract documents;
3. Public notice soliciting bids/proposals, including copy of newspaper clippings;
4. Bids/proposals submitted by prospective contractors and supporting documentation;
5. Bid/proposal tabulations;
6. Notification of criminal history of contractor;
7. Copy of Board minutes approving the contractor (if competitive sealed proposal) for further negotiations; or of bid award, if competitive bid;
8. Copy of Board minutes approving the construction contract;
9. Copy of construction contract and general, special, and supplementary conditions to the contract;
10. Performance bond on project;
11. Payment bond on project;
12. Certificates of insurance;
13. Copy of notice to proceed sent to contractor by architect;
14. Applications for payments;
15. Notarized statement from surety acknowledging review and approval of each application for payment submitted by the project architect/engineer;
16. Copy of Board minutes approving an application for payment;
17. Copies of checks for each payment made;
18. Project inspection reports;
19. Testing reports;
20. Minutes of construction progress meetings;
21. Change orders;

22. Correspondence between the parties: architect, contractor, and District;
23. Notice of substantial completion;
24. Punch lists; architect/engineer certification of punch list compliance;
25. Certificate of occupancy;
26. Manufacturer's warranty on electrical/lighting fixtures, plumbing fixtures, appliances, windows, doors and hardware, flooring, roofing, paint, etc.
27. Copy of Board minutes approving the facility; and
28. Copy of Board minutes approving final payment.