

## **Bids**

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the district, including when contracting for public projects involving district facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditures of funds. When required by law, or if the Board determines that it is in the best interest of the district, such contracts shall be made using competitive bidding.

An alternative procedure for public works projects is provided pursuant to the Uniform Public Construction Cost Accounting Act. (Public Contract Code 22000-22045)

(cf. 0410 – Nondiscrimination in District Programs and Activities)  
(cf. 3000 – Concepts and Roles)  
(cf. 3230 – Federal Grant Funds)  
(cf. 3300 – Expenditures and Purchases)  
(cf. 3311.1 – Uniform Public Construction Cost Accounting Procedures)  
(cf. 3311.2 – Lease-Leaseback Contracts)  
(cf. 3311.3 – Design-Build Contracts)  
(cf. 3311.4 – Procurement of Technological Equipment)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 20116)

The Superintendent or designee shall establish comprehensive bidding procedures for the district in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

For award of contracts which, by law or Board policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

(cf. 9270 - Conflict of Interest)

When calling for bids, the Superintendent or designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, and service required and include all information which the district knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property to the extent authorized by law. (Public Contract Code 20118)

*Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.*

**Legal Reference:**

**EDUCATION CODE**

17070.10-17079.30 Leroy F. Greene School Facilities Act  
17250.10-17250.55 Design-build contracts  
17406 Lease-leaseback contracts  
17595 Purchases through Department of General Services  
17602 Purchase of surplus property from federal agencies  
38083 Purchase of perishable foodstuffs and seasonable commodities  
38110-38120 Apparatus and supplies  
39802 Transportation Services

**BUSINESS AND PROFESSIONS CODE**

7056 General engineering contractor  
7057 General Building contractor

**CODE OF CIVIL PROCEDURE**

446 Verification of pleadings

**GOVERNMENT CODE**

4217.10-4217.18 Energy conservation contracts  
4330-4334 Preference of California-made materials  
6252 Definition of public record  
53060 Special services and advice  
54201-54205 Purchase of supplies and equipment by local agencies

**PUBLIC CONTRACT CODE**

1102 Emergencies  
1103 Definition responsible bidder  
2000-2002 Responsive bidders  
3000-3010 Roofing projects  
3400 Bids, specifications by brand or trade name not permitted  
3410 United States produce and processed foods  
4113 Prime contractor; subcontractor  
6610 Bid visits  
12200 Definitions, recycled goods, materials and supplies  
20101-20103.7 Public construction projects, requirements for bidding  
20103.8 Award of Contracts  
20110-20118.4 Local Agency Public Construction Act; school districts  
20189 Bidder's security, earthquake relief  
22000-22045 Alternative procedures for public projects (UPCCAA)  
22152 Recycled product procurement

**COURT DECISIONS**

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.th 739  
Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4<sup>th</sup> 1425  
Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4<sup>th</sup> 1241  
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861  
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449

**ATTORNEY GENERAL OPINIONS**

89 Ops. Cal. Atty. Gen. 1 (2006)

**Policy FRESNO UNIFIED SCHOOL DISTRICT**

adopted: June 23, 1994 Fresno, California

revised: September 10, 1997

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