

**BIDS****CURRENT POLICY**

In order to ensure transparency and the prudent expenditure of public funds, the Board of Education shall award contracts in an objective manner and in accordance with law. District equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Board determines that it is in the best interest of the district to do so.

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 equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

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As a means of tracking how effective district efforts are at reaching out to historically underrepresented groups and encouraging them to submit bids, the Superintendent or designee shall monitor the fairness and diversity of bids and contracts awarded to women- and minority-owned and local business by collecting related data on vendors/contractors during the bidding process.

The Santa Monica-Malibu Unified School District has embarked on a multi-million dollar school construction facility improvement program to improve health, safety and classroom instruction by the year 2013. In recognition that the school construction program will require a large pool of qualified contractors and in order to strengthen the local economy, the Board deems it imperative that local, small, and women- and minority-owned businesses compete for these economic opportunities. Consequently, the Board has established a 15 percent Business Outreach participation goal on district contracts. The mission of the Business Outreach Program is to increase the pool of qualified firms competing for SMMUSD bond-funded contracts and to provide information, access and technical assistance to businesses competing for the bond-funded construction and related contracts, and promote the long-term competitive capacity of certain Business Outreach firms.

Legal Reference:EDUCATION CODE

17595 Purchases through Department of General Services

38083 Purchase of perishable foodstuffs and seasonable commodities

38110-38120 Apparatus and supplies

39802 Transportation services

GOVERNMENT CODE

4330-4334 Preference for 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

2001-2001 Responsive bidders

3002 Roofing projects

3400 Bids, specifications by brand or trade name not permitted  
3410 United States produce and processed foods  
6610 Bid visits  
12200 Definitions, recycled goods, materials and supplies  
20103.8 Award of contracts  
20107 Bidder's security  
20111-20118.4 Contracting by school districts  
20189 Bidder's security, earthquake relief  
22002 Definition of public project  
22030-22045 Alternative procedures for public projects (UPCCAA)  
22050 Alternative emergency procedures  
22152 Recycled product procurement  
COURT DECISIONS  
Marshall v. Pasadena USD, (2004) 119 Cal.App.4th 1241  
Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449  
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861  
ATTORNEY GENERAL OPINIONS  
89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

WEB SITES

CSBA: [http:// www.csba.org](http://www.csba.org)

California Association of School Business Officials: <http://www.casbo.org>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
**adopted: November 5, 2009                      Santa Monica, California**