
“Competitive sealed proposals” is a procurement method by which an ESC requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alteration, or repair of a facility. *Gov’t Code 2269.151*

If the ESC uses the competitive sealed proposals method as described in this policy, it must comply with the procedures below, as well as other applicable requirements, 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 ESC.

Education Code 44.031(g); Gov’t Code 2269.052, .055, .056(a), (c), .058

Note: Terms in all capital letters, above, point to margin notes in CU(LEGAL).

Request for Proposals

The ESC shall prepare a request for competitive sealed proposals that includes construction documents, selection criteria and the weighted value for each criterion, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to respond to the request. *Gov’t Code 2269.153*

Architect / Engineer

An ESC shall select or designate an architect or engineer to prepare construction documents for the project. *Gov’t Code 2269.152*
[See CU]

Opening Proposals

An ESC shall receive, publicly open, and read aloud the names of the offerors and any monetary proposals made by the offerors. Not later than the 45th day after the date on which the proposals are opened, an ESC shall evaluate and rank each proposal submitted in relation to the published selection. *Gov’t Code 2269.154*

Selection

An ESC shall select the offeror that submits the proposal that offers the best value to the ESC based on the selection criteria in the request for proposal and the weighted value for those criteria in the request for proposal and on its ranking evaluation.

An ESC shall first attempt to negotiate a contract with the selected offeror. An ESC and its architect or engineer may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the ESC is unable to negotiate a satisfactory contract with the selected offeror, the ESC shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of selection ranking until a contract is reached or all proposals are rejected.

Gov't Code 2269.155