"Job order contracting" is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite. *Gov't Code 2267.401*

This policy applies only to a facility that is a building, the design and construction of which is governed by accepted building codes, or a structure or land, whether improved or unimproved, that is associated with a building. This policy does not apply to:

1. A highway, road, street, bridge, utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or

2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

Gov't Code 2267.402

If the District uses the job order contracts method as described in this policy, it must comply with the applicable legal requirements in this policy as well as other applicable legal requirements [see CV(LEGAL)], which include the following steps:

1. SELECTING A CONTRACTING METHOD;

2. Giving PUBLIC NOTICE of the project;

3. Publishing CONTRACT SELECTION CRITERIA;

4. MAKING EVALUATIONS PUBLIC after the contract is awarded; and

5. 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(a), (c), .058

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

The District may award job order contracts for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility if the work is of a recurring nature but the delivery times are indefinite and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks. The District

shall establish the maximum aggregate contract price when it advertises the proposal. The Board shall approve each job, task, or purchase order that exceeds $500,000. *Gov't Code 2267.403*

ESTABLISHING UNIT PRICES

The District may establish contractual unit prices for a job order contract by:

1. Specifying one or more published construction unit price books and the applicable divisions or line items; or

2. Providing a list of work items and requiring the offerors to propose one or more coefficients or multipliers to be applied to the price book or prepriced work items as the price proposal.

Gov't Code 2267.404

ADVERTISING AND OPENING PROPOSALS

The District may use the competitive sealed proposal method under Government Code Chapter 2267, Subchapter D for job order contracts. [See CVB] The District shall advertise for, receive, and publicly open sealed proposals for job order contracts. The District may require offerors to submit additional information in addition to rates, including experience, past performance, and proposed personnel and methodology. *Gov't Code 2267.405*

ARCHITECT OR ENGINEER

If a job order contract or an order issued under the contract requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, the District shall select or designate an architect or engineer to prepare the construction documents for the project.

This requirement does not apply to a job order contract or an order issued under the contract for industrialized buildings or relocatable educational facilities subject to and approved under Occupations Code Chapter 1202 if the contractor employs the services of an architect or engineer who approves the documents for the project.

Gov't Code 2267.408 [See CV]

AWARDING CONTRACTS

The District may award job order contracts to one or more job order contractors in connection with each solicitation of proposals. *Gov't Code 2267.406*

An order for a job or project under a job order contract must be signed by the District's representative and the contractor. The order may be:

1. A fixed-price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities; or

2. A unit price order based on the quantities and line items delivered.

Gov't Code 2267.410

CONTRACT TERM

The base term for a job order contract may not exceed two years. The District may renew the contract annually for not more than three additional years. *Gov't Code 2267.409*

USE OF CONTRACT

A job order contract may be used to accomplish work only for the district that awards the contract unless:

1. The solicitation for the job order contract and the contract specifically provide for use by other persons; or
2. The District enters into an interlocal agreement that provides otherwise.

Gov't Code 2267.407

BONDS

The contractor shall provide payment and performance bonds, if required by law, based on the amount or estimated amount of any order. *Gov't Code 2267.411* [See CV for more information on payment and performance bonds]