

<b>Compliance with Law</b>	The Superintendent shall be responsible for establishing procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.
<b>Construction Contracts</b>	Prior to advertising, the Superintendent shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. The Superintendent shall select the project delivery/contract award method that he or she determines provides the best value to the District.
<b>Board Approval of Contracts</b>	For construction contracts valued above \$100,000, the Superintendent shall submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services, change orders, and contract amendments shall be at the discretion of the Superintendent and in accordance with law and policy. [See also CH and CV series]
<b>Authority to Sign Contracts</b>	No one other than the Superintendent, the chief financial officer (CFO), or designee shall be authorized to sign contracts obligating the District.
Contract Selection Criteria	The District shall base its selection on the list of criteria for consideration found in law. For the competitive bidding method, the District shall consider the responsibility local factors adopted by the Board, including, but not limited to, the District's Historically Underutilized Business (HUB) program. [See CH(LOCAL) and CVA(LOCAL)]
Reservation of Rights	Notwithstanding anything in this policy to the contrary, the Board reserves the right to reject any and all bids and proposals and to waive any minor informality or irregularity in a bid or proposal or procurement process.
Bid Guaranty Requirements	Bids or proposals for the construction, alteration, or repair of buildings or attachments to buildings exceeding \$25,000 must be accompanied by a bid or proposal guaranty.
<b>HUB Program</b> Definition	<p>A HUB is defined as a business in which at least 51 percent of the ownership and management is by minority group members or women, or in the case of a publicly owned business, at least 51 percent of the stock is owned and managed by minority group members or women in all phases of the procurement. [See CH(LOCAL)]</p> <p>The District encourages full participation in all phases of procurement activities and shall afford a full and fair opportunity to all vendors to compete for District contracts. The purposes and objectives of the District's HUB program are as follows:</p>

1. To ensure that the District is not a passive participant in a discriminatory marketplace;
2. To ensure that the HUB program is narrowly tailored;
3. To provide opportunities for HUB firms to broaden and enhance their capacities to do business with the District; and
4. To administer the HUB program in a manner consistent with applicable federal and state law.

Applicability

The HUB program shall apply to a solicitation that is valued at \$50,000 or more, consists of two or more scopes of work, and in which at least a minimum of three HUBs are available to perform the work described in the solicitation.

The HUB program shall apply to those professional services, non-professional services, commodities, and construction contracts defined in CH(EXHIBIT).

HUB Program  
Administration and  
Goals

Applicable purchases and transactions shall follow the guidelines specified in CV(REGULATION). The Board shall establish narrowly tailored program goals based on current evidence of utilization and availability. [See CH(EXHIBIT)]

The District shall review this policy on an annual basis and shall make updates as necessary to ensure compliance with federal and state law.

**Certification by  
Contractor or Vendor**

Consistent with the financial oversight requirements of policy CAA(LOCAL) and in order to be considered, competitive bids and proposals submitted to the District shall contain the signed certification set out at CV(EXHIBIT-B).

**Right to Protest  
(File a Complaint)**

Any bidder or proposer who is aggrieved in connection with a procurement or HUB program policy decision may file a protest with the CFO or designee. The protest shall be submitted in writing within 15 business days after the facts or occurrence giving rise to the complaint. [See GF]

Procurements after  
Protest

In the event of a timely protest, the responsible office shall not proceed further with the procurement unless the CFO or designee makes a determination that the award of the contract is necessary to protect substantial interests of the District.

Authority to Resolve  
Protests

The CFO or designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved bidder or proposer concerning a procurement decision.

Determination and  
Appeal

The CFO or designee shall promptly issue a determination relating to the protest. The determination shall:

FACILITIES CONSTRUCTION

CV  
(LOCAL)

1. State the reasons for the action taken; and
2. Inform the protesting party of the right to appeal the determination to the Board within 15 days of receipt of the notice of the determination in accordance with policy GF(LOCAL), beginning at Level Three.

A copy of the determination shall be provided to the protesting party.

**Project Administration**

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

**Final Payment**

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Superintendent or designee has accepted the work.

**Employee Conflict of Interest**

The District shall not purchase goods or services from employees or their immediate family members, as defined in DEC(LOCAL), without prior approval from the Superintendent or designee. [See DBD]

**Employee's Nonschool Employment**

A District employee who has or will exercise discretion in the evaluation, selection, or recommendation in the selection of the vendor shall not be employed by any vendor who has a contract with the District to perform construction or renovation of a building or to provide any product, material, or service funded as a capital improvement project during the term of a vendor's contract. [See also DBD]

**Annual Policy Review**

The CFO shall be responsible for reviewing the District's facilities design and construction policy and procedures each year and recommending to the Superintendent and the Board any policy changes.