

## HARTNELL COMMUNITY COLLEGE DISTRICT

AP6350 Contracts- Construction

REFERENCES: Education Code Section 81800; Public Contracts Code Sections 20650 et seq., 22000 et seq.

The Superintendent/President or designee shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of college initiated new construction, additions to existing plants, and ~~major~~ alterations and repairs of buildings and grounds.

The Superintendent/President or designee shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Board of Trustees for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications and revised cost estimates, if any, will be submitted for approval to the California Community Colleges Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees.

The final working drawings and specifications, approved by the State Department of General Services and the CCC Chancellor's Office, together with revised estimates, if any, shall be submitted to the Board of Trustees for adoption. The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding (see AP 6340 titled Bids and ~~Costs~~).

### Adoption of Uniform Public Construction Cost Accounting Act

The District has adopted the Uniform Public Construction Cost Accounting Act (the "Act") as set forth in Public Contract Code Section 22000 et seq. The Act provides for the development of cost accounting standards and an alternative method for the bidding of public projects, as defined in Public Contract Code (PCC) Section 22002, subdivision (c), by public entities, including community college districts. A public entity that has adopted the Act may also utilize the bidding procedures set out in PCC Section 22030 ~~when~~ contracting for maintenance work, as defined in PCC Section 22002, or when contracting for any other work which does not fall within the definition of "public project" as defined in PCC Section 22002.

District staff shall implement the provisions of the Act, as amended from time to time.

### Bids and Contracts Not Covered by this Administrative Procedure

Procedures governing bids and contracts for goods and services not subject to the Act are set forth in Administrative Procedure (AP) 6340.

### Informal and Formal Bidding Procedures under the Act

“Public projects” are defined in PCC Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. “Public project” does not include “maintenance work” as defined in PCC Section 22002.

### Limits

Public Contract Code Section 22032 authorizes public projects of \$45,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order.

Public projects estimated to cost up to \$175,000 shall be let to contract by procedures described below.

Public projects in excess of \$175,000, with limited exceptions, shall be let to contract by formal bidding procedures described below.

The above bid limits shall be adjusted as amended by State Controller.

### Compliance with Prevailing Wage Law

If a contract calls for labor requiring the payment of prevailing wages, then bid notices shall contain an affirmative statement requiring compliance with Labor Code (LC) Sections 1775 and 1776 governing payment of prevailing wages and LC Section 1777.5 governing employment of



District determines that the cost estimate was reasonable, the District may award the contract

four-fifths (4/5) majority of the Board declaring that the project can be performed more economically by District employees.

#### Unlawful to Split Bids

It is unlawful to split or separate into smaller work orders or projects or any project for the purpose of evading the provisions of the Act requiring work to be done by contract after competitive bidding.

#### Contracts for Maintenance Work

Contracts for maintenance work may be bid pursuant to the Informal Bidding Procedures described above. "Maintenance work" is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; or work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

#### Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for the District, or for materials or supplies to be furnished or sold to the District may be made with an accepted vendor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, not to exceed three years.

#### Emergency Repair Contracts without Bid

Consistent with PCC Section 22035, in cases of emergency when repair or replacements are necessary, the Board may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board, by contractor, or by any combination of the two. In case of an emergency, if notice for bids to let contracts will not be given, the District shall comply with PCC Section 22050.

#### Contractor Registration

In accordance with the provisions of Labor Code Section 1725.5, a contractor shall be registered in order to be listed in a bid proposal or engage in the performance of any public works project subject to the requirements of Labor Code Section 1720 et seq..

Note: The following sections apply if funds from the Kindergarten University Public Education Facilities Bond Acts of 2002, 2004 or 2006 are used for a public works project.

### Kindergarten/University Public Education Bond Act Projects

In accordance with Labor Code Section 1771.7, for projects funded by 2002, 2004 or 2006 Bond Funds, the Chief Business Officer will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code 1771.5. The program will include:

- Appropriate language concerning the wage requirements of Labor Code 1720 et seq. in all bid invitations and public works contracts.
- A prejob conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by the Chief Business Officer or designee or an independent third party, but not the third party with whom the Districts contracts to initiate and enforce a labor compliance program under Labor Code section 1771.7.
- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment ~~and any~~ applicable penalties.
- The District shall comply with any other prevailing wage monitoring and enforcement activities that are required to be conducted by labor compliance programs by the Department of Industrial Relations.

The Chief Business Officer shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce the required labor compliance program to the Director of the Department of Industrial Relations, or any successor agency that is responsible for the oversight of employee wage and work.

See Board Policy 6300

See Administrative Procedures ~~6300,6340~~

Approved by Superintendent/President: November 25, 2014

Revised: March 17, 2015