ATTACHMENT "A"

I. ROLL CALL

II. PUBLIC SPEAKERS*

III. REPORTS/RECOMMENDATIONS/ACTION

A. Debt Repayment Policy (discussion)
   Disposition:

B. Internal Audits Quarterly Report
   Disposition:

C. Efficiency Audit Update
   Disposition:

D. Review of Contracting Policies
   Disposition:

IV. FUTURE DISCUSSION/AGENDA ITEMS

A. Update on Overpayments
B. Budget Allocation/Growth Proposal
C. Update on Cost Savings from Master Agreements (Chancellor's Directive #142)
D. Schedule for Districtwide Bids on Major Items
E. Retirement Incentives
AGENDA FOR THE BUDGET AND FINANCE COMMITTEE MEETING

NOVEMBER 6, 2013

I. Roll Call

II. Public Speakers

III. Reports/Recommendations/Action
   A. Debt Repayment Policy (discussion)
   B. Internal Audits Quarterly Report
   C. Efficiency Audit Update
   D. Review of Contracting Policies

IV. Future Discussion/Agenda Items
   - Update on Overpayments
   - Budget Allocation/Growth Proposal
   - Update on Cost Savings from Master Agreements (Chancellor's Directive #142)
   - Schedule for District-wide Bids on Major Items
   - Retirement Incentives

V. Future Budget and Finance Meeting Dates
   - December 11, 2013

VI. New Business

VII. Adjourn
ITEM A

Debt Repayment Policy (Discussion)
College Debt Repayment Policy

DBC Recommendation (September 18, 2013)
(ECDBC 4/16/13, 5/14/13, 8/8/13, 9/10/13)
(DBC 8/14/13, 9/18/13)

1. Limit annual college debt repayment obligation to 3% of the college’s final budget allocation;

2. Colleges, that have outstanding debt repayments that exceed 3% of their final budget allocation, shall receive relief from debt repayments under the following conditions:
   • Balanced its budget for at least three consecutive years while meeting FTES obligation;
   • College has submitted a reasonable, multi-year plan for maintaining a balanced budget and meeting its enrollment target for duration of its repayment period;
   • Has paid its annual debt according to its repayment plan;
   • Has paid off 50% or more of its total debt.

If the college continues to maintain a balanced budget in the subsequent years*, the remaining debt repayments shall be waived for the remainder of the repayment period. However, if the college fails to maintain a balanced budget in the subsequent years, the remaining debt repayments shall not be waived.

• One year suspension of the college debt repayment will be given to interim and/or new college presidents to allow them time to plan and address the college fiscal issues.

*Subsequent years are the years in which the college is still obligated to pay back the remaining annual debt installments.
## COLLEGE DEFICIT REPAYMENT SIMULATION

### SUSPENDED THROUGH 2012-2013 (2-YR SUSPENSION) WITH 5-YEAR INSTALLMENT PLAN

**EXAMPLE 1**

Assume City College will continue to balance its budgets in year 1, 2 and 3 and pay its annual debt repayments of $463,220 in year 1, 2 and 3.

$463,220.00 \times 3 \text{ years} = $1,389,660.00 which is greater than or = to 50% of its total debts = $2,316,097

If City College will continue to balance its budget in year 4 and year 5, City College will not have to pay its debts in year 4 and year 5.

**EXAMPLE 2**

Assume Harbor College will continue to balance its budgets in year 1, 2 and 3 and pay its annual debt repayments of $881,226 (3% cap) in year 1, 2 and 3.

$881,226 \times 3 \text{ years} = $2,643,678.00 which is still less than 50% of its total debts of $6,180,673 (or $3,090,337)

Harbor College will have to make another payment in year 4 to bring its total debts paid off above the 50% of its total debts.

$881,226 \times 4 \text{ years} = $3,524,804.00 which is greater than or = to 50% of its total debts = $3,090,337

Then if Harbor College will continue to balance its budget in year 5, Harbor College will not have to pay its debts in year 5.

### Table: COLLEGE DEFICIT REPAYMENT SIMULATION

<table>
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<tr>
<th>College</th>
<th>2013-14 Allocation</th>
<th>-3% of Prel Allocation</th>
<th>Total Suspended</th>
<th>2013-14</th>
<th>YEAR 2</th>
<th>YEAR 3</th>
<th>YEAR 4</th>
<th>YEAR 5</th>
<th># yrs to payoff</th>
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<td>(1,171,863)</td>
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*2013-14 Final Budget Allocations excluding debt repayments

** Does not include 2012-13 deficits
## SCHEDULE OF COLLEGE DEFICIT REPAYMENTS

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<th></th>
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<td>3rd Yr Reductn (in 1112)</td>
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<td>(1,593,947)</td>
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<td>(2,303,186)</td>
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### SUSPENDED UNTIL 2013-2014 (2-YR SUSPENSION WITH 5-YEAR INSTALLMENT PLAN**

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<th>2011-12</th>
<th>2012-13</th>
<th>SUSPENDED UNTIL 2013-2014 (2-YR SUSPENSION WITH 5-YEAR INSTALLMENT PLAN**</th>
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</tr>
<tr>
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<tr>
<td>Total</td>
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<td>(688,749)</td>
<td>(688,750)</td>
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</table>
Budget and Finance Committee Meeting

Wednesday, November 6, 2013

ITEM B

Internal Audits Quarterly Report
SUMMARY OF COMMON FINDINGS:

A. Change Fund

1. There are internal weaknesses with the process of ordering, receiving, and documenting cash for the business office and bookstore change fund.
2. Cash is kept in unsecured areas such as employee’s desk, cabinet and unlocked safe.
3. The miscellaneous change fund cash count did not reconcile with the amount of “cash on hand” per the SAP system.
4. The Bookstore orders and takes custody of the cash for Nebraska Book Company (NBC) during the book buyback period.
5. The Business Office is acting as a bank by cashing employees’ personal checks under $50 and in some cases loaning the employees cash and holding the cash as collateral for repayment.

B. ASO and Trust Accounts

1. Lack of documentation to ascertain the timeliness for the approval of the check request forms/documents as the forms were not dated by the approver.
2. The Business Office does not have a process in place for maintaining, updating, and validating signatory cards associated with accounts attributed to the ASO/ASG/ASU and Trust accounts.
3. Funds are deposited into the ASO Accounts that are unrelated to ASO/ASG/ASU and/or ASO club activities. Example: The ASO/ASG/ASU account was used for an employee retirement party.

4. There are internal weaknesses in the business office process of establishing ASO/ASU/ASG, departmental trust accounts, and other fund accounts as documentation is not maintained denoting the purpose and intent of the account.

5. There is no process in place to close out dormant accounts that are associated with the ASO/ASU/ASG.

C. Cash Collection and Deposits
   1. The LACCD does not account for all student fees as revenues are reported on all cash collected.
   2. All cash collected for offline transactions is not being reported on the miscellaneous offline report.
   3. Bookstore does not deposit all cash collections to the business office timely.
   4. Business Office does not make timely deposits to City National Bank account as per bank statements and backup documentation.
   5. Variances were noted in the reported amounts noted on the cash receipts, miscellaneous reports and cash deposits derived from the same day activities.

D. Revolving Fund
   1. The Business Office is cashing revolving fund checks written out by the campus to the employee for revolving fund purchases.
   2. Revolving Fund initiator did not sign and/or date the request submitted for reimbursement.
   3. There was a failure to comply with the College process requiring documenting a budget review prior to disbursing funds.
   4. Revolving Fund check payments were made to vendors without an original invoice and adequate backup documentation substantiating transactions.
   5. The checks that are issued from the LACCD District Office to the District Office and the Colleges as replenishment of the revolving fund are made payable to the custodian of the revolving fund as opposed to the District Office and/or the College.

E. Walkthrough
   1. There is a lack of segregation of duties as it relates to the collection of cash, accounting and reporting.
   2. There are internal weaknesses with the safeguarding of assets.
   3. There is a lack of documentation to substantiate financial transactions and other operating activities.
   4. There are internal weaknesses in the process of accounting for the inventory of parking permits.
F. Accounts Receivable
   1. Significant control weaknesses were noted in the Accounts Receivable process as there were no consistent monitoring, follow-up, reporting, and write-off processes of accounts receivable derived from students' non-payments of tuition.
   2. The LACCD allows students who do not pay their tuition and other fees associated with their classes to complete the semester with a letter grade. The total dollar amount of fees owed for Fall 2012 totaled $3,121,729.75 as per the Fee Owed Report dated August 16, 2013.
   3. The LACCD does not account for all non-payment of student fees as receivables associated with uncollectible student fees identified in the DEC system and are not reported in the financial statements. As of the ending of Fall 2012, the outstanding balance was $29,079,863.96 as per the Fee Owed Report (From DEC) dated August 16, 2013. This is the cumulative amount from Spring 2003 through Fall 2012.

G. Accounting and Reporting
   1. The preparer's name, signature, and date were omitted on the miscellaneous reports.
   2. Miscellaneous reports were not approved timely.
   3. The miscellaneous reports were not submitted to the district office timely.

H. International Medical Insurance (IMED)
   1. The required form used for refunds of I-MED fees is incomplete as some of the required information was missing.
   2. LACCD is paying Health Insurance coverage for International Students who do not pay the I-Med Fee.

I. International Students
   1. The International Student Department (ISD) is responsible for collections payment from students for the international registration fees as opposed to the Business Office.

J. Bank Reconciliation
   1. There are internal weaknesses with the review and approval of bank reconciliations.

K. Policies and Procedures
   1. The Fiscal/Business Office does not maintain updated written policies and procedures of internal operations for all pertinent areas.

L. Wire Transfers/Interbank Transfers
   1. There is no approval on the document used to transfer funds from the City National Bank to the County Treasury.
Budget and Finance Committee Meeting

Wednesday, November 6, 2013

ITEM C

Efficiency Audit Update (No Handouts)
Budget and Finance Committee Meeting

Wednesday, November 6, 2013

ITEM D

I. Board Rules Chapter VII

   A. Article I Contracting
   B. Article II Use of District Facilities and Grounds
   C. Article III Risk Insurance

II. Administrative Regulations

   A. B-9 Negotiations of District Agreements and/or Partnership College President
   B. B-19 Delegation of Contracting Authority to College Presidents.
   C. B-21 Real Property Due Diligence

III. Procurement Policies and Procedures (PP-04-00 to PP-04-20)

   A. PP-04-00 Procurement Overview and Policy
   B. PP-04-01 Procurement Responsibilities and Organization
   C. PP-04-08 Procurement of Special and Professional Services
Budget and Finance Committee Meeting

Wednesday, November 6, 2013

ITEM D

I. Board Rules Chapter VII

A. Article I Contracting
B. Article II Use of District Facilities and Grounds
C. Article III Risk Insurance
CHAPTER VII

ARTICLE I

CONTRACTING

7100. BOARD RESPONSIBILITY FOR CONTRACTS. The Board of Trustees has the sole responsibility for all contracts obligating the District.

7100.10 Delegation of Authority to Enter Into and Amend Contracts. When such transactions do not exceed the dollar limits established in the Education Code or other laws pertaining to the taking of competitive bids, the Chancellor, or the Senior Vice Chancellor, the Executive Director of Facilities Planning & Development, the Director of Business Services and the Director of Facilities Planning & Development, and such additional positions or individuals which have been authorized by the Board of Trustees, may:

a. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any limitations or requirements set forth therein.

b. Amend the terms and conditions of any contractual arrangement provided that the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable state or federal law.

c. Agree to binding arbitration if the Chancellor, Senior Vice Chancellor, Executive Director of Facilities Planning & Development, or Director of Business Services determines that it is an appropriate business decision to do so.

EC 72287, 81640, 81644, 81655, 81656, 81658

Adopted or Restored 09-24-80
Amended 12-16-89
Amended 09-20-00
Amended 08-03-05
Amended 09-05-01
Amended 08-03-05
Amended 03-07-12
d. Delegation Authority: Effective December 1, 2000, except for contracts funded by the proceeds of the bond issues authorized by Proposition A on the April 10, 2001, election ballot, the Chancellor shall have the authority to delegate contracts which do not require formal, competitive bidding to College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting or day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence. Any such delegation shall be in writing. The Chancellor shall issue regulations for such delegation and its implementation.

e. Effective October 1, 2001, the Chancellor shall have the authority to issue purchasing cards to District employees for the purpose of buying low-value materials, supplies and services, including business travel-related items. The Chancellor may delegate to the College Presidents, Senior Vice Chancellor and Executive Director of Facilities Planning & Development the authority to (a) designate District employees under their control to be issued purchasing cards, and (b) establish spending limits and other controls on the use of such cards. The Chancellor shall issue regulations establishing the use of purchasing cards and the associated delegation of authority.

f. In accordance with Education Code section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his or her authority may be disciplined. In addition, in accordance with Education Code section 81655, any such employee may be personally liable to the District for any and all moneys of the District paid as a result. District funds incurred as a result of such actions may be charged to the location which created the liability, as determined by the Chancellor or his designee.

Adopted or Restored 09-24-80
Amended 12-16-89
Amended 09-20-00
Amended 08-03-05
Amended 09-05-01
Amended 08-03-05
Amended 03-07-12
Effective March 8, 2012, the Executive Director of Facilities Planning and Development shall make future determinations of "substantial complexity" for purposes of allowing retention proceeds in excess of five percent in accordance with Section 7201 of the Public Contract Code, which generally limits retention proceeds in public construction contracts to five percent of the total contract payment unless (1) the governing body or its designee approves a finding during a regular and properly noticed public meeting that the proposed project is "substantially complex" and requires a retention amount greater than five percent and (2) the public entity includes both the finding and the designated retention amount in the bid documents for the project.

Adopted or Restored 09-24-80
Amended 12-16-89
Amended 09-20-00
Amended 08-03-05
Amended 09-05-01
Amended 08-03-05
Amended 03-07-12

7100.11 Emergency Contracts. In an emergency, as defined by the Education Code, a contract may be awarded on behalf of the District by the Chancellor, or designee, the Vice Chancellor of Business Services, or designee, for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. Such contracts shall be reported to the Board of Trustees at the earliest possible date and in all circumstances within thirty (30) days after issuance.

EC 81648, 81656

Adopted or Restored 09-24-80
Amended 12-16-81
Amended 09-20-00
7100.12 Non-Discrimination. Any contractor performing work or providing services for the Los Angeles Community College District must certify that there is no discrimination in the contractor's hiring or employment practices because of sex, race, religious creed, color, ancestry, national origin, physical disability, mental disability, medical condition, marital status, or sexual orientation, except as provided for in section 12940 of the Government Code. All contractors must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment and Housing Act beginning with sections 12900 of the California Government Code. In addition, the contractor must agree to require compliance by all subcontractors employed on the work by him/her.

When working for the District, contractors and their subcontractors who employ workers in any apprenticeable craft or trade, and who refer apprentices to the Los Angeles Community College District for enrollment, are subject to the provisions of the California Apprenticeship Law, the California Plan in Apprenticeship and the Affirmative Action Plan adopted by the Board of Trustees.


Adopted or Restored 09-24-80
Amended 12-16-81
Amended 09-20-00

7100.13 Discriminatory Trust and Restraints of Trade. Contractors shall be required to abide by Sections 16721 and 16721.5 of the California Business and Professions Code pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade.

EC 81641

Adopted or Restored 09-24-80
Amended 09-20-00
7100.14 **Interests of Employees and Board Members.** Employees of the District and members of the Board of Trustees shall not have an interest in any contract, other than their individual employment agreement, made by the Board.

EC 72533

Adopted or Restored 09-24-80
Amended 09-20-00

7100.15 **Ratification of Transactions.** All transactions and amendments thereto, entered into under Board Rules 7100, 7101, 7102, 7103, and 7104 shall be reported to the Board of Trustees for ratification within sixty (60) days of such transactions.

Adopted or Restored 09-24-80
Amended 09-20-00

7100.16 **Rejection of Bids.** Any and all bids may be rejected by the District for good and sufficient reason.

Adopted or Restored 09-24-80
Amended 09-20-00

7100.17 **Advertisement for Bids.** The Business Services Division shall advertise for bids in accordance with the provisions of the Education Code.

EC 81641

Adopted or Restored 09-24-80
Amended 09-20-00
7100.18 Agreements with Local Law Enforcement Agencies. The Board authorizes the Chancellor to enter into agreements for each of the colleges with local law enforcement agencies that have jurisdiction within the District’s boundaries in order to clarify the operational responsibilities for investigating “Part 1” violent crimes occurring on District college campuses. Such agreements will clearly designate which law enforcement agency has operational responsibility for the investigation of any “Part 1” violent crime occurring on District campuses. In addition, the agreements will delineate the geographical boundaries of each agency’s responsibility, by attaching appropriate maps, if necessary. Such agreements shall be submitted to the Board for ratification.

Adopted 08-11-99
Amended 10-17-01

7101. CONTRACTS. Contracts, involving expenditure amounts which require competitive bidding in compliance with law, shall require approval by the Board of Trustees prior to award and will be administered as indicated below:

Adopted or Restored 09-24-80

7101.10 Bid and Contract Forms. Bid and contract forms shall be prepared by the Business Services Division. A file of the basic forms shall be prepared and maintained by the Division. All applicable statutory provisions and Board Rules shall be observed in preparation of the forms.

All bid notices issued by the Los Angeles Community College District shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices.

All bid submissions shall contain all documents necessary to assure the ability to comply with these California Labor Code Sections.

Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Adopted or Restored 09-24-80
Amended 12-13-89
7101.11 Bid Guarantees. When required or appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

Adopted or Restored 09-24-80

7101.12 Distribution of Bid Documents and Receipt of Bids. The Business Services Division shall make available to the prospective bidders Bid Forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and material personnel may examine the specifications and drawings.

A deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

The Business Services Division shall receive the bids, open and read them aloud in public at the time and place specified in the bid, check them for regularity and compliance with legal requirements, and tabulate them.

EC 81641

Adopted or Restored 09-24-80

7101.13 Responsive Bids. An award shall be made to the lowest responsive bidder who meets District specifications and requirements in conformance with law. The Business Services Division shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

Adopted or Restored 09-24-80

7101.14 Public Works Bonds. Material and Labor Bond and Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District.

Adopted or Restored 09-24-80
7101.15 Acceptance of Completion for Material and Labor Contract. When the entire work has been completed, as provided for in the contract, the Business Services Division shall submit a recommendation for Board acceptance of completion of the contract. After acceptance, a Notice of Completion of contract shall be filed with the County Recorder.

Adopted or Restored 09-24-80

7102. PURCHASING. The Chancellor, or designee, is authorized to procure equipment, supplies and services for all colleges, divisions and offices of the District within budgetary limitations as authorized in Board Rules 7100.

Adopted or Restored 09-24-80

7102.10 Competitive Bidding. Procurement actions shall be by competitive negotiations and bidding in compliance with statutes with award to the lowest responsible bidder meeting the specifications. The "lowest responsible bidder" is the lowest bidder whose offer responds in quality, fitness and capacity to fulfill and perform the particular requirements set forth by District.

a. Specifications. Specifications shall be descriptive of materials desired and sufficiently broad to conform to law and to promote competitive bidding.

b. Qualified Bidders. An effort shall be made to attract and develop a maximum of responsible bidders capable of offering the best prices consistent with quality, delivery and service.

Adopted or Restored 09-24-80

7102.11 Purchases. Bids for all purchases which exceed the amount permissible for ratification by law shall be submitted to the Board of Trustees for approval prior to award to vendor.

Adopted or Restored 09-24-80

7102.12 Guarantees. A performance guarantee may be required in the form of a bond from a surety company or on a form acceptable to the District.

EC 81640
Adopted or Restored 09-24-80
7102.13 Purchase Orders for Subsequent Year. Following adoption of the Tentative Budget, but not earlier than May 15, purchase orders may be issued for delivery during the subsequent year in an amount not to exceed fifty percent (50%) of any approved appropriation in the Tentative Budget.

Adopted or Restored 09-24-80

7102.14 Purchase of Cafeteria Supplies. The College President, or designee, is authorized to negotiate with vendors for furnishing perishable merchandise, food for preparing meals and related supplies not provided for by a Districtwide contract at the lowest possible cost consistent with the needs of the cafeteria with respect to service, delivery and quality. The College President is responsible for adhering to all procedures, rules and regulations established by District administration for accounting, control and payment authorization for such materials obtained.

Adopted and Restored 09-24-80

7103. FACILITIES. The Business Services Division shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities which 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. Planning and programming shall be done in cooperation with College Presidents, or designees, and with the Educational Services Division.

Adopted and Restored 09-24-80

7103.08 Public Project Contracts: Alternative Procedures. The Board of Trustees has elected to be subject to the California Uniform Public Construction Cost Accounting Act (CUPCCAA), commencing with Sections 22000 to Part 3 Division 2 of the Public Contract Code with an effective implementation date of July 1, 2001. This election provides for the following:

Adopted 05-09-01
A. Public Projects of $30,000 or less. These projects may be performed by force account, by negotiated contract or by purchase order. When such work is contracted out, to the extent possible by law, at least three written quotes should be sought. Work specified herein shall utilize qualified contractors with the appropriate and current contractor license classification.

Adopted 05-09-01
Amended 07-13-05

B. Public Projects of $125,000 or less. These projects may be let to contract by informal procedures as set forth by the Uniform Public Construction Cost Accounting Act, particularly with respect to Sections 22034 and 22036 of the Public Contract Code. However, if all bids received are in excess of $125,000, the Board of Trustees may, through a resolution passed by a four-fifths vote, award the contract at one hundred and thirty seven thousand five hundred dollars ($137,500) or less, to the lowest responsible bidder, if it determines the cost estimate to be reasonable.

Adopted 05-09-01
Amended 07-13-05

C. Public projects of more than one hundred twenty five thousand dollars ($125,000). Public projects of more than one hundred twenty five thousand dollars ($125,000) will be let to contract by formal bidding procedures consistent with the Board Rules, Administrative Regulations, Business Operations Procedures and all other applicable Codes and laws. Such formal bidding shall be done by the Facilities Planning and Development Department under the direction of the Vice Chancellor of Business Services.

Adopted 05-09-01
Amended 07-13-05

Chapter VII - Article I - Page 10 7103.08
D. **Emergency Work.** In cases of great emergency, as determined by the Board of Trustees, including, but not limited to, states of emergency defined in Section 8558 of the Government Code and Section 20654 of the Public Contract Code when repair or replacements are necessary to permit the continued conduct of existing college classes or the operation of services of the District Office or College or to avoid danger to life or property, the Board of Trustees by majority vote may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, work details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board of Trustees or its designee, by contract, or by a combination of the two. The Board of Trustees delegates to the Chancellor or his/her designee(s) the power to declare a public emergency subject to confirmation of the Board of Trustees, by four-fifths vote, at its next meeting.

E. **Contract Ratification and/or Approval by the Board.** Public project contracts under $125,000 shall be reported to the Board for ratification within sixty (60) calendar days of award of the contract. All public project contracts over $125,000 require prior approval by the Board of Trustees as set forth in the Board Rules.

Adopted 05-09-01
Amended 07-13-05

F. **Adjustments to Contract Amounts.** Every five years the State Controller’s Office may make adjustments to the above-mentioned public project contract amounts. Any such adjustment shall be effective beginning with the fiscal year that commences not less than sixty (60) calendar days following the State Controller’s notification to the Los Angeles Community College District.

Adopted 05-09-01
Delegation of Authority to Contract for Public Projects and Maintenance Work

The Board of Trustees delegates the authority to the Chancellor or the Vice Chancellor of Business Services, Director of Facilities Planning and Development, Director of Business Services, and such additional positions or individuals which have been authorized by the Board of Trustees to contract and oversee new construction, alterations, additions, and repair and maintenance activities for District facilities and equipment consistent with the Uniform Public Construction Cost Accounting Act, Board Rules, Administrative Regulations, Business Operations Procedures and any other applicable Codes and laws. Effective July 1, 2001, authority may also be delegated by the Chancellor to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration as designated by the College Presidents, and to acting or day-to-day substitute(s) for the Vice Presidents of Administration in their absence. Any such delegation shall be in writing. The Chancellor shall issue regulations for such delegation and its implementation.

In accordance with Education Code section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his or her authority may be disciplined. In addition, in accordance with Education Code section 81655, any such employee may be personally liable to the District for any and all moneys if the action may be charged to the location that created the liability, as determined by the Chancellor or his/her designee.

Adopted 05-09-01
7103.10 Drawings and Specifications. The Business Services Division 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, Drawings, Specifications and revised cost estimates, if any, will be submitted for approval to the State 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 State Chancellor's Office, together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.

EC 81103, et seq. 81837

Adopted or Restored 09-24-80

7103.11 Repair and Maintenance of Plants. College Presidents, in coordination with the Business Services Division, shall be responsible for the maintenance, repair, minor alterations and improvements of District grounds, buildings, facilities and similar work.

Amended 10-15-80
7103.12 Performance of Work by District Personnel. The Chancellor, President of each college, or designee, is authorized to utilize day labor or force account personnel to perform maintenance, repair, District approved alterations, new construction, or additions for buildings and grounds and related equipment so long as the labor time or cost expenditures do not exceed the limitations of the Education Code.

EC 81649

Adopted or Restored 09-24-80

7103.13 Material and Labor Proposals. Work involving an expenditure amount that requires competitive bidding will be awarded using the criteria established in Board Rule 7101. The Vice Chancellor of Business Services, or designee, is authorized to negotiate Material and Labor Proposals and issue Repair and Services Orders for minor new constructions, alterations, additions, and repair and maintenance activities for District facilities and equipment not to exceed the amount specified in Section 81640 of the Education Code.

College Presidents, or designees, may also negotiate Proposal Contracts and issue Repair and Service Orders for similar activities which have been approved by the Chancellor, or designee, the Vice Chancellor of Business Services, not to exceed the amount authorized by the Chancellor, or designee.

EC 81640

Adopted or Restored 09-24-80
Architect/Engineer and Similar Professional Service Contracts for Facilities Related Matters.

A. The Vice Chancellor of Operations shall adopt a selection procedure to be used when the services of an Architect/Engineer or other related professional service providers are required for a new building or other major new or renovation project and the contract fee for such services will exceed $50,000 (hereinafter "selection procedure"). The selection committee membership shall consist of the Vice Chancellor of Operations and designees and representatives from the design professions as may be deemed necessary as well as representatives from Facilities Planning and Development and the President or designee from the affected location(s).

B. The Vice Chancellor of Operations, or designee, is authorized to negotiate professional service contracts with architects, engineers and related professionals involving plans, studies and reports pertaining to District owned and leased real property for projects of a minor scope not requiring the selection procedure. Contracts which require the use of the selection procedure shall be reported to the Board of Trustees for approval prior to the issuance of a contract. Contracts not requiring use of the selection procedure shall be reported to the Board for ratification within sixty (60) days of such transaction.

Adopted or Restored 09-24-80
Amended 12-15-99
7103.15  Prequalification of Bidders. Pursuant to Public Contract Code section 20651.5, prospective bidders for a contract or classification of contracts described in Public Contract Code section 20651, of a particular type and/or having an estimated cost to the District (either individually, or in the aggregate during the twelve (12) month period of prequalification provided for herein below), in excess of $1,000,000.00, may be required by the Executive Director of Facilities Planning and Development, or his designee, to furnish sufficient proof of public works experience and financial ability by completing a standard form questionnaire and financial information.

A. Applicants for prequalification shall provide answers to questions using a District standard form of questionnaire and financial statement that is based on the prequalification forms (either the long form or short form, as deemed appropriate) attached to these Rules, which are hereby adopted, including any modifications as may be deemed appropriate by the Executive Director. When completed, the questionnaire and financial information shall be verified under oath in the manner in which pleadings in civil actions are verified.

Adopted 07-19-00
Amended 12-06-00
Amended 09-04-02
Amended 12-01-04
Amended 08-09-06

B. Applicant responses to the District’s standard questionnaire shall be evaluated and selected applicants will be prequalified according to a uniform system of scoring that is based on the form of scoring sheet attached to these Rules, which is hereby adopted, including any modifications deemed appropriate by the Executive Director.

Adopted 07-19-00
Amended 12-06-00
Amended 12-01-04
C. Except as otherwise provided by applicable laws, the questionnaires and financial information are not public records and shall not be open to public inspection.

D. A determination by the District prequalifying an applicant shall not be construed a representation on the part of the District that any bids or proposals will be invited or solicited from an applicant or that a contract will be advertised, offered, bid or awarded only to prequalified applicants.

E. A determination that an applicant is prequalified shall, unless otherwise cancelled, revoked or limited by the District, remain valid for a period of twelve (12) months after the date that the applicant was prequalified, at which point the District may either allow the prequalification status of the applicant to expire of its own force or the District may, in its discretion and based on submission of updated or new information by the applicant, either renew the applicant's prequalification status for another twelve (12) months or conduct a new prequalification.

F. Applicants wishing to dispute the results of a prequalification determination by the District shall be entitled, prior to the closing time for receipt of bids for the contract for which they have been prequalified (or, in the case of prequalification for a classification of contracts, prior to the closing time for receipt of bids for the first contract bid by District within such classification) to a process for appeal before a committee appointed by the President of the Board of Trustees.

Adopted 07-19-00
Amended 12-06-00
Amended 12-01-04

PLEASE NOTE: THE PREQUALIFICATION AND SCORING FORMS ARE LOCATED AT THE END OF ARTICLE I.
Alternate Bidding Procedure. To comply with the addition of Public Contract Code section 20103.8 effective January 1, 2001, whenever the District is required to competitively bid a project and additive or deductive items are included in the bid form, the Notice To Bidders shall specify one of the four methods described below which the District will use to determine the lowest bid. In the absence of such a specification, the lowest bid shall be the lowest bid price on the base bid without consideration of the prices on the additive or deductive items.

A. Methods For Determining Lowest Bid. If alternate bids are called for, the Notice To Bidders shall specify which one of the following methods will be used to determine the lowest bid:

(1) The lowest bid shall be the lowest bid price on the base bid without consideration of the prices on the additive or deductive items;

(2) The lowest bid shall be the lowest total bid prices on the base bid and those additive or deductive items that are specifically identified in the Notice To Bidders as being used for the purpose of determining the lowest bid price;

(3) The lowest bid shall be the lowest total of the bid prices on the base bid and those additive or deductive items taken in order from the specifically identified list of those items, depending upon available funds as identified in the Notice To Bidders; or

Adopted 01-24-01
Amended 04-18-01
(4) The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the District before the ranking of all bidders from lowest to highest has been determined.

B. Designated Employee. In the event the District selects method (4) above, the procedure set forth below shall be followed:

The Director of Facilities Planning & Development or his/her designee shall designate an employee to perform the clerical functions described hereinafter. Said designated employee shall not be involved or participate in the decision making process of determining the low apparent bidder based upon the base bid and selected additive and/or deductive alternate bids.

C. Receipt of Bids. The following procedure shall be followed by the designated employee when receiving bids:

(1) As each bid is received, the designated employee shall write an assigned number on the front top right corner of the bid envelope and inform the bidder of his/her assigned number.

(2) As the designated employee opens each bid, the assigned number shall be written in the top right hand corner of the page(s) of the Bid Form that contain the bid amounts.

Adopted 01-24-01
Amended 04-18-01
(3) After all bids have been opened, the designated employee shall read each bid by assigned number, without reference to the name of the bidder.

(4) After reading all bids, the designated employee shall either (a) prepare a separate tabulation of each bid, to include only the assigned number and amounts of the base bid and all alternate bids, or (b) photocopy the page(s) of each Bid Form which include the base bid and alternate bid amounts, and excise any reference to the name of such bidder.

(5) The designated employee shall reinsert the original Bid Forms into the corresponding bid envelopes and shall retain custody of the bid envelopes in a secure area at the District until the low apparent bidder has been determined.

(6) Once the bid opening has been completed, the designated employee shall give to the Director of Facilities Planning & Development or his/her designee either the bid tabulation of the photocopied pages from the Bid Form containing the base bid and alternate bid amounts.

Adopted 01-24-01
Amended 04-18-01
D. Bid Protest. Should any bid protest be filed prior to the determination of the low apparent bidder based upon each bidder's base bid and alternate bids, such bid protest(s) must be in writing and delivered to the attention of the designated employee. Upon receipt of any bid protest, the designated employee shall maintain the bid protest along with the bid envelopes.

Any bid protest received after the District has notified the bidders of the low apparent bidder, shall be directed to the attention of the Director of Facilities Planning & Development.

E. Selection of Low Apparent Bidder. Once the District has selected the low apparent bidder based upon the base bid and alternate bid amounts submitted, such determination shall be reduced to writing and retained by the District. Upon the selection of the low apparent bidder, the designated employee shall deliver the bid envelopes containing the original Bid Forms, and any bid protests received, to the Director of Facilities Planning & Development or his/her designee.

After the assigned numbers have been matched with the names of the bidders and the Bid Forms along with any bid protests have been reviewed, the bidders who submitted bids shall be notified of the low apparent bidder.

F. Selection of Alternate Bids. Once the lowest responsible bidder has been selected, the District may determine to add to or deduct from the Contract any of the additive or deductive items.

Adopted 01-24-01
Amended 04-18-01
OPPORTUNITIES FOR LOCAL, SMALL AND EMERGING BUSINESSES.

The Board of Trustees seeks to continue and further its mission to contribute to the economic development of the community. To that end, the Board adopts the following policy for the inclusion of local, small and emerging businesses.

A. Definitions.

1. "Bid" shall mean all facilities bids and proposals that are projected to be funded by at least fifty percent (50%) by the funds from Proposition A or AA, and that are first advertised on or after January 14, 2004;

2. "Emerging" shall mean a firm that has been in business in its substantially current form for up to five (5) years;

3. "Local" shall mean a business that has its principal headquarters located within Los Angeles County;

4. "Small" shall be defined in the same terms as defined by the federal Small Business Administration;

5. "Reimbursable Expenses" shall mean expenses such as photocopying, travel, telephone other services provided by another business, that are specified as permissible under the contract, and that are less than ten percent (10%) in the aggregate of the total contract. Reimbursable Expenses shall not include performance of services or materials supplies that are subcontracted to another person or firm.

Adopted 1/14/04
B. **Goals.** The Board establishes a goal of twenty-eight percent participation of Local, Small and Emerging businesses in its contracts regarding facilities awarded each fiscal year.

C. **Bidding.** As a condition to be considered responsive, a Bid must include the following:

1. Demonstrated participation of at least twenty-eight percent (28%) of the total bid being performed by Local, Small or Emerging businesses; or,

2. A demonstrated good faith effort to include Local, Small or Emerging businesses, in accordance with regulations to be issued by the Chancellor; or,

3. The bidder certifies that it intends to perform ninety-five percent (95%) of the work with its own employees, excluding Reimbursable Expenses.

D. **Advertising and Mentoring.** In order to further the goals stated herein, the Board directs that the Chancellor or his designee undertake an appropriate advertising program directed to Local, Small and Emerging Businesses. That program should include such things as advertising in papers local to the applicable location where work will be performed, enhancement of the District's website to include a list of self-designated Local, Small and Emerging Businesses, and accessible plan rooms for all businesses to be able to review plans and schedules for upcoming projects. The Board also directs that the Chancellor or

Adopted 1/14/04
his designee undertake an appropriate mentoring program directed to Local, Small and Emerging Businesses to improve their business skills and likelihood of success while participating in the District’s facilities program. The mentoring program may be established as a function of the District through the Proposition A/AA program, or it may be operated jointly by the District and another public entity with similar goals, whichever is deemed a more effective and efficient approach by the Chancellor or his designee.

E. Bonding Requirements. In order to further the goals stated herein, the Chancellor or his designee may undertake the development and operation of a District-sponsored bid, labor and materials and performance bond program to facilitate the ability of Small, Local, and Emerging firms to meet District bond requirements under the Proposition A/AA program. All firms, regardless of qualification as Local, Small or Emerging, shall be eligible to participate, and all firms shall be required to demonstrate evidence of their ability to perform to the satisfaction of the bond provider(s).

F. Mandatory Bid Conferences. Bid conferences, or bid walk-throughs, held to inform interested business about the specific requirements of District construction projects shall generally be mandatory for those considering submitting a bid or proposal for the identified work. However, a Local, Small and Emerging firm may be exempted from the mandatory requirement if it submits an affidavit with its bid submission, stating the firm was unable to send a representative to attend the bid conference/bid walk.

Adopted 1/14/04
through due to a specific, unavoidable conflict. The affidavit will further state that the bidder is fully knowledgeable about the requirements of the bid, the bidder is accountable for any information that could have been ascertained by attending the conference/bid walk, and that the bidder has the ability to perform the requested work in a professional and workmanlike manner.

G. Reporting. The Chancellor or his designee shall make a report to the Board at least semi-annually regarding the District’s performance towards these goals.

Adopted 1/14/04
7104. LEASES

7104.10 Management of Real Property. All acquisitions of real property, including appraisals and valuations of real property of improvements; the securement of Title Insurance Policies covering land belonging to the District; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property shall be accomplished through the Business Services Division.

Adopted or Restored 09-24-80
Amended 09-20-00

7104.11 Use of Real Property Not Owned by District. Real property, the ownership of which is not vested in the District, shall not be used for school or administrative purposes except by lease or permit. With the exception of the designation of branch locations for the colleges which may include leases for no more than $5.00 annually, all requests for real property arrangements shall be made through the Business Services Division. Effective December 1, 2000, the Board of Trustees authorizes the Chancellor to delegate the responsibility and authority to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting and day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence, to negotiate, draft, sign and enter into leases for no more than $5.00 annually which involve the designation of branch locations for the college. All leases or permits shall be made in conformance with the Education Code, policies of the Board of Trustees and in accordance with published Business Services procedures.

Adopted or Restored 09-24-80
Amended 09-20-00
The structural safety of such quarters and the terms and conditions of such arrangements shall be investigated and negotiated by the Business Services Division.

The Vice Chancellor of Business Services, or designee, is authorized to lease facilities for District use, not to exceed the maximum amount set forth in EC 81640 for materials and supplies.

EC 81640

Adopted or Restored 09-24-80
Amended 09-20-00

7104.12 Use of Real Property by Third Parties.
Whenever real property owned by the District is not needed for educational purposes, the District may grant the use of such property either under a Civic Center Permit in accordance with Board Rule 7201 et seq., or by lease or permit for use in accordance with Board Rule 7202 et seq. All uses of District facilities which include fair rental fees shall be on a form designed by the Chancellor or his or her designee. All civic center permits, leases, permits for use or sales of property shall be made in conformance with law and with policies of the Board of Trustees.

Adopted or Restored 09-24-80
Amended 09-20-00
7104.13 Insurance on Lease. Lessee of District facilities shall provide evidence of public liability, property and worker's compensation insurance adequate to protect the District against any liability resulting from Lessee's use of the facility. Lessee's insurance policies shall name the District as additional insured and shall conform to dollar limits and other requirements set forth in Board Rule 7200.18 and as determined by the Business Services Division.

Adopted or Restored 09-24-80
Amended 09-20-00

7104.14 Violation of Lease. The District, at its discretion, shall have the right to cancel and terminate any lease immediately and without notice upon its discovery of a violation of any term, condition or provision of the lease and/or any of the general terms and conditions for using District facilities as set forth in Board Rule 7200 et seq. on the part of the Lessee. Should any such violation occur, the District, at its discretion, shall have the right to deny any future requests by the Lessee for the lease of District property which is the subject of this lease, or for any other District property or facilities.

Adopted or Restored 09-24-80
Amended 09-20-00
REQUEST FOR PREQUALIFICATION
OF [Name of Contractor]¹

FOR

[Name of Project]²

No. [Project Number]

(Short Form)

¹ Insert "General Contractors", "Subcontractors", "Vendors", etc., as appropriate.

² Insert description of proposed individual contract and project or classification of contracts or projects. See, Public Contract Code Section 20651 for complete listing of categories of contracts for which prequalification is permitted.
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NOTICE IS HEREBY GIVEN that the Los Angeles Community College District ("District") invites qualified 
Applicants to complete and submit a completed Prequalification Questionnaire for the purpose of prequalifying, 
based on financial ability and public contracting experience, to submit a bid or proposal for.

Any person or entity wishing to be considered for prequalification ("Applicants") must submit a completed 
Prequalification Questionnaire and other information as required by the Instructions to Applicants ("Instructions") that are 
part of the District's Request for Prequalification, copies of which are available commencing, 2023, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. at.

A Prequalification Conference will be conducted on, commencing promptly at 8:00 a.m./p.m. at. Attendance at the Prequalification Conference is (subject to exceptions as may be permitted by the District's Board Rule 7103.17 for small, local and emerging businesses). Sign language services are available for the Prequalification Conference upon written request received by the District's Executive Director, at the address stated below for receipt of Prequalification Submittals, at least three (3) business days prior to the Prequalification Conference.

All Prequalification Questionnaires and other information required by the Instructions to be submitted by 
Applicants ("Prequalification Submittals") shall be prepared in conformance with the Request for Prequalification using the 
forms referenced in or attached thereto. Prequalification Submittals shall be hand delivered to, or be received by mail at, the, at any time Monday through Friday during regular working hours of 8:00 a.m. to 5:00 p.m., up to and including 2023, 2023, which date and time is subject to change by District in accordance with the terms of 
the Instructions. The Applicant assumes full and sole responsibility for timely receipt of its complete Prequalification 
Submittal at the aforesaid location designated for receipt thereof.

Questions relating to this project should be directed to.
E-mail: or via Telephone Fax
ARTICLE 1 GENERAL PROVISIONS

1.1 Purpose. The purpose of this Prequalification is to prequalify [Insert “General Contractors”, “Subcontractors”, “Vendors”, etc., as appropriate] (“Applicants”) to bid for the Award of [Insert] by the Los Angeles Community College District (“District”) for the [Insert].

1.2 Overview. [Insert additional provisions or paragraphs as needed describing the prequalification, bidding and award process]

1.3 Authority. This prequalification is being conducted under the authority of Public Contract Code Section 20651.5. This authority is in addition to and shall not be construed as a limitation upon any other authority or right of District as may exist under applicable laws to conduct this prequalification or to separately determine the responsibility of any bidder or sub-bidder.

1.4 Basis of Prequalification. Applicants will be prequalified on the basis of their demonstrating, by means of the information they provide in their Prequalification Submittals, that they have the financial ability and public contracting experience that is required for the type and size of contract(s) contemplated by this prequalification.

1.5 Applicant Member. The term “Applicant Member” means any of the individuals, corporations, partnerships, joint ventures or other associations of persons or legal entities that shares directly in the profits, losses and liabilities of the Applicant or [Insert any additional description as may be applicable to joint bidding]. No changes in or additions to the Applicant Member(s) of an Applicant that has been prequalified and who submits a bid or proposal for a contract covered by this prequalification shall be permitted after the deadline in the Prequalification Schedule for submission of Prequalification Submittals, except with the prior written authorization of the District, which authorization may be granted or withheld in the District’s sole discretion. By way of example and without limitation to the foregoing, any person or entity who is an Applicant Member at the time of that Applicant is determined to be prequalified shall not be “switched out” or substituted with other persons or entities after the deadline in the Prequalification Schedule for submission of Prequalification Submittals.
1.6 Interested Parties. There is no limitation on the right of any person, partnership, joint venture, corporation or other association of persons or entities to participate as an Applicant or Applicant Member in more than one Prequalification Submittal. However, no person, partnership, joint venture, corporation or other association of persons or entities that successfully prequalifies to submit a bid or proposal ("Prequalified Applicant") shall be allowed to submit more than one bid or proposal for the same contract or be "interested in" a bid or proposal submitted by any other bidder or proposer for the same contract. For the purpose of this Paragraph, "interested in" means having a managerial or financial interest in another bidder or proposer.

1.7 No Obligation or Warranty by District. Applicants are solely responsible to satisfy themselves as to the suitability of any information provided by the District (including, without limitation, information available on the District Website) that is in the nature of estimates of costs, statement of needs or requirements, projections, budgets, or other information describing the proposed contract(s) or project(s) contemplated by this prequalification and nothing stated in the Prequalification Documents nor elsewhere shall be construed as implying the creation or existence of any warranty, express or implied, on the part of the District with respect to the accuracy, sufficiency or completeness of such information. A determination by the District prequalifying an Applicant shall not be construed as either: (1) a license to do business; (2) a promise or representation on the part of the District that any bids will be invited or solicited only from Prequalified Applicants; or (3) a representation or promise by the District that the Bidding Documents issued with respect to any contract that is the subject of this prequalification will be based only on specifications that are either restricted to one or more manufacturers or that are open to all manufacturers of the same or similar products.

1.8 Objections by Applicant. Any objection by an Applicant to the procedures or processes relating to this prequalification shall be submitted to the District, in writing, not more than seven (7) calendar days prior to the deadline in the Prequalification Schedule for receipt of Prequalification Submittals. Failure by an Applicant to so object shall constitute a final and conclusive waiver by the Applicant of its right to thereafter assert such objection at any other time or for any purpose.

1.9 Calculation of Time Periods Relating to Experience. Wherever in the Prequalification Documents the Applicant is asked to provide information or respond to a question concerning the events occurring within a stated, historical time period (such as, "within the last 5 years"), such time period shall be deemed to mean the period of time that precedes the date that the Applicant's Prequalification Submittal is first submitted to the District; provided, however, that if a question asks for information pertaining to a stated number of prior "full calendar years", it shall mean the calendar years immediately preceding the calendar year in which the Prequalification Submittal is submitted by Applicant.

[Insert the following Paragraphs 1.10 and 1.11 if the prequalification is for a public works contract or a other contract that includes performance of non-incidental labor]

1.10 Conditional Safety Record Approval. Applicants seeking prequalification for a contract that involves the performance of labor or services (other than labor or services that are incidental (i.e., not integral) to the placement or use of goods, furniture or equipment) are required to provide as part of their responses to the Prequalification Questionnaire information on their safety record. Any such Applicant that successfully prequalifies but who, for the time period requested in the Prequalification Questionnaire, reflects an Experience Modifier (as established by the Workers Compensation Insurance Rating Bureau) of between 1.00 and 1.24, shall be considered to be "conditionally" approved for prequalification only. Such Applicant must agree, as a condition of bidding and award of such contract to provide (at no additional cost to the District and as part of its bid or proposal price) a representative, whose qualifications are approved by the District, who shall be present on a full-time basis throughout the construction and who shall be dedicated exclusively to matters of safety, including, without limitation, monitoring, enforcing and reporting on matters related
to safety. By its Prequalification Submittal, Applicant specifically acknowledges and agrees that any failure to provide such a representative shall, in addition to constituting a breach of its obligations to the District under its applicable contract, constitute grounds for the District to cancel, revoke or limit the Applicant's prequalification status.

1.11 Subcontractor Safety Qualification. Applicants seeking prequalification for a contract that involves the performance of labor or services (other than labor or services that are incidental (i.e., not integral) to the placement or use of goods, furniture or equipment) are required to use Subcontractors in the first-contracting tier that have either of the following: (1) an Experience Modifier (as established by the Workers' Compensation Insurance Rating Bureau) no greater than 1.24; or (2) all of the following: (a) an Experience Modifier (as established by the Workers' Compensation Insurance Rating Bureau) no greater than 1.50; and (b) a Average Recordable Incidence Rate over the past ___(x) full calendar years prior to the date of closing for receipt of bids of no greater than 100% of the national average rate of injury and illness cases per 100 full-time workers according to the industrial classification(s) of the Standard Industrial Classification and/or North American Industry Classification Systems as established by the Bureau of Labor & Statistics that correspond to the type of work to be performed by the Subcontractor; and (3) Average Lost Workday Incidence Rate over the past ___(x) full calendar years prior to the date of closing for receipt of bids of no greater than 100% of the national average rate of non-fatal injury and illness cases involving days away from work per 100 full-time workers according to the industrial classification(s) of the Standard Industrial Classification and/or North American Industry Classification Systems as established by the Bureau of Labor & Statistics that correspond to the type of work to be performed by the Subcontractor. District may at its option require that Prequalified Applicants submit, as a condition of either bidding or award of such a contract, certification that all Subcontractors in the first-contracting tier meet the minimum safety standards of this Paragraph. District further reserves the right, at no cost to District, to require that a Prequalified Applicant replace any disqualified Subcontractor in the first contracting tier that does not meet the minimum safety qualifications of this Paragraph and to replace such Subcontractor with another Subcontractor that meets such requirements.

ARTICLE 2
APPLICANT REPRESENTATIONS

Each Applicant, and each Applicant Member signing and submitting a verification in support of the Applicant’s Prequalification Submittal, represents that:

2.1 Compliance with Prequalification Documents. The Applicant’s Prequalification Submittal is made in compliance with the Prequalification Documents.

2.2 Attendance at Prequalification Conference. If the Prequalification Conference, as stated in the advertisement of this prequalification, is mandatory, the Applicant attended the Prequalification Conference or has demonstrated that it was excused from attendance under the District’s Policy on Local, Small and Emerging Business, Board Rule 7103.17 (“Policy on Local, Small and Emerging Businesses”).

2.3 Due Authorization. The persons or entities signing a verification of the Applicant’s Prequalification Questionnaire are authorized to do so and any such signer that is a corporation is authorized to do business and is in good standing under the laws of the State of California.

2.4 License Status. The Applicant has been issued and currently holds a _____ license [Insert license classification, or “not applicable” if license is not required for performance of proposed contract or contracts] issued by the Contractor’s State License Board for the State of California.

2.5 Immigration Reform and Control Act. The Applicant is in full compliance with the provisions of the Immigration Reform and Control Act of 1966 (“IRCA”), as well any similar provisions
of applicable laws setting forth proscriptions or penalties relating to the employment or hiring of undocumented aliens.

2.6 Financial Condition. There has been no significant or material change in the financial condition of any person or entity for whom the Applicant has submitted a Statement of Financial Condition or independent accountant’s report since the effective date of the Statement(s) of Financial Condition or independent accountant’s report.

[Insert the following paragraphs in any prequalification for a public works contract or other contract that includes performance of non- incidental labor]

2.7 Labor Compliance. The Applicant will, if awarded a contract within the classification of contracts provided for in the Prequalification Documents, comply with all of the applicable provisions of the California Labor Code, as well as the District’s Project Labor Agreement (if applicable) and the District’s Labor Compliance Program (if applicable), including, without limitation, payment of prevailing wages, maintenance and submission of weekly certified payrolls, hiring of apprentices and establishment, implementation and maintenance of an Injury and Illness Prevention Program in accordance with California Code of Regulations, Title 8, Sections 1509 and 3203.

ARTICLE 3
PREQUALIFICATION SCHEDULE

3.1 Prequalification Schedule.

The following is the anticipated schedule for the prequalification process:

3.1.1 Advertisement of Request for Prequalification
3.1.2 Prequalification Conference
3.1.3 Deadline for Requests for Clarification
3.1.4 Prequalification Submittals Due
3.1.5 Notice of Prequalification Selection
3.1.6 Debriefings (optional)

3.2 Schedule Changes. The District reserves the right, at any time, to make additions, modifications or deletions to any of the events or dates that comprise the Prequalification Schedule by issuance of a Prequalification Addendum. References in the Prequalification Documents to the Prequalification Schedule, or dates in the Prequalification Schedule, shall mean those set forth in Paragraph 3.1, above, as adjusted by any changes thereto made pursuant to this Paragraph 3.2.

3.3 Proceedings. All proceedings conducted for the purpose of or related to the prequalification of Applicants, other than the Prequalification Conference, shall (unless otherwise directed by the District in a Prequalification Addendum) be closed to the public.

3.4 Debarment, Non-Responsibility. A determination by the District that an Applicant is not prequalified does not, unless otherwise expressly stated by District at the time of issuance of its prequalification determination, constitute a finding or determination of debarment or non-

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3 If the prequalification process is being conducted in tandem with the competitive bidding of a specific project or contract, the deadline for submission of Prequalification Submittals should be not later than five (5) calendar days prior to the date fixed for the public opening of sealed bids.
responsibility. The prequalification by the District of an Applicant who successfully completes the
prequalification process shall be understood to be preliminary only and shall not be interpreted as
precluding the District at the time of bidding from: (1) waiving the prequalification requirement; (2)
imposing new or additional responsibility requirements as part of the bidding process; or (3) or
making a subsequent determination, based on new information received after the conclusion of the
prequalification process, that the Prequalified Applicant or any joint bidder or sub-bidder of the Pre-
Qualified Applicant is not responsible.

ARTICLE 4
PREQUALIFICATION PROCEDURES

4.1 Prequalification Documents. The Prequalification Documents consist of the following:
(1) the Advertisement of Request for Prequalification; (2) these Instructions to Applicants (including,
without limitation, all attachments hereto); and (3) Prequalification Addenda. Prequalification
Documents may be obtained from or may be available on the District’s Website at: "http://www.laccd.edu".

4.2 Prequalification Questionnaire. Applicants will be evaluated for prequalification
based on the responses they provide in the Prequalification Questionnaire and other documents, if
any, that they are required to submit with the completed Prequalification Questionnaire. All
responses to the questions in the Prequalification Questionnaire must be made on the form of
Prequalification Questionnaire attached hereto as Attachment No., excepting only where
specifically invited in the Prequalification Documents to be submitted as a separate document.
Applicants must provide all of the information that is required by the Prequalification Questionnaire.
Failure to provide available information that is requested in a question shall be deemed a failure to
respond to the question. Except as otherwise permitted by Paragraph 4.5, below, all information
provided shall be current as of the date of submission by Applicant of its Prequalification Submittal.

4.3 Prequalification Submittal. The following documents, comprising the Applicant’s
Prequalification Submittal, are required to be submitted by an Applicant in order to be considered for
prequalification:

4.3.1 a completed Prequalification Questionnaire in the form attached hereto as
Attachment No.,

4.3.2 completed verifications in the form attached hereto as Attachment No., signed
in the manner required by these Instructions to Applicants, on behalf of the Applicant and, if the
Applicant is a Project Joint Venture, a separate verification signed on behalf of the Principal
Managing Partner of the Project Joint Venture.

4.3.3 a completed and signed Release of Information in the form attached hereto as
Attachment No., signed by the Applicant and each Applicant Member;

4.3.4 either (1) a completed Statement of Financial Condition and signed Certificate of
Accountant in the appropriate form attached hereto as Attachment No., or (2) a certified public
accountant’s report in the form required by Paragraph 4.5, below, for the following: Applicant;
Principal Managing Partner (if Applicant is a Project Joint Venture, as defined in Paragraph 4.4,
below); and [insert any additional persons or entities from whom
financials will be required, including, without limitation, any guarantors upon a Guaranty of
Performance submitted as a Supplemental Financial Resource]; and

all other documents or information that Applicant is required to submit under the terms of the
Prequalification Documents.
4.4 Project Joint Ventures. Except as otherwise provided in this Paragraph 4.4 or Paragraph 4.6, below (pertaining to Supplemental Financial Resources), an Applicant's financial condition will be evaluated by District based solely upon the financial condition of the Applicant and [Insert description of any others (such as, Applicant Members) whose financial information will be considered]; information on the financial condition of others shall not be considered. If the Applicant is a Project Joint Venture, meaning a joint venture formed solely for the purpose of performing a contract or classification of contracts for the District, then the Applicant may submit in place of financial information about the Applicant, financial information about the person or entity who serves as the Principal Managing Partner of the Project Joint Venture. “Principal Managing Partner” means the joint venture partner primarily responsible for the day-to-day management of the business of the Project Joint Venture and whose experience or financial condition is necessary to Applicant’s ability to prequalify for and perform of the contract(s) for which the Applicant seeks prequalification.

4.5 Statement of Financial Condition. Each Applicant is required to submit as part of its Prequalification Submittal a Statement of Financial Condition. A Statement of Financial Condition must be in the form as specified in Section II of the Prequalification Questionnaire, audited or [Insert, “reviewed”, if permitted. Note that certification of “compiled” financial information is not acceptable.] in accordance with generally accepted accounting principles by an independent, certified public accountant who is registered and licensed under the laws of any state and who is not employed by the Applicant or any of its Applicant Members. The Statement of Financial Condition shall reflect the financial condition of the individual or firm as of the end of the last fiscal year prior to the original deadline in the Prequalification Schedule for submission of Prequalification Submittals (without adjustment to that deadline for any changes in the Prequalification Schedule). The Applicant's completed Statement of Financial Condition shall, when submitted to the District as part of the Applicant’s Prequalification Submittal, be accompanied by either a duly executed Certificate of Accountant (using the applicable form attached hereto as Attachment No.) or an independent accountant's report. An independent accountant's report, if relied upon, shall set forth the following: the name, address and telephone number of the accounting firm conducting the audit [Insert “or review”, if permitted]; the license number, issuing state and expiration date of license and signature of the certified public accountant conducting the audit [Insert “or review”, if permitted]; the date of the audit [Insert “or review”, if permitted]; the degree of responsibility assumed by the certified public accountant that is commensurate with the degree of responsibility set forth in the applicable Certificate of Accountant attached hereto as Attachment No.; and the certified public accountant’s opinion. The submission of a Statement of Financial Condition and Certificate of Accountant or independent accountant’s report that contains an exception must further include a statement of the reasons for the exception, the approximate amount involved and the overall effect of the exception on financial condition of the person or entity audited [Insert “or reviewed”, if permitted]. If the Applicant fails to complete all of the financial information requested or if exception is taken by the auditing [Insert “or reviewing”, if permitted] certified public accountant to any information provided, then the District reserves the right, in its sole discretion, to choose to not accept the Statement of Financial Condition, reject the entire Statement of Financial Condition, or exclude any affected portion of the Statement of Financial Condition from consideration in determining whether the Applicant meets the minimum requirements of financial ability required for prequalification. The District reserves the right, but shall not have the obligation, to request additional information from an Applicant as may be necessary to complete its evaluation of the financial ability of any person or entity who has submitted a Statement of Financial Condition that is relied upon by the Applicant. Applicant is responsible to provide such information, if requested, within five (5) calendar days of request by the District.

4.6 Public Contracting Experience. Applicants are required to meet the minimum requirements for demonstrated public contracting experience in one or more of the following areas of public contracting (“Public Contracts”):
**Category 1:** A Category 1 Public Contract includes the furnishing, sale or lease of equipment, materials or supplies to any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

**Category 2:** A Category 2 Public Contract includes the furnishing of services, other than construction services, to any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

**Category 3:** A Category 3 Public Contract includes the construction, reconstruction, erection, alteration, renovation, improvement, demolition, or repair (other than routine and recurring maintenance, such as minor painting, landscape maintenance, maintenance to keep, operate and maintain water, power or waste disposal systems and resurfacing of streets at less than one inch) of any plant, building, structure, ground facility or utility system that is owned or operated by any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

The category of Public Contract for which Applicants are being invited to prequalify is a Category [ ] Public Contract (Questions in the Prequalification Questionnaire concerning an Applicant’s experience may request experience on any or all categories of Public Contracts listed above. Each Question relating to Public Contract experience will identify the type(s) of Public Contract(s) that is (are) the subject of the Question)

4.8 **Evaluation of Prequalification Submittals.** Each Applicant’s Prequalification Submittal will be evaluated based on responses to a series of “pass/fail” questions stated in the Prequalification Questionnaire.

4.9 **Additional Investigations.** District shall have the right, but not the obligation, before or after an Applicant has been prequalified, to investigate the facts or circumstances of any response by an Applicant. Except as provided in Article 5, below, the District has no obligation to afford any Applicant the opportunity, as part of the scoring process of an Applicant’s Prequalification Submittal or otherwise, to respond to any adverse information that may be received as a result of such investigations. In addition to the foregoing, the District shall have the right, but not the obligation, before or after an Applicant has been prequalified, to designate auditors to perform audits or reviews of the books or accounts of any Applicant or Prequalified Applicant, or any other person or entity upon whose financial condition the Applicant has relied in seeking prequalification, in order to confirm the accuracy and completeness of financial information provided. The Applicant must make provision for and is responsible to ensure full and prompt cooperation with such audits or reviews.

4.12 **Prequalification Selection.** The District will designate an individual or group of individuals to conduct on behalf of the District the evaluation of the Applicant’s Prequalification Submittal. The identities of such individual(s) shall not be disclosed by the District to the Applicants.

4.13 **Unauthorized Communications.** Unless and except requested to do so in writing by the Executive Director of Facilities Planning & Development for the District (or his/her designee) or as otherwise permitted by these Instructions, Applicant and Applicant Members shall not prior to completion of the prequalification process communicate, either verbally or in writing, with: (1) any consultant or professional retained by the District for the purpose of providing the District advice or professional services in respect to the prequalification process or the contract(s) contemplated by the prequalification process; or (2) any employee or representative of the District concerning any aspect of the prequalification process or the contract(s) contemplated by the prequalification process.
4.14 Prequalification Conference. A □ non-mandatory □ mandatory Prequalification Conference will be conducted on the date set forth in the Prequalification Schedule commencing promptly at 9:00 a.m./p.m. at □□□□□□□□□□□□□. Except as otherwise excused under the District’s Policy for Local, Small and Emerging Businesses, attendance at a mandatory Prequalification Conference is a condition to Applicant’s right to be considered for prequalification by the District.

4.15 Requests for Clarification. Applicants are solely responsible to seek clarification, if needed, of any portion of the Prequalification Documents. All requests by Applicants for clarification of the Prequalification Documents must be submitted, between the hours of 9:00 a.m. and 5:00 p.m. and prior to the deadline in the Prequalification Schedule for Requests for Clarification, by hand delivery, mail, fax or e-mail to the following: □□□□□□□□□□□□□. Requests for clarification received after that time will not be responded to. Failure by an Applicant to seek clarification of any portion of the Prequalification Documents shall not relieve the Applicant from its representations as set forth hereinabove nor serve as the basis for any claim by the Applicant that it was mistaken or misled in connection with the preparation of its Prequalification Submittal.

4.16 Prequalification Addendum. Interpretations, corrections and changes by the District of the Prequalification Documents will be made by Prequalification Addendum. Interpretations, corrections and changes of the Prequalification Documents made in any other manner shall not be relied upon and will not be binding upon the District. Notice of issuance of a Prequalification Addendum that is issued prior to the original or revised deadline for submission of Prequalification Submittals shall be given only to the Applicants at the address provided by them at the Prequalification Conference. Notice of Prequalification Addenda that are issued after the deadline in the Prequalification Schedule for submission of Prequalification Submittals shall be given only to the Applicants who have submitted Prequalification Submittals in accordance with the requirements of the Prequalification Documents. Notice by the District of a Prequalification Addendum shall be effective if made by hand delivery, mail, facsimile or e-mail. The District also anticipates (but shall not be obligated for) making Prequalification Addenda available for review on the District Website. Failure of an Applicant to receive a Prequalification Addendum shall not entitle the Applicant to an extension of the Prequalification Schedule nor shall it permit the submission of any additional prequalification information after the deadlines set forth in the Prequalification Schedule.

4.17 Preparation. The portions of the Prequalification Submittal prepared or filled in by the Applicant must be either typed or completed in ink. Responses in pencil will be deemed unacceptable. For “Yes” or “No” answers, indicate either “Yes” or “No” by putting a check mark or “X” mark in the box next to the “Yes” or “No”. If there is a requirement that the Applicant or any Applicant Member submit any additional documents, they shall be packaged as part of the Applicant’s Prequalification Submittal. One (1) original marked “original” and □□□□□□□□□□□□□ copies of the Prequalification Submittal shall be submitted.

4.18 Verification. Prequalification Questionnaires must be verified by execution of the Verification attached hereto as Attachment No □□□□□□□□□□□□□□□□□□□□□□□□□[Insert any others who are required to sign a verification] that is authorized to contractually bind the Applicant. If the Applicant is a Project Joint Venture (as defined in Paragraph 4.4, above), then an additional Verification shall also be submitted signed by the Principal Managing Partner of the Project Joint Venture.

4.19 Submission. Prequalification Submittals shall be hand delivered to, or received by mail at, the □□□□□□□□□□□□□□□□□□□□□□□□□, at any time Monday through Friday during regular working hours of 9:00 a.m. to 5:00 p.m., up to and including the deadline for receipt of Prequalification Submittals set forth in the Prequalification Schedule. Submissions after the aforesaid deadline will not be considered. The Applicant assumes full and sole responsibility for timely receipt of its complete Prequalification Submittal at the aforesaid time and location designated for receipt thereof. Prequalification Submittals that are received after the deadline specified in these Instructions to
Applicants shall be returned, unopened; provided, however, that a late Prequalification Submittal may be considered if it is the only Prequalification Submittal received.

4.20 Sealed Envelope. Each Prequalification Submittal, including the original and all copies, shall at the time of delivery be enclosed in a single, sealed opaque envelope. Piecemeal submissions are not permitted. Said envelope, as well as any other, outer envelope or packaging in which said envelope may have been placed by the Applicant or the carrier for delivery, shall be addressed and delivered as required by these Instructions and shall be clearly and conspicuously labeled with the Applicant's name and address, the identifying number of the project or contract noted on the cover page of the Request for Prequalification and the words "CONFIDENTIAL".

4.21 Delivery. Deposit of Prequalification Submittals shall be by hand delivery or mail and must be received by the District prior to the deadline in the Prequalification Schedule for submission of Prequalification Submittals. Oral, telephonic, facsimile or electronically transmitted Prequalification Submittals will not be considered. The Applicant assumes full responsibility for timely delivery of its Prequalification Submittal at the location designated therefor in these Instructions.

4.22 Supplemental Information. District reserves the right, in its sole discretion, but shall not have the obligation, to request, receive, evaluate and score as part of its evaluation of an Applicant's Prequalification Submittal any additional or supplemental information relevant to the questions in the Prequalification Questionnaire that District may receive from an Applicant or another source, including, without limitation, information received after the deadline for receipt of Prequalification Submittals set forth in the Prequalification Schedule. Unless requested by the District in a Prequalification Addendum or otherwise required by these Instructions, an Applicant shall not have the right after the deadline in the Prequalification Schedule for receipt of Prequalification Submittals to submit new or additional information to supplement its Prequalification Submittal.

4.23 Withdrawal, Resubmission. Prequalification Submittals may be withdrawn at any time upon written notice to the District that is received by District at the place for receipt of Prequalification Submittals. Prequalification Submittals withdrawn prior to the deadline for receipt thereof set forth in the Prequalification Schedule may be resubmitted up to the deadline for submission of Prequalification Submittals set forth in the Prequalification Schedule.

4.24 Rejection, Cancellation, Revocation. Without limitation to any of the District's other rights under the Prequalification Documents, applicable laws or the terms of any contract between the District and an Applicant, the District reserves the right, exercised in its sole discretion, to at any time: (1) reject any Prequalification Submittal that fails to comply with the requirements of the Prequalification Documents or that contains any information that the District determines contains false or misleading information; (2) reject all Prequalification Submittals; (3) withdraw and cancel its Request for Prequalification; or (4) cancel, revoke or limit the prequalification status, rating or duration of prequalification status of any Prequalified Applicant based on subsequently-learned information indicating that the Prequalified Applicant's Prequalification Submittal contained false or misleading information; (5) cancel, revoke or limit the prequalification status, rating or duration of prequalification status of any Prequalified Applicant based on receipt of new information that the Prequalified Applicant is obligated to disclose in accordance with its continuing obligations under Paragraph 4.25, below; including, without limitation, any such new information that reflects a material change in the financial condition of any person or entity submitting a Statement of Financial Condition or independent accountant's report; (6) cancel, revoke or limit the prequalification status, rating or duration of prequalification status of all Prequalified Applicants who have previously prequalified for the same project or contract or classification of projects or contracts for any reason, without cause and for its convenience (with or without the issuance of a further request for prequalification); [Insert the following if applicable: "(7) cancel, revoke or limit the prequalification status of a Prequalified Applicant who has received a Conditional Safety Record Approval pursuant to Paragraph 1.10, above, and who fails to provide a full-time safety representative as required by said Paragraph"]. Exercise by District of its rights under this Paragraph or of any
other right of District under these Instructions to Applicants or applicable laws to cancel, revoke or limit the prequalification status, rating or duration of prequalification status of any Prequalified Applicant shall not, under any circumstances, give rise to any liability or obligation on the part of District nor shall it constitute grounds for any claim by an Applicant for recovery from District of any loss, damage, cost or expense.

4.25 New Information by Applicant. Applicant has the continuing obligation, commencing upon submission of its Prequalification Submittal and continuing for so long as such Applicant's prequalification status is in effect during its original limitation period as provided in Paragraph 4.27, below, and any period of renewal thereof, to immediately notify the District, in writing, if it learns that any of the following have occurred: (1) any statement made in its Prequalification Submittal was false or misleading; (2) circumstances have occurred since the Applicant submitted its Prequalification Submittal that, if they had occurred prior to the date that Applicant submitted its Prequalification Submittal, would have constituted grounds for the automatic disqualification of the Applicant under the terms of Part A of Section II of the Prequalification Questionnaire; [Insert the following, if applicable: “provided, however, that the obligation set forth in Clause (2) of this Paragraph shall not extend to or include the providing of information that would involve a recalculation of the Applicant’s Experience Modifier Rate”]; (3) there has been a change in or addition to the Applicant Members”; (4) the Applicant (or the Principal Managing Partner if the Applicant is a Project Joint Venture) has undergone a change in ownership in which ownership of 50% of more of its stock or assets has changed; (5) the Principal Managing Partner of the Applicant (if the Applicant is a Project Joint Venture) has ceased to function, or fully function, in the capacity of a Principal Managing Partner as defined in Paragraph 4.4, above, or (6) there has occurred a reduction in net worth or working capital (as reported in the Statement of Financial Condition or independent accountant’s report of such person or entity submitted as part of Applicant’s Prequalification Submittal) of more than twenty-five percent (25%).

4.26 Certification for Bidding. Prequalified Applicants may be required by District, as a condition of submitting a bid or proposal for a contract to prepare and file a certification affirming under oath that it has no new information to disclose that would constitute new information of the type that it has a continuing obligation to disclose pursuant to Paragraph 4.25, above. [Insert the following if appropriate: “Additionally, Prequalified Applicants may be required to similarly certify the following: (1) if the Applicant has received a Conditional Safety Record Approval, that the Applicant will provide a full-time safety representative as required by Paragraph 1.10, above; and (2) that no part of the Applicant’s bid for any contract that is the subject of this prequalification will be based upon, and no portion of such contract will performed by, any Subcontractor of the first contracting tier who does not meet the minimum safety requirements set forth in Paragraph 1.11, above”].

4.27 Limitation Period. Prequalification may be conducted for a specific project or contract or for a class or category of projects or contracts. A determination by the District that the Applicant is prequalified to submit a bid or proposal for a class or category of projects or contracts shall, unless otherwise cancelled, revoked or limited by the District in accordance with the terms of the Prequalification Documents governing such determination, remain valid for a period of twelve (12) months after the date of submission by the Applicant of its Prequalification Submittal, at which point the District may either allow the prequalification status of the Applicant to expire of its own force or the District may, in its sole discretion, either conduct a new prequalification or based on submission of updated or new information by the Applicant renew the Applicant’s prequalification status for another twelve (12) months.

4.28 Waiver of Irregularities. The District reserves the right to waive minor or clerical irregularities, errors or omissions in the information contained in any Prequalification Submittal or in regard to any Applicant’s compliance with the prequalification process, and to make all final determinations with respect thereto.
4.29 Not Public Records. Except as otherwise provided by applicable laws, the Prequalification Submittals (including, but not limited to, any included financial statements) are not public records and are not open to public inspection.

4.30 Applicable Laws. All Prequalification Submittals must be submitted, filed, made and executed in accordance with applicable laws, whether such applicable laws are expressly referred to herein or not.

4.31 Costs and Expenses. Applicants shall bear, at their own expense and without reimbursement by the District, all costs and expenses associated with their participation in the prequalification process.

4.32 Receipt of Notices. Notices by the District to an Applicant that are issued after the deadline in the Prequalification Schedule for submission of Prequalification Submittals shall be deemed delivered and received by the Applicant if provided by delivery, mail, facsimile or e-mail to the Applicant at the address provided by the Applicant at the Pre-Qualification Conference, in the Pre-Qualification Questionnaire, or at the Applicant's last known address.

4.33 Notice of Prequalification. The District will issue a Notice of Prequalification to Applicants who have completed and submitted Pre-Qualification Submittals. Formal issuance of a Notice of Prequalification is for the convenience of the Applicants and is not a condition to the validity of the District's determination that an Applicant is or is not prequalified.

4.34 Non-Transferable. Neither an Applicant's Prequalification Submittal nor a Prequalified Applicant's prequalification status is assignable or transferable. Any attempt to assign or transfer in violation of this provision shall be null and void at its inception.

4.35 Subsequent Responsibility Determinations. A determination that an Applicant is prequalified does not constitute a waiver by the District of its right to make a subsequent determination that a Prequalified Applicant, or any sub-bidder to a Prequalified Applicant, is not responsible to submit a bid or proposal for a particular contract, including, without limitation, any contract contemplated by the Prequalification Documents.

4.36 Debriefing. At the District’s option, exercised in its sole discretion after the issuance of the Notice of Prequalification, the District may make available for those requesting it an opportunity for a debriefing. Debriefings, if conducted, will be conducted in accordance with the Prequalification Schedule. At the pre-qualification debriefings, summaries of the overall evaluations of Prequalification Submittals will be reviewed. Copies of Prequalification Submittals or scoring of individual questions will not be provided nor will there be point-by-point comparisons of competing Prequalification Submittals.

ARTICLE 5
APPEAL

5.1 Protests. Any Applicant may dispute the District's determination relative to that Applicant's disqualification or failure to prequalify by filing a protest provided that each and all of the following are complied with:

5.1.1 The protest is in writing.

5.1.2 The protest is filed with and received by the District at the following address, Los Angeles Community College District, 770 Wilshire Blvd, 3rd Floor, Los Angeles, CA, 90017, Attention: Executive Director of Facilities Planning and Development, not more than five (5) calendar days following the date of issuance of the District's Notice of Prequalification and prior to the closing time for receipt of bids (if any) for the contract(s) or project(s) that are the subject of the prequalification.
Failure to timely file the protest shall constitute grounds for the District to deny the protest without further consideration of the grounds stated therein. Timely receipt of a protest shall not constitute grounds for postponement of the closing time for receipt of bids.

5.1.3 The protest sets forth, in detail, all grounds for the protest, including without limitation all facts, supporting documentation, legal authorities and argument in support of the grounds for the protest. Any grounds not set forth in the written protest shall be deemed waived. All factual contentions must be supported by competent, admissible and credible evidence. Any protest not conforming to the foregoing shall be rejected as invalid.

5.2 Statement of Grounds. Upon written request by the Applicant, provided either prior to or included as part of the Applicant’s written submission of its protest, the District shall provide notification to the Applicant in writing of the basis for the disqualification, including a summary of any evidence adduced by the District in support of its determination.

5.3 Hearing. An Applicant that has properly filed a protest in accordance with the requirements of this Article 5 shall be given notice and opportunity to appear before an Appeal Committee, consisting of individuals appointed by the Board of Trustees for the District, to rebut any evidence used as a basis for disqualification and to present evidence as to why the Applicant should be found qualified.

5.4 Final Decision. The Appeal Committee shall provide a written decision to the Applicant submitting the protest, either concurring with or denying the protest. The written decision of the Appeal Committee shall be final, unless overturned by the Board of Trustees.
PREQUALIFICATION QUESTIONNAIRE

Applicants must provide all of the information requested. If additional space is needed, please continue on a separate page and attach it to this Prequalification Questionnaire.

I. CONTACT AND BUSINESS INFORMATION

The contact and general business information requested in this Section I shall be provided by the Applicant and Applicant Members. Although this information is required as a condition of prequalification, the responses provided will not be included in the scoring of the Applicant’s Prequalification Submittal.

A. Applicant and Contact Information

1. Applicant Information:

   a. Name of Applicant:

      (if a license is required by the Instructions, enter name as it appears on license)

   b. Address: _______________________________  _______________________________  _______________________________

      (street)                     (city)                        (state)

   c. Phone: _______________________________

   d. Fax: _______________________________

   e. E-mail: _______________________________

   f. Business Form: (check one)

      □ Corporation                       □ Partnership          □ Individual/Sole Proprietor

      □ Joint Venture                     □ LLC                □ Other ____________________ (Describe ____________________)

   g. Length of time in business in California: _______________________________. (If not continuous, state all start and end dates)

   h. Name, telephone and e-mail address of contact person: _______________________________

2. Applicant Member Information: (See, Paragraph 1.5 of the Instructions to Applicants for definition of "Applicant Member". Provide the following information for each Applicant Member)

   a. Name of Applicant Member

      (if an Applicant license is required by the Instructions and the Applicant Member is the qualifier for the license, enter name as it appears on the Applicant Member’s individual license)

   b. Address: _______________________________  _______________________________  _______________________________

      (street)                     (city)                        (state)

   c. Phone: _______________________________

   d. Fax: _______________________________

   e. E-mail: _______________________________
e. Business Form: (check one)
   - Corporation
   - Partnership
   - Individual/Sole Proprietor
   - Joint Venture
   - LLC
   - Other (Describe ____________________)

f. Length of time in business in California: ________________________________.
   (If not continuous, state all start and end dates)

g. Name, telephone and e-mail address of contact person: ____________________

3. **Principal Managing Partner Information (Project Joint Ventures):** (See, Paragraph 4.4 of the Instructions to Applicants for the definitions of “Project Joint Venture” and “Principal Managing Partner”. If the Applicant is not a Project Joint Venture, then enter “not applicable”)

   a. Name of Project Managing Partner: ________________________________

   b. Address: ________________________________

   c. Phone: ________________________________

   d. Fax: ________________________________

   e. Business Form: (check one)
      - Corporation
      - Partnership
      - Individual/Sole Proprietor
      - Joint Venture
      - LLC
      - Other (Describe ____________________)

   f. Length of time in business in California: ________________________________.
      (If not continuous, state all start and end dates)

   g. Name, telephone and e-mail address of contact person: ____________________

B. **Business Information**

1. **Corporations:**

   a. If the Applicant is a corporation, provide the following information for each officer of the corporation and for owners of 10% or more of the corporate stock:

<table>
<thead>
<tr>
<th>Position</th>
<th>Name and Social Security Number</th>
<th>Years with Co.</th>
<th>% Ownership</th>
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b. State the state and date of incorporation: State: _______ Date: _______

c. State the corporation’s Federal Tax ID number: __________________________

d. If the Applicant is an out-of-state corporation, has the corporation complied with California’s laws governing the conduct by out-of-state corporations of business in California?

☐ Yes ☐ No

2. Sole Proprietorships:
a. If the Applicant is an individual doing business as a sole proprietorship, please complete the following:

<table>
<thead>
<tr>
<th>Owner Name and Social Security Number</th>
<th>Years as Owner</th>
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b. Current fictitious business name(s) and date(s) of filing of fictitious business name statement(s):

3. Partnerships, Joint Ventures, Other Associations:

a. If the Applicant is a joint venture, partnership or other association of persons or entities, provide the following for each Applicant Member of the joint venture, partnership or association. (Attach additional pages if necessary):

<table>
<thead>
<tr>
<th>Name of Individual (with Social Security Number) Or Entity (with Federal Tax ID number)</th>
<th>Principal Contact</th>
<th>Position</th>
<th>Years with Joint Venture/Partnership</th>
<th>% Ownership Interest</th>
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b. State the date the partnership, joint venture or other association was formed:

c. State the partnership's, joint venture's or other association's Federal Tax ID number:
d. Is there any limitation on the duration or proposed activities of the partnership, joint
venture or other association?

☐ Yes ☐ No

If so, please explain: ____________________________________________

C. License Information

(Only to be completed if the Instructions state that a license is required for prequalification. If more
than one license is required, provide the information requested for each license)

1. License Class: ___________________________ License Number: ________________

2. Expiration Date: _________________________

3. Name of Qualifying Individual(s): ____________________________________________

4. Supplemental classification(s) held, if any: ________________________________

5. License Number(s): _______________________________________________________

6. Expiration Date(s): _______________________________________________________

7. Name of Qualifying Individual(s): __________________________________________

8. Has the Applicant ever been licensed under a different name or license number (other than
the license number(s) described above)?

☐ Yes ☐ No

If yes, give name(s), license number(s), state(s) where licensed and date(s) of expiration:
__________________________________________

II. PUBLIC CONTRACTS EXPERIENCE

The questions in this Section II concern the Applicant’s and Applicant Members’ experience in
public contracting. The term “Public Contracts” as used herein include the following:

Category 1: A Category 1 Public Contract includes a contract for the furnishing, sale or
lease of equipment, materials or supplies to any state or local authority, agency, department or
special district (including, without limitation, any school district or community college district).

Category 2: A Category 2 Public Contract includes a contract for the furnishing of
services, other than construction services, to any state or local authority, agency, department or
special district (including, without limitation, any school district or community college district).
Category 3: A Category 3 Public Contract includes a contract for the construction, reconstruction, erection, alteration, renovation, improvement, demolition, or repair (other than routine and recurring maintenance, such as minor painting, landscape maintenance, maintenance to keep, operate and maintain water, power or waste disposal systems and resurfacing of streets at less than one inch) of any plant, building, structure, ground facility or utility system that is owned or operated by any state or local authority, agency, department or special district (including, without limitation, any school district or community college district).

The Category of Public Contract for which prequalification is being sought by the District is a Category 3 Public Contract; however, questions may ask for information concerning any or all the above listed Categories of Public Contracts.

A. General Requirements

The questions appearing under this Part A of Section II constitute minimum requirements in order for the Applicant to prequalify. Evaluation is on a pass/fail basis. A “no” answer to any question shall result in automatic disqualification.

1. Is it true that the Applicant currently holds the following license(s): [Insert applicable license or “not applicable” if no license is required by the Instructions]
   □ Yes □ No

2. Is it true that the Applicant or an Applicant Member completed during the past (__) years at least two (2) Category (__) Public Contracts each having a total contract value of at least $ (__)? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)
   □ Yes □ No

3. Is it true that within the last (__) years a surety firm has not had to complete, or pay for completion of, a Category (__) or (__) Public Contract on behalf of Applicant or any Applicant Member because the Applicant or Applicant Member was terminated by the project owner? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)
   □ Yes □ No

4. Is it true that within the last (__) years neither the Applicant nor any Applicant Member has failed, due to a default by the Applicant or an Applicant Member, to complete a Public Category (__), (__), or (__) Public Contract? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)
   □ Yes □ No

5. Is it true that within the last (__) years neither the Applicant nor any Applicant Member has been debarred from contracting with a state or local authority, agency, department or special district (including, without limitation, any school district or community college district)? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)
6. Is it true that no owner, officer, director or managing officer of the Applicant or an Applicant Member [Insert the following, if applicable: “or responsible managing employee on the Applicant’s contractor’s license”] has ever been indicted or convicted (including, without limitation, a plea of guilty or nolo contendre) of a felony crime? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes  ☐ No

7. Is it true that neither the Applicant nor any Applicant Member has ever been indicted or convicted (including, without limitation, a plea of guilty or nolo contendre) of a crime (including a felony or misdemeanor) relating to the bidding, awarding or performance of a contract with a state or local authority, agency, department or special district (including, without limitation, any school district or community college district)? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes  ☐ No

8. Is it true that neither the Applicant nor any Applicant Member has ever been determined by a public agency, public authority or court of law to have submitted a false claim to a state or local authority, agency, department or special district (including, without limitation, any school district or community college district)? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes  ☐ No

[Insert the following Questions 9 through 14 if the prequalification is for a public works contract or other contract that includes performance of non-incidental labor]

9. Is it true that neither the Applicant nor any Applicant Member has ever had penalties assessed against it pursuant to Labor Code sections 1777.1 [violation of prevailing wage or related requirements]? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes  ☐ No
10. Is it true that neither the Applicant nor any Applicant Member has ever been found in violation of Labor Code sections 1777 [violation of payroll requirements], 1777.5 [apprenticeship requirements], 1778 [unlawful kickbacks], 1779 [charging a fee for registering], or 1780 [charging a fee to obtain employment]? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes ☐ No

11. Is it true that within the last [ ] years CAL OSHA has not cited and assessed penalties against either the Applicant or an Applicant Member for any "willful" violations of its safety or health regulations in connection with performance of a Category [ ] or [ ] Public Contract? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes ☐ No

12. Is it true that within the last [ ] years has CAL OSHA has not cited and assessed penalties against either the Applicant or an Applicant Member for more than [ ] "serious" violations of its safety or health regulations in connection with a Category [ ] or [ ] Public Contract? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes ☐ No

13. Is it true that the Applicant’s “Experience Modification Rate (EMR)” (as established by the Workers’ Compensation Insurance Rating Bureau) is not greater than 1.00? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes ☐ No

14. Is it true that the Applicant has established an Injury and Illness Prevention Program in accordance with California Code of Regulations, Title 8, Sections 1509 and 3203?

☐ Yes ☐ No

[Insert the following Question 15 if the prequalification is for a contract that requires the bidder hold a contractor’s license]
15. Is it true that within the last [_____] years no contractor license held by the Applicant or any Applicant Member been revoked or suspended? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes  ☐ No

[Insert the following Question 16 if the District has adopted a procedure for performance evaluations on District contract(s) or project(s)]

16. Is it true that within the past [_____] years neither the Applicant nor any Applicant Member has received an "unacceptable" rating on a performance evaluation conducted the District or any of its Colleges? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes  ☐ No

17. Is it true that neither the Applicant nor any Applicant Member has ever been denied an award of a Category [_____] or [_____] Public Contract based on a finding by a public agency that they were not a responsible bidder?

☐ Yes  ☐ No

18. Is it true that at no time within the last [_____] years has the Applicant or an Applicant Member refused to sign a Category [_____] or [_____] Public Contract awarded to it?

☐ Yes  ☐ No

19. Is it true that within the last [_____] years no claim or other demand been asserted against any bid bond, performance bond or labor and material payment bond posted by the Applicant or an Applicant Member in connection with a Category [_____] or [_____] Public Contract?

☐ Yes  ☐ No

20. Is it true that within the last [_____] years CAL OSHA has not cited and assessed penalties against the Applicant or any Applicant Member for any "serious," "willful" or "repeat" violations of its safety or health regulations in connection with a Public Works project?
(NOTE to Applicant: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.)

☐ Yes      ☐ No

[SPACE RESERVED FOR ADDITIONAL QUESTIONS RELATING TO PROJECT-SPECIFIC MINIMUM/PASS-FAIL REQUIREMENTS]

B. Past Project Experience

The following questions concern the Applicant's general experience in public contracts. Failure or inability to provide the required number of past projects requested shall result in disqualification. In those instances where a question asks for further information that includes the name of a contact person, the Applicant is required to identify, whenever possible, the person available and most knowledgeable about the circumstances that are the subject of the question. If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture.

1. List Category Public Contracts, having a contract value of more than that the Applicant (or, if the Applicant is a Project Joint Venture, its Principal Managing Partner) has completed in the past years. For each such Public Contract listed state: (a) the project name; (b) a general description of the Applicant’s scope of performance required under the contract; (c) the total dollar amount of the contract; (d) the name, address and telephone number of a representative for the project owner who may be contacted as a reference; (e) the date of actual completion of the contract and (f) whether the contract was completed within the contractual time and the budget or price provided for in the contract.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Scope</th>
<th>Price</th>
<th>Owner Contact (Name/Address/Telephone)</th>
<th>Completion Date</th>
<th>Successful Completion (yes/no)</th>
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III. FINANCIAL INFORMATION

A. General Information

The general financial information requested in this Part A of Section III must be provided by the Applicant (or, if the Applicant is a Project Joint Venture, its Principal Managing Partner). Although this information is required, the responses provided will not be included in the scoring of the Applicant's Prequalification Submittal.

1. Accounting
   a. Name of Accounting firm: __________________________ Phone: __________ Fax: __________
   b. How many years has this firm prepared financial statements for the Applicant?: ______
   c. How many years has this firm prepared tax returns for the Applicant?: ______
   d. Applicant's fiscal year end: ______________
   e. Are all Applicant’s current taxes obligations fully paid?: ☐ Yes ☐ No. If no, explain reasons ________________________________.
   f. Accounting Method:
      ☐ Cash ☐ Accrual ☐ Other (Explain: ________________________________)
   g. Method of Reporting Income:
h. Do the methods used in preparing the Statement of Financial Condition or independent accountant's report conform to the methods of accounting and reporting of income used by the person or entity audited for the year audited?

☐ Yes  ☐ No  If no, explain reason: ________________________________

2. Bank

a. Name of Bank __________________________ Account Manager __________________

b. Address __________________________ Phone Number (___) __________

c. Account Numbers: ________________________________

d. Amount of line of credit $__________  Amount in use $__________

How secured: __________________________ Expiration date: __________

B. Minimum Financial Ability Requirements

The questions appearing under this Part B constitute minimum requirements in order for the Applicant to prequalify. Evaluation is on a pass/fail basis and failure to meet any of these minimum requirements shall result in automatic disqualification. There is no separate scoring of the Applicant's responses.

1. Within the last ___ years has the Applicant or any Applicant Member either: (1) declared bankruptcy; (2) had filed against it a petition for involuntary bankruptcy; (3) been placed in receivership; or (4) entered into an assignment of substantially all of its assets for the benefit of its creditors? (If the Applicant is a Project Joint Venture, then answer on the basis of the experience of the Principal Managing Partner of the Project Joint Venture)

☐ Yes  ☐ No  ☐ Not Applicable-Applicant is a Project Joint Venture

How secured: __________________________ Expiration date: __________

[Note: An answer to the preceding question that “Applicant is a Project Joint Venture” shall not result in disqualification unless the answer to the next Question No. 3 is “No”.]
3. If the Applicant is a Project Joint Venture (as described in Paragraph 4.4 of the Instructions to Applicants), is the estimated total amount of the contract for which prequalification is required herein of $\[\text{expressed amount}\] exceeded by either: (1) the product of ten (10) times the working capital (current assets) of the Principal Managing Partner; or (2) the product of four (4) times the net worth* (assets less liabilities) of the Principal Managing Partner?

☐ Yes ☐ No ☐ Not Applicable-Applicant is not a Project Joint Venture

[Note: An answer to the preceding question that “Applicant is not a joint Project Joint Venture” shall not result in disqualification unless the answer to the preceding Question No. 2 is other than “Yes”.

* If the Applicant is submitting Supplemental Financial Resources in the form of a letter of credit, the amount of the letter credit shall be deemed an additional asset of the Applicant for purposes of determining the Applicant’s “net worth” and “working capital.”

C. **Statement of Financial Condition**

The following Statement of Financial Condition and Certificate of Accountant, or an independent accountant's report, is required in order to verify that the Applicant has met the minimum financial requirements for prequalification.
STATEMENT OF FINANCIAL CONDITION

CURRENT ASSETS .................................................... $______

CURRENT LIABILITIES ................................................ $______
CERTIFICATE OF ACCOUNTANT (AUDIT)

I (We) have audited the Statement of Financial Condition of ____________________________ ("Company") as of _____________________________. The Statement of Financial Condition is the responsibility of the Company. My (our) responsibility is to express an opinion on the Statement of Financial Condition.

My (our) audit was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as I (we) considered necessary in the circumstances.

In my (our) opinion, the accompanying financial statement included on pages ___ to ___ inclusive, sets forth fairly the financial condition of ____________________________ as of ____________________________, in conformity with generally accepted accounting principles.

__________________________________________
(Print Name of CPA) _________________________

__________________________________________
(Name of CPA Firm) _________________________

__________________________________________
(Address of CPA) __________________________

__________________________________________
(CPA Telephone No.) _______________________

__________________________________________
(CPA to sign here) _________________________

__________________________________________
(Date signed) _____________________________

__________________________________________
(CPA License No.) _________________________
CERTIFICATE OF ACCOUNT (REVIEW)

I (We) have reviewed the accompanying financial statement of ("Company") as of ____________. The information included in the financial statement is the representation of the management of the Company.

Based on my (our) review, I am (we are) not aware of any material modifications that should be made to the accompanying Statement of Financial Condition in order for it to be in conformity with generally accepted accounting principles.

NOTE THIS REVIEW CONSISTS PRINCIPALLY OF INQUIRIES OF COMPANY MANAGEMENT AND APPROPRIATE ANALYTICAL PROCEDURES APPLIED TO FINANCIAL DATA. IT IS SUBSTANTIALLY LESS IN SCOPE THAN AN EXAMINATION IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING STANDARDS, THE OBJECTIVE OF WHICH IS THE EXPRESSION OF AN OPINION REGARDING THE FINANCIAL STATEMENTS TAKEN AS A WHOLE. ACCORDINGLY, I (WE) HAVE NOT EXPRESSED SUCH AN OPINION.

(Print Name of CPA)  
(CPA to sign here)

(Name of CPA Firm)  
(Date signed)

(Address of CPA)  
(CPA License No.)
AUTHORIZATION TO RELEASE INFORMATION

The undersigned Applicant hereby authorizes and consents to the District obtaining information from third parties, including, but not limited to any individual(s) or individual representative(s) of any firm(s), entity(ies) or organization(s) listed in the Applicant's Prequalification Submittal, for the purpose of verifying the information provided by the Applicant or for any other purpose related to the evaluation of Applicant's qualifications. Applicant recognizes that to ensure the effectiveness of the prequalification process, such individuals must be able to speak frankly and openly. Accordingly, Applicant hereby fully and unconditionally releases and discharges the third party individuals and the firms, entities and organizations they represent, from any claim or liability relating to information provided by it/him/her/them to the District in connection with the processing, investigation and evaluation by District of the Applicant's Prequalification Submittal.

Name of Applicant

Signature

Title

Date
STATE OF CALIFORNIA, COUNTY OF ________

I have read the foregoing PREQUALIFICATION QUESTIONNAIRE (including, without limitation all attached pages) and know its/their contents.

☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and to those matters I believe them to be true.

☐ I am an ___ officer, ___ a partner, ___ a member, ___ sole proprietor of ________, a ________, ________, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

☐ I am informed and believe and on that ground allege that the statements made in the foregoing document are true.

☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on ________________ (date), at ________________ (city), California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

__________________________________________

Type of Print Name Signature
STANDARD PREQUALIFICATION SCORING SHEET

I. CONTACT AND BUSINESS INFORMATION

Section I is a non-scored portion of the Prequalification Questionnaire.

II. PUBLIC WORKS EXPERIENCE

A. Minimum/Pass-Fail Experience Requirements

The questions appearing under Part A of Section II of the Prequalification Questionnaire constitute minimum requirements in order for the Applicant to prequalify. Evaluation is on a pass/fail basis. A "no" answer to any question shall result in automatic disqualification. There is no other or separate scoring of the Applicant's responses to this Part A of Section II.

B. General Public Works Experience

The questions appearing under Part B of Section II concern the Applicant's and Applicant Members' general experience in Public Works (as that term is defined in the Prequalification Documents). The Applicant's responses to the questions in this Part B will be scored. The maximum possible score for this Part B is [ ] points. Failure to achieve a minimum score of [ ] points for this Part B shall result in disqualification. The District is not obligated to conduct further investigation into an Applicant's responses. However, points assigned to an Applicant's response are subject to being reduced (not below "0" points for any single response) for any information received in the course of any investigation of the Applicant's responses that the District, in its sole discretion, determines to reflect inordinately poor past performance or conduct.

<table>
<thead>
<tr>
<th>Question #</th>
<th>Quantity</th>
<th>Yes</th>
<th>No</th>
<th>Base Score</th>
<th>Investigation* (Optional)</th>
<th>Total Score</th>
</tr>
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<tbody>
<tr>
<td>II, B, 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>subtract [ ] pts.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 Contracts = 0 pts.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>(date/name of person interviewed: [ ] )</td>
<td></td>
</tr>
<tr>
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<td>Quantity</td>
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<td>No</td>
<td>Base Score</td>
<td>Investigation* (Optional)</td>
<td>Total Score</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>------------</td>
<td>---------------------------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| II, B, 2   | 0 Contracts = N/A pts.  
1 Contract = N/A pts.  
2 Contracts = N/A pts.  
>2 Contracts = N/A pts. | N/A | N/A | pts.       | N/A                       | pts.        |
| II, B, 3   | N/A                                                                       |     |    | pts.       | N/A                       | pts.        |
| II, B, 4   | 0 Contracts = N/A pts.  
1 Contract = N/A pts.  
2 Contracts = N/A pts.  
>2 Contracts = N/A pts. | N/A | N/A | pts.       | N/A                       | pts.        |
| II, B, 5   | 0 Contracts = N/A pts.  
1 Contract = N/A pts.  
2 Contracts = N/A pts.  
>2 Contracts = N/A pts. | N/A | N/A | pts.       | N/A                       | pts.        |
| II, B, 6   | N/A                                                                       |     |    | pts.       | N/A                       | pts.        |
| II, B, 7   | N/A                                                                       |     |    | pts.       | N/A                       | pts.        |
| II, B, 8   | 0 Contracts = N/A pts.  
1 Contract = N/A pts.  
2 Contracts = N/A pts.  
>2 Contracts = N/A pts. | N/A | N/A | pts.       | N/A                       | pts.        |
| II, B, 9   | 0 Claims = N/A pts.  
1-2 Claims = N/A pts.  
>2 Claims = N/A pts.   | N/A | N/A | pts.       | N/A                       | pts.        |
<table>
<thead>
<tr>
<th>Question #</th>
<th>Quantity</th>
<th>Yes</th>
<th>No</th>
<th>Base Score</th>
<th>Investigation* (Optional)</th>
<th>Total Score</th>
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<tr>
<td>II, B, 10</td>
<td>0 Cites = N/A pts. 1-2 Cites = N/A pts. &gt; 2 Cites = N/A pts.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A pts.</td>
<td>N/A</td>
<td>N/A pts.</td>
</tr>
<tr>
<td>II, B, 11</td>
<td>&lt;50% = N/A pts. 51-100% = N/A pts.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A pts.</td>
<td>N/A</td>
<td>N/A pts.</td>
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<tr>
<td>II, B, 12</td>
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<td>N/A</td>
<td>N/A pts.</td>
<td>N/A</td>
<td>N/A pts.</td>
</tr>
<tr>
<td>II, B, 13</td>
<td>1.0 - 1.24 = 0 pts. 0.8 - 1.0 = N/A pts. &lt; 0.8 = N/A pts.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A pts.</td>
<td>N/A</td>
<td>N/A pts.</td>
</tr>
</tbody>
</table>

**SPACE RESERVED FOR SCORING OF PROJECT-SPECIFIC QUESTIONS**

Total Score (Disqualified if total less than N/A points)

*The District has the discretion to conduct or not conduct additional reference interviews of at least two (2) of the project contacts listed in the Applicant's response to Question No. 1 of Part B, of Section II of the Prequalification Questionnaire. These additional reference interviews are separate from and in addition to any interviews that the District may conduct of the project references furnished by the Applicant in response to Part D of Section II of the Prequalification Questionnaire. If additional reference interviews based on the Applicant's responses to Question No. 1 of Part B of Section II are conducted for any Applicant, they will be conducted for all Applicants. Scoring of such additional reference interviews will be as follows: The Applicant's 'base score' for Question No. 1 is based on the number of projects completed. Points will not be added to the Applicant's base score based on information provided in additional reference interviews. However, based on the information received from the interview, the interviewer will rate the Applicant's performance on a scale of 1 to 10. For each such reference interview, if the interviewer's rating is less than "5", then the District will make deductions from the Applicant's base score for Question No. 1 as follows:
<table>
<thead>
<tr>
<th>Rating (for each interview)</th>
<th>Points Deducted (for each interview)</th>
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</tr>
<tr>
<td>4</td>
<td>2</td>
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</tr>
<tr>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>1</td>
<td>5</td>
</tr>
</tbody>
</table>

If the total number of point reductions received for both such reference interviews exceeds the Applicant's base score for Question No. 1, the Applicant's score for Question No. 1 will be “0”; no additional points will be deducted.

C. PROJECT-SPECIFIC PUBLIC WORKS EXPERIENCE

D. REFERENCES

The District has the discretion to conduct or not conduct interviews of project references listed in Part D of Section II. If such additional interviews are conducted for any Applicant, they must be conducted of all such references and for all Applicants. Based on the information obtained from each interview, the Interviewer will rate for each interview the Applicant’s performance on a scale of 1 to 10. If the Applicant receives a score of less than “5” on an interview, the Applicant will be automatically disqualified. The interviews are scored on a “pass/fail” basis. Scores are not added to other scores received on other Parts of the Prequalification Questionnaire. The scoring of the interviews of project references listed in Part D of Section II of the Prequalification Questionnaire, if conducted, are scored separately from the scoring of additional project references provided in the Applicant’s response to Question No. 1 of Part B of Section II of the Prequalification Questionnaire, discussed above.

III. FINANCIAL INFORMATION

A. General Information

Part A of Section III is a non-scored portion of the Prequalification Questionnaire.
B. **Minimum/Pass-Fail Financial Ability Requirements**

The questions appearing under Part B of Section III of the Prequalification Questionnaire constitute minimum requirements in order for the Applicant to prequalify. Evaluation is on a pass/fail basis. A “yes” answer to Question No. 1 or a “no” answer to either Question No. 2 or Question No. 3 in Part B of Section III shall result in automatic disqualification. There is no other or separate scoring of the Applicant’s responses to this Part B of Section III.

C. **Statement of Financial Condition**

Statements of Financial Condition or independent auditor’s reports are required in order to verify that the Applicant has met the minimum financial requirements for prequalification. The information provided in the Statements of Financial Condition or independent auditor’s reports is not being separately scored.
ARTICLE II

USE OF DISTRICT FACILITIES AND GROUNDS

7200. GENERAL TERMS AND CONDITIONS FOR USING DISTRICT FACILITIES. The conditions enumerated in this Article shall be followed by all persons using District facilities, including usages under civic center permits, leases and permits for use.

For purposes of this Article, the terms "college facilities" and "District facilities" are both intended to refer to facilities owned and/or controlled by the Los Angeles Community College District. These facilities may or may not be physically located at one of the nine colleges in the District.

Adopted or Restored 09-24-80
Amended 08-11-99
Amended 09-20-00

7200.10 Non-Discrimination. Any person, group or organization applying to use District-owned facilities must sign a written statement certifying that any program or activity conducted by the applying organization at the District-owned facility will be operated in a manner which is free of discrimination on the basis of sex, race, religion, creed, color, ancestry, national origin, medical conditions (cancer related as defined under State law), marital status, pregnancy, age, disability, veteran status or sexual orientation in compliance with applicable federal and California non-discrimination laws.

Adopted or Restored 09-24-80
Amended 08-11-99
Amended 09-20-00
7200.11 Statement Regarding Board of Trustees. All
leases, permit forms and promotional
materials related to the use of District
facilities by third parties shall include a
statement that the Board of Trustees does not
sponsor or endorse the person/organization
using the District facilities.

Adopted or Restored 09-24-80
Amended 08-11-99
Amended 09-20-00

7200.12 Standards of Conduct. The use of District
facilities is subject to the District’s
Standards of Conduct (Board Rule 9801 et
seq.), which includes, but is not limited to,
prohibitions against illegal activities such
as discriminatory conduct; unlawful
possession or use of intoxicating liquors as
addressed in Board Rule 7200.14, drugs, or
narcotics; fighting; betting, conducting a
raffle or lottery, or other forms of
gambling. Additional exceptions to this
 provision are enumerated in Board Rules
7200.13 and 7200.14.

EC 82537

Adopted or Restored 09-24-80
Amended 08-11-99
Amended 09-20-00
Amended 11-15-00

7200.13 Bingo. Nothing in these Board Rules shall be
construed to prevent an auxiliary
organization which has been established in
accordance with Education Code Section 72670
et seq. and Article XIII of these Board Rules
from using college facilities to conduct
bingo games. Bingo games conducted under
this rule must satisfy the requirements of
Penal Code Section 326.5, and all proceeds
from such games must be used to benefit the
college where they are held.

Adopted 09-26-85
Amended 09-20-00
Alcoholic Beverages. Nothing in these Board Rules shall be construed to prevent an organization which obtains a lease, civic center permit, or permit for use for a college's facility from offering the consumption of alcoholic beverages if the following conditions are met:

a. Written approval is obtained from the Chancellor at least thirty (30) days in advance of the event.

b. The event is not primarily a competitive sporting event.

c. No District employee shall be involved in the sale, transportation or dispensing of any alcoholic beverage.

d. The required liquor license to serve alcoholic beverages is secured by the renting organization.

e. Proof of insurance naming the College/District as additional insured in the sum of $5 million for each event must be submitted at least ten (10) days prior to the scheduled event. The Chancellor or Vice Chancellor of Operations has the discretion to lower this insurance amount at the request of a College President.

f. No event sponsored by either the District or College may include the sale or consumption of alcoholic beverages.

Business & Professionals Code section 25608.

Adopted 05-03-89
Amended 09-20-00
7200.15  **Management and Control of Facilities.** Responsibility for the management and control of college facilities, which includes determining whether supervision is necessary while college facilities are being used, is assigned to the respective College Presidents by the Board of Trustees. The College President, Chancellor, or designee reserves the right to require security at the meetings held at college facilities or to call in the police when determined necessary. Under both of these circumstances, the persons/organizations using the college facilities will be responsible for paying the direct costs associated with these security services. The persons/organizations using the college facilities shall not supply their own security guards without prior written approval from the College President.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.16  **Jurisdiction of District Employee.** Complete control of facilities is under the jurisdiction of the Los Angeles Community College District employee assigned responsibility for supervising the use of the facility. This includes the right to enter District facilities at all times to enforce District rules and regulations.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.17  **Recreational and Athletic Use.** College authorities may supervise activities of those using college grounds, gymnasiums, and other athletic and recreational facilities for civic center purposes. Athletic equipment may be used only when available and special arrangements are made with the college.

Adopted or Restored 09-24-80
Amended 09-20-00
7200.18 Insurance Requirement. Any person, group or organization requesting the use of District facilities may be required to obtain a certificate of insurance from a liability insurance carrier evidencing a minimum coverage of $1,000,000 or a higher amount required by the District for any liability for injury or damage to property which may arise out of such use. The certificate of insurance shall name the District as an additional insured and should be provided to the District for approval two weeks prior to using the District property. The certificate of insurance shall be from an admitted insurance carrier in California.

EC 82448

Adopted 09-20-00

7200.19 No Violation of Law. No activity shall be conducted which constitutes a violation of any federal, state, or local law.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.20 Political Campaigns. College premises shall not be used as political campaign headquarters. All candidates running for a given election shall be given equal access to use of District facilities, as appropriate.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.21 Equipment Belonging to an Associated Student Body Organization. Arrangements and payments for use of any equipment belonging to an Associated Student Organization shall be made separately with the Associated Student Organization in accordance with District rules and administrative regulations.

Adopted or Restored 09-24-80
Amended 09-20-00
7200.22 **Interference with College.** Permission to use college facilities may be granted only when the property is not needed for college purposes. No use shall be inconsistent with the use of the buildings or grounds for college purposes, or interfere with the regular operation of college educational programs and activities.

EC 82537

Adopted or Restored 09-24-80
Amended 09-20-00

7200.23 **Scheduling.** Use of the facilities will be scheduled only when the facilities are not needed for educational purposes.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.24 **Erection of Structures, Etc.** No structures may be erected or assembled on college premises nor may any electrical, mechanical, or other equipment be brought thereon without prior written approval of the District.

Adopted or Restored 09-24-80
Amended 09-20-00
7200.25 Signs. Signs may be posted on the college premises only with the permission of the College President, or designee, and in places and manners designated by him/her. Without prior written authorization, the signs will not be posted more than one hour prior to the meeting and shall be removed immediately after the meeting by the permittee. A sign may not state or otherwise suggest that either the District or a college sponsors or endorses a particular individual/organization/activity. Use of the District and/or college name is also prohibited, unless permission is granted by the Board of Trustees in advance. Sponsors may not expect their meeting to be advertised through college media.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.26 Safety Regulations. The user at all times during the use and occupancy of the premises shall thoroughly comply with all ordinances, laws, and regulations affecting the use and occupancy thereof, including all state and local fire, health, and safety laws, ordinances, and regulations.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.27 No Smoking. User agrees to enforce "no smoking" signs within any building; also in any other place if such a place is designated as non smoking.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.28 Spectators. All spectators must be limited to designated areas while watching the activities.

Adopted or Restored 09-24-80
Amended 09-20-00
7200.29  **Fire Hazards.** Except for firework events approved by the District, lighted candles, any devices having any form of open flame and/or any material or device which constitutes a fire hazard is expressly prohibited.

Adopted or Restored 09-24-80  
Amended 09-20-00

7200.30  **Gym Floor.** No person wearing street shoes of any type shall be permitted to walk on the gym floor when so specified and/or when participating in basketball, volleyball, badminton, and similar types of activities.

Adopted or Restored 09-24-80  
Amended 09-20-00

7200.31  **No Extension of Closing Time.** Teams using college athletic facilities must finish the activities, including showers, within the time designated in the permit.

Adopted or Restored 09-24-80  
Amended 09-20-00

7200.32  **Closing Time.** College premises shall not be used later than 11 p.m., except upon special permission of the college.

Adopted or Restored 09-24-80  
Amended 09-20-00

7200.33  **Weapons.** The possession and carrying of firearms and weapons of any kind on college premises shall be prohibited, except for peace officers and policemen.

Section 9803.20 of the Board Rules supplements this section.

Adopted or Restored 09-24-80  
Amended 09-20-00
7200.34 Damages to Property. The permittee, licensee and/or lessee shall be responsible for and shall pay for any repairs or replacement of District property which are made necessary by reason of the negligence or misuse of said premises. Damage occasioned by acts of God is excepted.

Adopted or Restored 09-24-80
Amended 09-20-00

7200.35 Use of Kitchen. Permission for the use of any kitchen facility may require the presence of District personnel. The person, group or organization using the facility shall be responsible for paying the costs associated with this supervision.

Adopted 09-20-00

7200.36 These rules shall take effect immediately. Any agreements in place prior to the Board's adoption of amendments shall continue in full force and effect to the extent permitted by law.

Adopted 09-20-00

7200.37 The Chancellor shall have authority to issue regulations and authorize standardized forms for the implementation of this Article.

Adopted 09-20-00
CIVIC CENTER PERMITS.

A. The use of college buildings and grounds may be granted to organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities for the purposes of supervised recreational activities and for meetings where they discuss, from time to time, as they desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the college community.

Adopted or Restored 09-24-80
Amended 09-20-00

B. The Board of Trustees delegates to the Chancellor, College Presidents and/or their designee(s) the authority to issue civic center permits in accordance with these rules and in accordance with regulations issued by the Chancellor.

EC 82537 et seq.

Adopted 09-20-00

Civic Center Permit Rules. In addition to the rules governing use of District facilities in general (Board Rule 7200 et seq.) and the limitations set forth in Board Rule 7202.12, persons/organizations using District facilities pursuant to civic center permits are also subject to the following rules governing civic center permits.

Adopted or Restored 09-24-80
Amended 09-02-81
Amended 09-20-00

No Monopoly. No use shall be granted in such a manner as to constitute a monopoly for benefit of any person or organization.

EC 82537(c)

Adopted or Restored 09-24-80
Amended 09-20-00
7201.12 Cancellation of Permit. The District reserves the right to cancel any usage under a civic center permit as appropriate, which includes violation of any of these Board Rules pertaining to use of college facilities and grounds. The college has the right to cancel a permit whenever a need for the facilities for educational purposes arises after issuance of a permit.

Adopted or Restored 09-24-80
Amended 09-20-00

7201.13 Fourteen Day Limit. In case of civic center permits, no privilege of using college facilities shall be granted for a period exceeding fourteen days in one fiscal year. Any use beyond fourteen days must be in accordance with Board Rule 7202 et seq.

Adopted or Restored 09-24-80
Amended 09-20-00

7201.14 Cancellation by Permittee. Facilities shall be held available for the permittee until one-half hour after the time designated in the permit for that meeting to begin. Notification of cancellation of meetings, for which there is a service charge, must be received at least two business days prior to the time for scheduled use, if advance payments are to be refunded in whole or in part. Any refund shall be at the discretion of the college. All cancellations, whether a charge was levied or not, shall be reported to the permit-issuing office.

Adopted or Restored 09-24-80
Amended 09-20-00
Denial of Civic Center Permits.

a. Facilities Required by College for Educational Purposes. Whenever any college facility or grounds is required for educational purposes, a civic center permit may be denied or canceled in accordance with Board Rules 7201.12.

b. Denial Because of Violation of District Regulations. The college and/or District, at its discretion, shall have the right to cancel and terminate a Civic Center Permit immediately and without notice upon its discovery of a violation of any term, condition, or provision of the permit or practice of discrimination on the part of the permittee. Should any such violation occur, the college or the District, at its discretion, shall have the right to deny any future requests by the permittee for the use of any other college property or facilities.

Adopted 09-20-00

Food Permits. Permission for the use of cafeteria and other facilities for the serving of food may be issued in connection with civic center permits only with the consent of the college. However, in the context of a civic center permit, the college's food services operations shall be given the first option of serving any food product. Permittees shall be liable for any loss, breakage, or damage to cafeteria equipment.

Adopted 09-20-00
Civic Center Permits for Cost. If the following conditions are met and an alternative location is not available, use of the facilities will be granted for a charge not to exceed an amount sufficient to pay the cost to the District for: opening and closing the facilities, if no college employee is available to perform this function as a part of his/her regular duties; an employee's presence, such as police officers, while a facility is being used if the college determines that supervision is necessary and the employee would not otherwise be present as part of his/her regular duties; janitorial services, if necessary and would not otherwise be performed; and/or the costs of utilities directly attributable to the use of the facility.

a. The use is for political, educational, economic, recreational, artistic, or moral interests and activities; and

b. The permittee is a nonprofit organization, a public agency, a senior citizens' organization, or any organization, club, or association organized for cultural activities and general character building or welfare purposes; and

c. No admission charge is made or contribution is solicited; if an admission charge is made or a contribution is solicited, the net receipts are expended for the welfare of students of the District or for charitable purposes.

Adopted 09-20-00
d. If an admission charge is made or contribution is solicited and the net receipts are not expended for the welfare of students or for charitable purposes, the facility use will be subject to the charges enumerated in Board Rule 7201.19.

e. The Associated Student Body Organization and/or recognized student clubs may use college facilities in keeping with the rules for Civic Center permits. However, under no circumstances may such an organization sponsor an event involving the sale or distribution of alcohol.

Adopted 09-20-00
EC 82542

7201.18 Civic Center Use by Religious Organizations. Any church or religious organization may use District facilities for the conduct of religious services for temporary periods where such church or organization has no suitable meeting place for the conduct of such services for a charge not to exceed the fair rental value of the facility. Fair rental value is defined as: the cost to the District for supplies, utilities, janitorial services, services of other District employees, salaries of District employees necessitated by use of such property and the amortized costs of the college facilities used for the duration of the activity.

EC 82542(d)
Adopted 09-20-00
7201.19 Civic Center Permit at Fair Rental Value.
If the following conditions are met, use of the facilities will be granted for a charge not to exceed the fair rental value of the facility. Fair rental value is defined as:
the costs of supplies, utilities, janitorial services, services of other District employees, salaries paid to District employees necessitated by use of the college facilities and the amortized costs of the college facilities used for the duration of the activity.

a. The use is for political, educational, economic, recreational, artistic, or moral interests and activities; and

b. Admission fees, membership dues, or contributions are solicited or accepted and the proceeds are not expended for either the welfare of the students of the District or for charitable purposes.

EC 82542 (b)

Amended 09-20-00

7201.20 Advance Payment. All civic center charges shall be remitted to the college ten business days before the date of the approved civic center permit.

Adopted 09-20-00

7202. LEASES AND PERMITS FOR USE.

A. Pursuant to the California Education Code and subject to the limitations contained therein, the Board may lawfully enter into either leases or permits for use for the use of District property or facilities to persons and/or organizations upon such terms agreed upon by the Board and the lessee/permittee when said property is not needed for school classroom buildings or for educational purposes.

Adopted 09-20-00
Amended 11-15-00
B. Effective December 1, 2000, the Chancellor shall have the authority to delegate leases for less than five days and permits for use for less than fourteen days to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting or day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence.

EC 70902, 81360 et seq.

Adopted 09-20-00
Amended 11-15-00

7202.10 Lease and Permit for Use Rules. In addition to the rules governing use of District facilities in general (Board Rule 7200 et seq.), persons and organizations using District property and/or facilities pursuant to a lease or permit for use are also subject to the following rules governing leases and permits for use.

Adopted 09-20-00

7202.11 Definitions. For the purpose of these Board Rules, the following definitions apply:

a. Lease. A lease is defined as an agreement between the District and a person or organization which grants the person/organization exclusive use of certain District property and/or facility for a specific period of time, and at least 24 hours sequentially. A lease must have formal Board authorization or ratification as required in Board Rule 7202.12.

Adopted 09-20-00
b. Permit for Use. A permit for use is defined as an agreement between the District and a person or organization which grants the person/organization limited use of certain District property and/or facility for a specific period of time. A permit for use must have either formal Board authorization or ratification as required in Board Rule 7202.12.

c. Day. A day is defined as a separate, although not necessarily consecutive, twenty-four hour period. For example, five days in one fiscal year could be either five consecutive days or the first Saturday of the month for a five month period.

Adopted 09-20-00

7202.12 Permit for Use over Fourteen Days and Leases over Five Days.

a. A use of District property/facility by a person/organization through a lease which exceeds five days in one fiscal year or permit for use which exceeds fourteen days in one fiscal year, as appropriate, must have formal Board authorization prior to execution.

b. A use of District property/facility by a person/organization through either a lease which is five days or less or a permit for use which is fourteen days or less in one fiscal year may be either authorized by the Board in advance or ratified by the Board after the use.

c. Any lease or permit for use entered into pursuant to this rule must be executed in accordance with the appropriate Education Code provisions.

Adopted 09-20-00
d. Any person/organization that has a civic center permit in excess of these policies prior to the adoption date of these Board Rules, may enter into a lease or permit for use, as appropriate, with the District for use of the District facility under mutually agreeable terms and in accordance with these Board Rules.

EC 81378

Adopted 09-20-00

7202.13 Applicability of Public Bidding Requirements and Values Associated With Leases and Permits for Use. Leases and/or permits for use are subject to the following general provisions, as applicable:

a. Leases or permits for use of District property or facilities for a period of more than six days but less than five years shall be pursuant to terms and conditions agreed upon between the District and the lessee/permittee and in accordance with Education Code.

b. In addition to the limitations set forth in subsection a, the fair market value of a lease entered into by the District without a public bidding process shall not exceed $25,000.00 per year, as certified by the Board in a public agenda item prior to executing the lease. Any lease with a fair market value which exceeds $25,000.00 per year would be subject to the appropriate Education Code provisions, including but not limited to the provisions relating to public notice and bidding.

Adopted 09-20-00
c. Leases and permits for use exceeding five years in length must be executed in accordance with the appropriate Education Code provisions, including but not limited to the provisions relating to public notice and bidding.

EC 81378.1, 81360 et seq.

Adopted 09-20-00
ARTICLE III
RISK INSURANCE

7300. MANAGEMENT AND CONTROL OF BOARD INSURANCE. The placement, management and control of all risk insurance authorized by the Board shall be a function of the Business Services Division.

Restored 09-24-80

7301. KINDS OF INSURANCE AUTHORIZED. All forms of insurance necessary for the protection of, including but not limited to, real property, personal property, negligent acts, employee dishonesty, boiler and machinery, vehicles, employee injury and assigned risk coverage shall be carried as needed and permitted by the Education, Government and Insurance Codes of California.

EC 72506, GC 990, IC 11870

Restored 09-24-80

7302. PLACING OF INSURANCE. The various needs for insurance, together with all relevant information, including statements of costs obtained from insurance companies, agents, or brokers, for the placing of such insurance, shall be reported to the Chancellor for authorization by the Board of Trustees. Upon authorization by the Board, the Business Services Division shall place such insurance.

7302.10 Placing of Insurance in an Emergency. In an emergency, the Business Services Division shall place insurance and the Chancellor, or designee, shall immediately report such placement for ratification by the Board.

Restored 09-24-80

7303. DISTRIBUTION OF INSURANCE. Insurance carried by the District shall be obtained through competitive negotiations and shall be awarded to those insurance companies, agents, and brokers who agree to furnish the coverage required at the lowest and best prices consistent with good service and risk management practices.

Restored 09-24-80
INSURANCE RECORDS. The records of insurance policies shall be maintained by the Business Services Division.

7304.10 Records to Establish Insurable Values. Records showing all pertinent data necessary to establish insurable values of District properties shall be maintained by the Business Services Division based upon the District's fixed asset inventory and annual independent property appraisals.

EC 81601
Restored 09-24-80

INSURANCE PREMIUMS. Demands for payment of insurance premiums, based on orders duly issued, and approved by the Deputy Chancellor, or designee, shall be received by the Business Services Division, and paid in the same manner as other demands against the funds of the District.

Restored 09-24-80
Amended 03-05-13

CANCELLATION OF INSURANCE POLICIES. Insurance policies shall be canceled with Board approval when deemed advisable, and the unearned premium forwarded to the Business Services Division for deposit.

Restored 09-24-80

SETTLEMENT OF LOSSES. When any property covered by insurance is lost, damaged, or destroyed, a notice concerning the loss shall be sent immediately to all affected carriers or their representatives. The Deputy Chancellor, or designee, shall act as adjuster for the Board of Trustees in the settlement of losses and shall sign a Proof of Loss as authorized. The Deputy Chancellor shall recommend, as soon as practicable, a basis for settlement and, upon adoption by the Board, the agreed amounts shall be collected from the insurance companies concerned, and forwarded to the Business Services Division for deposit.

Restored 09-24-80
Amended 03-05-13

INSURABLE REPLACEMENT VALUE. The insurable replacement value of a building or its contents may be defined as replacement cost of such building or contents, less the noninsurable items usually excluded.

Restored 09-24-80
VALUATION OF A BUILDING AND PERSONAL PROPERTY. The term "building", as used in connection with insurance, shall be defined as including all actual construction within the building lines (these lines shall include all porches, arcades, platforms, or steps attached to the building) and all decorations, mechanical or other equipment pertaining to the service, upkeep, maintenance, or operation thereof, and also built-in or fixed equipment for buildings.

The valuation of a building and personal property contents, for insurance purposes, shall be computed by the Business Services Division based upon original costs and independent appraisal services of current market values.

DEPRECIATION OF BUILDINGS. The valuation of buildings may be depreciated for insurance purposes through independent property appraisal services.

DEPRECIATION OF CONTENTS. The valuation of contents (personal property) may be depreciated, for insurance purposes, on the basis of any average total depreciation of twenty-five percent (25%).

INSURANCE-CONSTRUCTION UNDER CONTRACT. The provisions of the follow paragraphs shall be included in all material and labor contracts.

Buildings. Fire insurance shall be carried on new buildings or other structures constructed under contract only upon the acceptance of the completion of the contract by the Board, except when any such building or portion thereof is occupied by the District, prior to acceptance of completion pursuant to provisions of the contract which relieve the contractor of the responsibility for injury or damage to such occupied building or portion thereof.

Existing Buildings. During the performance of contracts for alterations, additions, repairs, reconstruction, rehabilitation, or other work in or on existing buildings, fire insurance shall be carried by the District.
LIABILITY CLAIMS PROCEDURES. All claims against the District for damages or injuries shall be reported to the Board of Trustees and administered by either the Office of General Counsel, the Senior Associate Vice Chancellor for Human Resources or the Director of Business Services, or their designees, as directed by the Chancellor.

The Chancellor, Deputy Chancellor and/or the Director of Business Services or their designees shall be authorized to settle up to $50,000, subject to ratification by the Board of Trustees.

For claims filed within the District's self-insurance retention amounts, professional insurance adjusting services and attorneys specializing in public liability claims shall be retained to review, investigate, adjust and litigate the claims in the interest of optimally protecting the District.

For claims filed against the District or a contractor pursuant to an owner-controlled insurance program, the Chancellor, Deputy Chancellor and/or the Executive Director of Facilities Planning and Development or their designees shall be authorized to settle up to $50,000, subject to ratification by the Board of Trustees.

Restored 09-24-80
Amended 04-09-86
Amended 11-19-97
Amended 12-17-97
Amended 07-05-01
Amended 10-01-08
Budget and Finance Committee Meeting

Wednesday, November 6, 2013

ITEM D

II. Administrative Regulations

A. B-9 Negotiations of District Agreements and/or Partnership College President
B. B-19 Delegation of Contracting Authority to College Presidents.
C. B-21 Real Property Due Diligence.
In accordance with the Board Rules and Administrative Regulations which require the Chancellor to delegate the authority to negotiate, draft and sign agreements on behalf of their respective colleges, the college presidents are authorized to actively seek District agreements or partnerships for their college with outside individuals, agencies and/or organizations. However, prior to entering into a formal agreement and/or partnership, the following requirements must be met:

1. all District rules, regulations and procedures with respect to legal and fiscal constraints must be satisfied;

2. if such proposed agreement and/or partnership may have implications that extend beyond the college, the college president must consult with the Chancellor prior to formalizing any agreement and/or partnership with the outside individuals, agencies and/or organizations; and

3. all agreements over $250,000 must be reviewed by the Chancellor or his/her designee prior to placement on the Board agenda for approval.
I. Delegations

A. As used in this regulation, "College President" means a person appointed by the Board as the regular or interim president, and will not apply to anyone serving in an acting or day-to-day substitute capacity unless specifically authorized in writing by the President.

B. As used in this regulation, "Vice President" means a person appointed as the regular or interim Vice President of Administration/Administrative Services. However, a College President may, pursuant to Section III, designate in writing to the Chancellor for contracts to be executed by an acting or day-to-day substitute for the Vice President of Administration/Administrative Services.

C. As used in this regulation, "Deputy Chancellor" means a person appointed by the Board as the regular or interim Deputy Chancellor, and will not apply to anyone serving in an acting or day-to-day substitute capacity unless specifically authorized in writing by the Deputy Chancellor.

D. As used in this regulation, "Executive Director of Facilities Planning & Development" means a person appointed by the Board as the regular or interim Executive Director, and will not apply to anyone serving in an acting or day-to-day substitute capacity unless specifically authorized in writing by the Executive Director.

II. Delegation of Authority to College Presidents, Deputy Chancellor and Executive Director of Facilities Planning & Development

A. Effective December 1, 2000, the Chancellor hereby delegates the authority and the responsibility to the College Presidents to negotiate, draft, sign and enter into the following contracts:
(1) Purchase orders which do not require formal bidding
(2) Grant agreements and agreements with subgrantees which do not require formal bidding
(3) Music and other licensing of intellectual property for District use (excluding licensing issues with employees)
(4) Student intern agreements, including CalWorks
(5) Work study contracts
(6) Unconditional donations
(7) Permits for Use/Civic Center permits
(8) Insurance for special events
(9) Contracts for student government organizations
(10) Revenue sharing agreements, such as with local fire and police agencies
(11) Contract education
(12) Designation of Branch locations for the Colleges which may include leases for no more than $5.00 annually
(13) Educational travel

B. Effective February 1, 2001, the Chancellor delegates the authority and the responsibility to the College Presidents to negotiate, draft, sign and enter into the following contracts:

(1) Disposal of surplus property pursuant to Education Code section 81450
(2) Software and campus master planning consultants
(3) Student Health Centers
(4) Conditional donations
(5) Rent/lease and maintenance of equipment not involving financing
(6) College Foundation master agreements
(7) Instructional software agreements and non-instructional software agreements which do not require formal bidding
(8) Service agreements which do not require formal bidding

C. The responsibility and the authority for the following contracts remains with the Deputy Chancellor, the Executive Director of Facilities Planning & Development, the Director of Business Services and the Director of Facilities Planning & Development:

(1) Contracts requiring formal bidding under state or federal law or by District policy
(2) Financing
(3) Real property transactions, such as purchases, leases and joint occupancy agreements with the exception of leases developed pursuant to Section II A. (12)
(4) Contracts with insurers, except for special events
(5) Approvals of levels of insurance required
(6) Architects whose plans or specifications are related to public works which require a Project Manager; auditors and attorneys
(7) Special agreements with College Foundations
(8) Non-instructional software which requires formal bidding
(9) Purchase orders above formal bidding limits, currently $83,400
(10) Any other contract, purchase order or agreement which has not been expressly delegated

D. Effective October 1, 2001, the Chancellor authorizes the use of purchasing cards to make purchases of materials, supplies and services, including travel-related items, not exceeding $2,500 per transaction and $10,000 per month for each card. The Chancellor delegates to the College Presidents, Deputy Chancellor and Executive Director of Facilities Planning & Development the authority and responsibility to:

(a) designate District employees under their control to be issued purchasing cards, and (b) establish spending limits and other controls on the use of such cards. Issuance of purchasing cards to College Presidents shall be subject to approval by the Chancellor. Use of purchasing cards shall be governed by policies and procedures established by the Director of Business Services. The College Presidents, Deputy Chancellor and Executive Director of Facilities Planning & Development shall be accountable for the appropriateness and legality of any purchasing card transactions made by employees they designate as cardholders.

E. Effective December 10, 2003, the Chancellor delegates to the College Presidents the authority to sign contracts utilizing Proposition A or Proposition AA funds for contracts up to $10,000. The College Presidents do not have the authority to commit or expend Proposition A or Proposition AA funds for contracts in excess of $10,000 in the absence of written approval by the Chancellor, Deputy Chancellor or Executive Director of Facilities Planning & Development, or their designees.

III. Delegation of Authority by College Presidents to Vice Presidents

A. The College Presidents may delegate to their respective Vice Presidents of Administration or Administrative Services and to acting or day-to-day substitutes for the Vice Presidents of Administration/Administrative Services, the authority for all, some or none of the contracts within the College Presidents’ delegated authority. Any person that is delegated authority by a College President must participate in the Districtwide Contracts Training Sessions. The College President continues to be accountable for the appropriateness and legality of any agreement(s) signed by designated employees.

B. Delegations by College Presidents shall be made in writing to the Chancellor, and copied to the Deputy Chancellor, the Chief Financial Officer, the Director of Business Services and the General Counsel. Delegations must be limited to a specific period of time, but such delegations will be revocable at any time by the Chancellor, or by the College President, in writing, with a copy to the Deputy Chancellor, the Chief Financial Officer, the Director of Business Services, the General Counsel, and the Vice President.
IV. **Use of Forms**

A. In exercising their delegated authority, College Presidents, Vice Presidents and acting or day-to-day substitutes for the Vice Presidents of Administration/Administrative Services will use forms authorized by the Chancellor, Deputy Chancellor or the Director of Business Services with standard provisions and such additional provisions that are reasonable, necessary, legal and prudent.

B. Any modifications to the standard provisions in the authorized forms will require advance approval by the Deputy Chancellor, Director of Business Services or Contracts and Purchasing Manager.

C. Additional provisions which overrule, eliminate or modify the standard provisions shall not be included.

V. **Ratification by the Board of Trustees**

In accordance with Education Code section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his or her authority may be disciplined. In addition, in accordance with Education Code section 81655, any such employee may be personally liable to the District for any and all monies of the District paid as a result. District funds incurred as a result of such actions may be charged to the location which created the liability, as determined by the Chancellor or his designee.

Expenditures of Proposition A or Proposition AA funds pursuant to this delegated authority are subject to audit and review as may be directed by the Chancellor, Deputy Chancellor, Executive Director of Facilities Planning & Development, Chief Financial Officer, or their designees.
The following regulation is established to identify the essential elements as a prerequisite for the District's purchase, lease-purchase or lease longer than three years of real property for the benefit of the District.

I. Evaluation

A. Documentation - The College President shall be responsible for documenting the following matters prior to presenting proposed property acquisition to the Board.

1. The rationale for considering the location and services shall be presented; this rationale shall include a viability study for planned instructional uses, an estimate of cost commitment for the property lease or purchase and/or a business plan for proposed revenue enhancement projects.

2. A Viability Study shall include the following components:

   a. Viability Review Committee composed of college administration and faculty in appropriate positions to research program and course need and render informed recommendations.

   b. Information gathering relating proposed programs/classes to:

      i. College Mission;
      ii. Educational Master Plan;
      iii. Accreditation requirements;
      iv. Student demand;
      v. Service area demand;
      vi. Impact on college budget and finance; and,
      vii. Outside expert opinion and analysis.
3. A Business Plan shall include the following components:

a. A Business Plan review committee composed of the College President, Vice President of Administrative Services, campus faculty leadership, District Facilities Planning Director, District Chief Financial Officer, and others prepared to assess the value and earning potential of identified properties.

b. Information gathered to include:

   i. Market analysis of property value;
   ii. Review of conceptual site plan;
   iii. Review of purchase vs. lease possibilities;
   iv. Assessment of potential partners;
   v. Revenue analysis; and,
   vi. Evaluation of possible impact on college finances and community relations.

B. Notification

   1. If it is a lease or offsite location for less than three years, then the College’s Vice President of Academic Affairs must review it with the Council of Academic Affairs.

      a. The Council of Academic Affairs shall advise whether the proposed site/program competes with another LACCD institution.

      b. If there is competition with another LACCD institution, the College Presidents shall attempt to resolve the matter. If they cannot, the Chancellor shall make an appropriate determination.

   2. If it is an acquisition, lease-purchase or lease longer than three years, the College President must notify the Chancellor.

      a. The Chancellor will review the matter with the Cabinet, and determine when the matter should be reviewed with the Board.

C. College President’s responsibility for Viability Study and Business Plans

   1. The College President is responsible for ensuring that a comprehensive evaluation of the economics, including enrollment
projections, is conducted.

2. The College President is responsible for ensuring that the viability study has been reviewed and approved by the Cabinet, or the Cabinet and the Board, as determined by the Chancellor.

3. The College President is responsible for ensuring that before a real estate broker is engaged or solicited for assistance, Board approval should be obtained. To the extent that there is a desire to reserve purchase or lease rights, options may be negotiated with Board approval.

D. Preliminary Business Review

1. In the event of a proposed property purchase, the Facilities Planning & Development Department shall obtain and review a title report early in the transaction to identify title and lien issues; obtain a land survey and American Land Title Association ("ALTA") extended coverage title insurance to locate and protect against easements and encroachments and have a Phase 1 environmental report prepared and reviewed to make certain there are no existing or potential environmental issues on the property.

2. The Facilities Planning and Development Division will obtain an appraisal, performed by a Membership of the Appraisal Institute ("MAI") certified or equivalent appraiser, to ensure that the price is fair and reasonable for the District. For preservation of the privileges for attorney-client communications and attorney work-product, outside counsel should contract with appraiser.

II. Business Review and Financial Commitments

A. The CFO/Treasurer shall be responsible for reviewing the method of financing, the cost of that financing, the timing for acceptance of title or possession, and the timing for making payments.

B. The College President is responsible for pursuing the processes for obtaining State approval for an "educational center."

C. The Facilities Planning & Development Department shall evaluate local zoning and subdivision control issues, which may apply to activities and facilities outside the educational curriculum, e.g., commercial enterprises.

D. The Facilities Planning & Development Department shall review or arrange for appropriate architectural or engineering review of structures for compliance with the Field Act, or identify an appropriate exception;
plans and specifications for new buildings must go through the Division of the State Architect.

E. The Facilities Planning & Development Department shall ensure that the facility is accessible for disabled persons, in accordance with applicable building codes.

F. The Facilities Planning & Development Department shall be responsible for ensuring the facility has been reviewed for appropriate safety conditions.

G. The Facilities Planning & Development Department shall review the use of the property for compliance with the California Environmental Quality Act. This may require an Environmental Impact Report, a Negative Declaration or a Categorical Exemption, public hearings and notices, and findings by the Board.

H. Environmental insurance must be obtained for any property acquisition. The College President or designee shall work with the Risk Manager to place the insurance.

I. The Facilities Planning & Development Department must identify and address any particular issues associated with the site. For example, if the property owner is not amenable to negotiations and condemnation is contemplated, special costs and considerations will have to be weighed.

J. The Facilities Planning & Development Department shall work with the College President and other appropriate College representatives in coordinating the preparation of a plan and cost of construction estimate to improve the property to a condition which would accommodate the College’s intended use.

III. Due Diligence Responsibilities

A. The Facilities Planning & Development Department shall arrange for an appropriate Environmental Site Assessment for man-made and natural toxicity issues, as well as any applicable State agency review.

B. The Facilities Planning & Development Department shall be responsible for reviewing or arranging for appropriate review of whether the property is located within a flood plain.

C. In addition to the requirements contained herein regarding purchasing real property, if a College is considering acquiring a site or sites for the purpose of constructing a school building as defined by Education Code section 81130.5, these additional requirements must be satisfied:
1. The College President shall work with the Facilities and Planning Department to have the site(s) thoroughly investigated to evaluate all factors affecting the public interest and whether it is economically feasible to construct on this site, which includes, but is not limited to, the raw land cost.

2. If the site is either located within a special studies zone as identified on a map by the State Geologist pursuant to Public Resources Code section 2621 et seq., or within an area designated as geologically hazardous as provided in Government Code section 65302(g), or if the estimated cost to reconstruct or alter or add to a building which alters structure elements exceeds $20,000.00, the investigation shall include geological and soil engineering studies to assess the nature of the site and potential for earthquake or other geological hazard damage. The study shall also evaluate the location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions and other factors affecting the costs of the total project. The cost of geological and soil engineering studies may be treated as a capital expenditure.

3. This investigation is not necessary if the site or sites have been subject to adequate prior studies and the College has access to this information.

4. A copy of each investigative report shall be submitted to the Board of Governors and the Department of General Services.

5. The Facilities, Planning and Development Department is responsible for ascertaining whether the Department of General Services requires geological or soil engineering studies for the construction or alteration of any building on a site not located within a special studies zone.

6. If a proposed site or an existing site where a proposed addition will be made is within two miles of an airport runway or a runway proposed by an airport master plan, the Facilities, Planning and Development Department shall notify the Board of Governors in writing prior to acquiring title to the proposed property or prior to making additions to the existing property. No further action will be taken with respect to the site until such time that the Board of Governors has issued a report on the site and the requirements of Education Code section 81033 (c) and (d) have been satisfied.
IV. **Use of Bond Funds**

A. If bond funds are to be used, the College President must ensure that the property is reviewed by the Program Manager, the College Project Manager, and the Executive Director of Facilities Planning & Development.

B. The Facilities Planning and Development Department will provide bond counsel with the site location, the applicable college and the proposed use in order to verify whether the use of bond funds is legal.

C. A memorandum must be sent by the College President to the Chancellor confirming that the College’s shared governance processes have been consulted. The memorandum should confirm that the shared governance group supports the action and its timing relative to other projects, and that the support was based on a full understanding of the probable cost.

D. The College President is responsible for ensuring that the proposed site was anticipated as a use of the bond funds by the community.

V. **Legal Processes**

A. The Facilities Planning and Development Department is responsible for assigning appropriate legal counsel.

B. Real Property Counsel must review the transaction for any special safety and legal considerations if the planned use involves significant participation by minors.

C. The Board may discuss real property in closed session only to provide direction to the real property negotiator(s). The Facilities Planning and Development Department shall schedule an appropriate time through the Office of General Counsel.

D. Public action must be taken by the Board to make the final decision. Closure of the sale shall not be performed until all due diligence has been performed.
Budget and Finance Committee Meeting

Wednesday, November 6, 2013

ITEM D

III. Procurement Policies and Procedures (PP-04-00-PP04-20)

A. PP-04-00 Procurement Overview and Policy
B. PP-04-01 Procurement Responsibilities and Organization
C. PP-04-08 Procurement Of Special and Professional Services
Procurement Policies and Procedures
Table of Contents

PP-04-00 Procedure Overview and Policy
PP-04-01 Procurement Responsibilities
PP-04-02 Types of Transactions
PP-04-03 Micro Purchases
PP-04-04 Small Purchases
PP-04-05 Medium Purchases
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PP-04-12 Software License
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PP-04-14 Loan and Donation of Equipment
PP-04-15 Authorization to Pay
PP-04-16 Receiving and Acceptance of Procured Items
PP-04-18 Suppliers
PP-04-19 SFP Procurement Considerations

FOOTNOTE: Complete copies of #’s PP-4-00, PP-04-01, and PP-04 08 are included details for other on District intranet webpage http://albacore.laccd.edu/##procpol
PP-04-00  PROCUREMENT OVERVIEW AND POLICY

I. OVERVIEW

This section addresses the acquisition of goods and services from external sources by the Los Angeles Community College District (LACCD).

"Procurement" is the act of acquiring goods or services for the direct benefit or use of the organization. Within LACCD, "procurement" refers to both purchasing and contracting transactions. In this section, the terms "procurement", "contract", and "purchase" may be used interchangeably to refer generally to procurement transactions.

The general procurement function at LACCD is performed at each college, regional location, and the District Office. Facilities construction related procurement is handled through college plant facilities offices, and by the Facilities Planning and Development Department at the District Office. Facilities procurement information may be found in the Facilities Procedures section of the manual. Travel related purchases are covered by the policies found in the Human Resources Guide or Personnel Commission Rules.

II. OBJECTIVES

The LACCD procurement process should adhere to the following objectives:

1. Comply with laws, regulations, rules and policies governing procurement by community college districts in California and conform to Board rules and administrative regulations within LACCD;

2. Encourage competition among suppliers in order to obtain best pricing and terms, superior product quality, and good customer service;

3. Prevent favoritism, fraud, waste, abuse and corruption in soliciting suppliers, awarding contracts and expending public funds;

4. Provide all suppliers an equal opportunity to participate and earn the District's business;

5. Be efficient in the time and resources expended to execute a transaction; and

6. Result in the timely delivery of the correct products and services to the customer.
III. POLICY

It is the policy of LACCD to procure necessary supplies, materials, equipment and services in a timely and efficient manner for a reasonable price, via transactions that are advantageous to the District in accordance with procedures set forth by the Board of Trustees, the California Public Contract Code, the California Education Code and other applicable laws of the State of California.

1. Except as noted below, LACCD shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. For those employees with delegated contracting authority for specified procurement transactions, LACCD shall be bound to the contracts without prior authorization from the Board of Trustees. However, these contracts still require ratification by the Board within 60 days of the contract execution.

2. Contracts with LACCD shall be limited to three years for purchase of materials or supplies and five years for equipment or services, unless otherwise defined by statute.

3. LACCD shall not contract out for any personal services that are generally found within the expertise of District's classified service, except for those reasons specified within Education Code Section 88003.1.

4. LACCD shall formally bid contracts for supplies, materials, equipment and services in accordance with the bidding threshold established by the State of California and is adjusted on an annual basis. For transactions not required to be formally bid, LACCD will apply other competitive procurement processes when practicable.

5. The Chancellor has delegated signatory authority for certain contracts to employees identified in Administrative Regulation B-19. Any employee who signs a contract in violation of his/her authority may be disciplined. Education Code section 81655 provides that any employee shall be personally liable to the LACCD for any and all monies of the LACCD paid out as a result of that employee’s malfeasance. LACCD costs incurred as a result of employee malfeasance may be charged to the location which created the liability, as determined by the Chancellor or his/her designee.

6. When advantageous to do so and legally permissible, the LACCD may facilitate volume purchasing and institute district-wide supplier contracts. In addition, it may take advantage of procurement methods permitted by the State to facilitate purchasing and reduce the cost of supplies, materials, equipment and services.

IV. DEFINITIONS

Whenever the following terms appear in these policies and procedures, the definitions will have the corresponding meanings.
“Bid”  A firm offer from a supplier to sell the District goods or services at a specific price for a procurement estimated to cost more than the Large Purchase threshold in which award will be made to the supplier offering the lowest price, all other factors being equal. Bids must be solicited through an Invitation for Bids ("IFB") and submitted sealed in writing, to the District by mail or personal delivery; faxed or emailed submittals are not acceptable. If the procurement is estimated to cost less than the Large Purchase threshold, offers may be solicited as Quotes rather than as Bids.

“Bid Threshold”  The dollar amount above which California state law, as specified in Public Contract Code section 20651, requires a procurement transaction to be acquired through formal sealed bidding. The amount started at $50,000 and is increased effective January 1 of each year by the Board of Governors of the California Community Colleges based on an inflation index. As of January 1, 2008, the Bid Threshold was $72,400.

“Board”  The Board of Trustees of the Los Angeles Community College District.

“Board Approval”  An action taken by the Board of Trustees to authorize a purchase order or contract for services BEFORE the award, commencement or issuance of a contract or purchase order. This action is taken by the board in the public session of a board meeting.

“Board Ratification”  An action taken by the Board of Trustees to authorize a purchase order or contract for services AFTER the award, commencement or issuance of a contract or purchase order. This action is taken by the board in the public session of a board meeting. Purchase orders and contracts requiring board ratification must be ratified within 60 calendar days of purchase order issuance or contract commencement.

“College”  Any of the nine colleges within the Los Angeles Community College District and, when referring to a Location, the District Office. A College includes all of its satellite campuses.

“College President”  or “President”  The President of any of the nine Colleges within the Los Angeles Community College District and, at the District Office, the Deputy Chancellor.

“College Procurement Specialist (CPS)”  One of three (3) regional procurement professionals in the District who: (a) is responsible for serving three...
colleges; (b) resides at one of his/her three assigned Colleges, and (c) reviews, approves/releases Medium-Purchase transactions initiated by the Colleges. The CPS reports directly to the Vice Presidents of Administrative Services at his/her three Colleges and coordinates with the Contracts and Purchasing Manager at the District Office.

“Contracts and Purchasing” The Contracts and Purchasing Section within the Business Services Division housed at the District Office.

“District” The Los Angeles Community College District, including any or all of its colleges and locations.

“ERP or Procurement System” – Represents the Enterprise Resource Planning System known as “SAP” for which the on-line procurement database exists with other modules such as financial and cost accounting, payroll, benefits and personnel hiring. The procurement module of the system is used to process purchase orders and contracts, provide electronic approval of these documents and house procurement reports.

“Goods” Supplies, materials, equipment or other Personal Property procured by the District for its business use.

“Invitation for Bids (“IFB”) Also referred to as “Formal Advertising,” the solicitation used to request sealed Bids in accordance with Public Contract Code section 20650 et seq. and Education Code section 81641 et seq.

“Large Purchase” A procurement transaction at or above the formal bid dollar amount ($72,400 as of January 1, 2008) at which sealed bids must be solicited as prescribed in Public Contract Code section 20651. Also, Professional Services valued above the Large Purchase threshold that are procured through a Request for Proposals process.

“License” A contract authorizing a non-exclusive use, but not ownership, of property. A Permit for Use and a Civic Center Permit are licenses authorizing other parties’ use of District Real Property.
“Location” Any of the nine Colleges and the District Office, for a total of 10 Locations within the District. A satellite campus is deemed to be a part of its associated College.

“Medium Purchase” A Procurement transaction above the Small Purchase maximum dollar amount ($5,000) and below the Large Purchase dollar amount threshold ($72,400 as of January 1, 2008). A Medium Purchase requires the receipt of not fewer than three (3) responsive written quotes or proposals.

“Micro-Purchase” A Procurement transaction at or below the dollar amount ($2,500 as of December 31, 2006) at which informal competitive quotes must be solicited. No quotes are required for micro-purchases but it is considered best business practice to solicit quotes when practical to do so.

“Personal Property” Any property that is not Real Property; any Goods.

“Personal Service” Routine labor for which no special training, education or certification or license is required, such as maintenance, which is not a professional service. Personal Services reasonably projected to cost more than the Large Purchase threshold must be procured through the issuance of an Invitation for Bids.

“Procurement” A purchase order, contract, lease, license, authorization of payment, authorization to pay library materials, purchasing card transaction, or other method used within the District to acquire Goods or Services for the benefit of the District. Also, the act of purchasing or contracting for goods or services.

“Professional Service” Also referred to as “Special Service,” labor which is described in Government Code section 53060. Professional Services are deemed to be exempt from the requirement in Public Contract Code section 20651 for sealed bidding. However, if the estimated value equals or exceeds the Large Purchase threshold, a Request for Proposals process is customarily used to procure the service.

“Proposal” A firm offer from a supplier to sell the District Goods or Services at a specific price for a procurement in which award will be made based on price and other factors considered together. Proposals are to be solicited only for
Professional Services and electronic data-processing equipment and other Goods and Services as referenced in “Request for Proposals” below.

“Quote”  A firm offer from a supplier to sell the District Goods or Services at a specific price for a procurement costing less than the Large Purchase Bid threshold in which award will be made to the supplier offering the lowest price, all other factors being equal. Unless otherwise specified, a Quote may consist of a catalog price or an emailed, faxed, mailed or hand-delivered written offer. Copies of, or other evidence of solicited or received, Quotes must be retained by the initiator. If the procurement is estimated to cost more than the Large Purchase threshold, offers must be solicited as sealed Bids rather than as Quotes.

“Real Property”  Land, buildings, and their structural components; also infrastructure improvements, such as roads and sewers.

“Request for Proposals “(“RFP”) The solicitation used to solicit Proposals for Professional Services as described in Government Code section 53060 and electronic data-processing equipment and other Goods and Services as described in Education Code section 81645.

“Services”  Labor, as distinguished from Goods, purchased by the District for its business use. See also “Personal Services” and “Professional Services.”

“Small Purchase”  A procurement transaction (defined for this definition as a single line-item on a purchase order or contract, rather than the entire amount of the purchase order or contract) above the Micro-Purchase maximum dollar amount ($2,500 as of December 31, 2006) and below the Medium Purchase dollar amount threshold ($5,000). A Small Purchase requires the solicitation of not fewer than three (3) Quotes or Proposals and receipt of at least one.

“Vice President of Administrative Services”  The Vice President of Administrative Services or Vice President of Administration at a College. At the District Office the responsibilities identified to a Vice President of Administration at a college location may be the responsibility of the Director of Business Services. The Vice President of Administrative Services typically oversees the procurement function at the colleges.
V. LEGAL AUTHORITY AND CITATIONS

California Education Code
Section 81644
Section 81655
Section 88003.1

California Public Contract Code
Section 20650, et seq

Government Code
Section 53060

LACCD Board Rules
Chapter VII, Article 1, Contracting

LACCD Administrative Regulation B-19
PP-04-01 PROCUREMENT RESPONSIBILITIES AND ORGANIZATION

I. OVERVIEW

Generally, three different functional areas are responsible for handling procurement at LACCD: (1) the college purchasing offices; (2) College Procurement Specialists (CPS); (3) Contracts and Purchasing Section at the District Office.

Procurement responsibilities are divided among these three areas based on dollar threshold and type of transaction. Purchases of services, supplies and equipment are ordinarily handled in the following manner:

A. College Purchasing Office - purchases up to $5,000; except procurement transactions initiated by the college Plant Facilities Offices and in some colleges specially funded programs. For facilities related procurement, please see the Facilities Procedures starting in section 06-00.

B. College Procurement Specialist - purchases from $5,000 up to the formal bidding threshold.

Procurement regions are divided in the following manner:

1. East Los Angeles College, Trade Tech College, and West Los Angeles College
2. Southwest College, Harbor College, and City College
3. Valley College, Pierce College, and Mission College

C. Contracts and Purchasing Section at the District Office - purchases requiring formal bidding or special handling due to the complexity and nature of the transactions; cooperative and piggyback purchases; and other purchasing transactions not delegated by the Chancellor or Board of Trustees to the colleges set forth in Administrative Regulation B-19.

II. RESPONSIBILITIES

A. College Purchasing Office

1. Assisting college faculty and staff in making routine purchases up to $5,000 and other transactions delegated to the colleges by the Board and Chancellor;
2. Obtaining quotes from suppliers;
3. Entering all procurement documents into the financials and procurement database;
4. Working with college receiving department and accounts payable on campus to resolve procurement issues which may impact receipt of goods and/or payment of suppliers.
B. College Procurement Specialist
   1. Assisting college faculty and staff throughout their region in making purchases from $5,000 up to the bid threshold;
   2. Monitoring college procurements for compliance with board policies, administrative regulations and best practices;
   3. Obtaining quotes from suppliers and engaging in informal competitive procurement when deemed necessary;
   4. Entering purchases in the procurement database within their assigned purchasing thresholds;
   5. Drafting agreements for services within their assigned purchasing thresholds;
   6. Creating board items to be presented to the Board of Trustees for authorization or ratification.

C. Contracts and Purchasing Section at the District Office
   1. Assisting the colleges in making purchases above the bid threshold and transactions not delegated to the colleges, including performing the following:
      a) Placing legal advertisements,
      b) Coordinating bidders' and proposers' conferences, as required,
      c) Preparing Invitations for Bids and Requests for Proposals,
      d) Issuing addenda to solicitations,
      e) Opening bids and proposals,
      f) Overseeing the evaluation of bids and proposals, and recommending awards to the Board of Trustees;
   2. Negotiating and preparing contracts;
   3. Performing the duties of the College Procurement Specialist for the District Office and for any region temporarily without a CPS.
   4. Providing necessary procurement training to procurement initiators, department heads, specially-funded program directors, directors of college facilities, vice presidents and other administrators and staff involved in the procurement process throughout the District.
D. The Procurement areas are not responsible for the following:

1. Employment transactions, including but not limited to the following:
   a) Services of professional experts, students or other unclassified service workers, as distinguished from professional services of architects, engineers, appraisers or environmental consultants;
   b) Certificated services;
   c) Classified services;
   d) Contracts for construction-related services.

E. Enterprise Resource Planning (ERP) Financials and Purchasing Specialists/Analysts

Technical configuration of the ERP procurement databases and on-line technical support functions are handled by the ERP finance and purchasing specialists, not by the District Contracts and Purchasing Section staff.

III. LEGAL AUTHORITY AND CITATIONS

LACCD Board Rules
Chapter VII, Article I, Contracting
Administrative Regulation B-19
I. OVERVIEW

"Special services and advice," also referred to as professional services, are described in Government Code section 53060. Special services include financial, auditing, legal, architectural/engineering, insurance brokerage, payroll issuance and preparation, and other administrative matters where the practitioner is specially trained and experienced to handle such matters. The key to determining a "special service" is whether the professional's independent knowledge, expert training, discretion and judgment is needed to render complete and adequate service under the contract. When procuring a professional service in combination with a personal service, it must be determined which service is the primary part of the overall services requested in order to direct whether an Invitation for Bid (IFB) or a Request For Proposals (RFP) is the legally appropriate means of procurement.

Special services/professional services procurements are deemed to be exempt from the legal requirement of formal bidding. Nonetheless, the District has adopted as its business practice to procure such services through a competitive process whenever possible. Specifically, the following situations may arise when it is advantageous for the District to competitively procure the services: (a) multiple suppliers of the service compete in the local market and may be interested in doing business with the District, and (b) the District could reasonably derive a material benefit, such as significant cost savings or superior service, from inviting competitive offers, and (c) the service is expected to cost $5,000 or more. At the discretion of the procuring location, services costing less than $5,000 may be obtained utilizing quotes.

Professional services are to be procured through a RFP or Request For Qualifications (RFQ) process. Depending on the anticipated dollar amount for the service, the transaction is either handled by the college, College Procurement Specialist or District Purchasing and Contracts Section in accordance with the preceding section 04-01 and the division of authority set forth in Administrative Regulation B-19.

Unlike the RFP, the RFQ omits the requirement for submittal of a price proposal and limits the District's evaluation of offers to an assessment of the relative qualifications of the competing firms to perform the services. Generally, RFQs are used only for engineering and architectural services.
As with the sealed bidding process used for Large Purchases, the purpose of the RFP is to create a fair, equitable and objective process for qualified suppliers of a particular service to compete for the District's business on a "blind bid" basis (that is, each proposer not knowing what its competitors are offering), with the goal of selecting the most advantageous offer to the District, price and other relevant factors considered.

II. PROCESS

A. Request for Proposals (RFP)

1. Specifications (Scope of Work) – The requestor will initiate the RFP process by preparing a set of service specifications and deliverables. Often referred to as the Scope or Statement of Work, the specifications describe the work to be accomplished, the time frame for completion, any relevant professional or industry standards to be followed, and the deliverables—or work products—to be provided during and at the end of the engagement. If possible, a requestor should also provide with the Scope of Work a list of suggested suppliers to which the RFP should be sent.

2. Evaluation Criteria – Accompanying the Scope of Work should be recommendations for evaluating the proposals submitted. Unlike invitations for bids, in which award is made to the lowest responsible and responsive bidder, the RFP evaluates qualitative factors in the proposal in addition to price. However, evaluation criteria should still utilize qualitatively objective standards for determining whether a vendor should be selected. Some examples of objective but qualitative criteria are the following:
   a) Number of years of experience in the service field being procured;
   b) Number of years of experience serving clientele similar to the District;
   c) Experience and education of the personnel proposed for the project;
   d) Possession of a specific license or certification in order to provide the service.

Other more subjective evaluation criteria also may be applied, such as previous clients' satisfaction as reflected in reference checks, and the quality of the technical approach proposed for accomplishing the work objectives. As a general rule, but not necessarily in all cases, price (hourly rate or overall project pricing) should be solicited in the RFP and evaluated as part of the overall proposal.

To enhance the objectivity of the evaluation process, points or weights are to be assigned and published in the RFP to the various primary factors comprising the evaluation criteria, so that both proposers and evaluators know, in general, in advance how proposals will be comparatively scored. Sub-factors used to assist evaluators in scoring primary factors need not be published in the RFP.
3. Notice – For professional services anticipated to equal or exceed the statutory bid threshold, the District Contracts and Purchasing Section will legally advertise for proposals in the same manner as bids for Large Purchases are advertised. A notice requesting proposals will be published at least once a week for two weeks in a newspaper of general circulation published in the District service area boundaries. The notice must include, at a minimum, the scope of work to be performed and when proposals are due. If a pre-proposal meeting is scheduled, the date, time and place of the meeting also must be included in the notice. If a pre-proposal meeting is mandatory to all proposers, this information should also be included in the notice. Notices also may be advertised in trade journals or other publications targeted at suppliers of the services being procured. For services expected to cost less than the statutory bid threshold, legal advertising of the notice is optional.

In addition to advertising, copies of the notice or RFP may be sent directly to suppliers that have requested to receive such solicitations or which have been identified by the requester or District as potential proposers. Finally, a copy of the RFP also will be posted on the LACCD Website.

4. RFP Document – The RFP document will generally contain the following information:

- Background on the District, the requesting college (if applicable), and other information relevant to describing the District as a prospective customer;
- Explanation of why the specified services are needed;
- Instructions to proposers on how and where to submit their proposals;
- Instructions on what information to include in the proposal and how to organize the information;
- Evaluation criteria to be applied and their relative weights;
- Scope of Work;
- Price Proposal Form, on which the proposer enters its identifying information, pricing and signature;
- Terms and conditions of the contract or the proposed contract template to be offered to the successful proposer, if award is made;
- Miscellaneous forms and instructions.
5. Changes to the RFP – Any material changes to the RFP will be made only through written addenda distributed to all who received the original RFP. Distribution may be made by first-class US Mail, email, facsimile or personal delivery to addresses or telephone numbers furnished by the RFP recipients. A copy of the addendum also will be posted on the LACCD website http://www.laccd.edu/business_services/ along with the original RFP. Issuance of an addendum will be provided far enough in advance of the proposal-submittal deadline to provide a reasonable period of time for proposers to receive the addendum and, if reasonable and appropriate given the nature of the RFP change, modify their offers accordingly; otherwise, the submittal deadline must be extended. Any addendum should be sent and posted on the LACCD website.

6. Pre-proposal Meeting – Whenever it is deemed necessary in order to facilitate the communication of information between the District and prospective proposers, a pre-proposal meeting will be convened by the District prior to the submittal deadline. The date, time and place of the meeting will be included in any RFP advertisement placed or notice issued. The pre-proposal meeting may be conducted at the site where the work is to be performed and conducted as a “job-walk” for prospective proposers. Any questions and answers of a material nature from the pre-proposal meeting, together with any material changes to the RFP announced at the meeting by District representatives, will be documented in an addendum sent to all recipients of the original RFP and posted on the LACCD website.

7. Proposal Submission – Proposals, contained in a sealed wrapper, will be accepted up to the noticed proposal submittal date and time. Time and date of receipt will be mechanically stamped or handwritten accompanied by the signature of the recipient, on the wrapper. Proposals received after the deadline will not be opened but will be either returned to the proposer or held sealed until the conclusion of the RFP process. Only if fewer than two responsive proposals are received will any late proposals be considered, in which instance all late proposals must be considered. If required in the RFP instructions, an electronic file of the proposal (e.g., in MS Word or PDF format) must be submitted on diskette or CD-ROM together with the paper proposal.

Proposals may be delivered in person by the proposer, through the US Mail or via a private third-party carrier (e.g., overnight delivery or courier service), but in no event will a delay caused by such delivery method be allowed by the District as a valid reason for acceptance of a late proposal. Only if the District is the direct cause of late receipt of a proposal will such offer be accepted. Faxed proposals will not be accepted.

If permitted in the RFP instructions, as an alternative to the submittal of a paper proposal, proposals may be prepared in MS Word or PDF format and submitted
electronically as an attachment to an email message sent to a secure mail box designated by the District.

Unlike sealed bids, proposals are not opened in a public setting. Instead, they are opened by District employees in private so as not to expose the contents of any proposal to competitors. This serves to preserve the District's ability to negotiate changes favorable to LACCD with one or more proposers without their knowledge of what their competitors may be offering.

8. Proposal Evaluation—The RFP will specify whether interviews will be conducted following review of proposals. If the RFP does not specify that interviews are to be conducted, the review of proposals will follow the procedure outlined below:

a. Proposals will be evaluated in accordance with the criteria and weights published in the RFP.

b. To further the objectivity of process, a panel of evaluators-including representatives from other District locations or from outside LACCD may be convened to score the proposals independently.

c. The RFP shall set forth in general the process by which a “competitive range” of proposers will be identified for the purpose of participating in interviews and beyond, which may be by any reasonable means such as, but not limited to, those proposers receiving scores for their written proposals that exceed a pre-established minimum score or by limiting the competitive range to a pre-established fixed number of top scoring proposers.

  (c1.) The chair of the proposal review panel (usually, the initiator of the RFP) will be responsible, in advance of the proposal scoring, for the development of a score sheet which will reflect the criteria and weight assigned to each factor under consideration and for determining the method by which the total proposal score will be determined (such as, without limitation, by averaging all evaluator proposal scores, averaging the evaluator proposal scores after elimination of the highest and lowest scores, or such other methodology of averaging as may be appropriate).

  (c2.) Each panel member will review the written proposals and score them according to the criteria specified in the RFP and the sub-factors applicable to those criteria, if any, provided to the panel.

  (c3.) Each member of the panel will be responsible for combining the scores of the weighted criteria and assigning their own total score to each proposal.

  (c4.) Unless the RFP specifies that the scores be confidential, they shall be depicted in a summary table/spread sheet.
d. If the RFP does not specify that interviews are to be conducted, the proposal receiving the highest score in (c4.) will, subject to the conduct of negotiations, if any, be deemed to be most advantageous and will be recommended for award of the contract.

9. Interviews— If specified in the RFP, after the proposals have been initially evaluated following the procedure outlined in section #8 (a-c4), interviews will be conducted with the proposers identified as within the competitive range.

   a. The chair of the proposal review panel or initiator of the RFP (if different individuals) will convene the interview panel which may be comprised of either the same members as the proposal review panel or different individuals with specific expertise relevant to the selection process.

   b. The chair of the interview panel will ensure that a set of questions is developed and that the same questions are posed during each interview. This shall not preclude the evaluators from asking other questions, but the scoring shall be based primarily on the questions listed and the proposers' responses as determined from the answers to those and any other related follow-up questions.

   c. The chair of the interview panel will be responsible, in advance of the interview scoring, for the development of a score sheet which will reflect the criteria and weight assigned to each factor under consideration in the interviews and for determining the method by which the total interview score will be determined (such as, without limitation, by averaging all evaluator interview scores, averaging the evaluator interview scores after elimination of the highest and lowest scores, or such other methodology of averaging as may be appropriate).

   d. Prior to the interviews, the chair of the interview panel will determine whether:

      (d1.) the total proposal score will be added to the total rating of the interview for each proposer/presenter in order to develop an aggregate final rating or

      (d2.) the total rating of the interviews will be considered independently from the proposal scores. In this case the total of the panel members' ratings of each interview will serve as the aggregate final rating for each proposer/presenter.

   e. The proposer/presenter receiving the highest aggregate final rating as determined in paragraph d. (using the method specified in either [d1.] or [d2.]) will, subject to the conduct of negotiations, if any, be deemed the offer most advantageous to the District and will be recommended for contract award.

   f. If specified in the RFP, more than one proposer/presenter may be selected as among the most advantageous offers. For example, this would be
the case when a pool of consultants with particular expertise, such as executive search consultants, is being developed.

10. As specified in the RFP, negotiations may be conducted with some or all of the proposers in the competitive range. When conducting negotiations care must be taken to not divulge the contents of another proposer's price or any information that a proposer has identified, and that is in fact, proprietary.

B. Award – Any award of a contract to a successful proposer must be authorized or ratified by the Board of Trustees at a regular public meeting. All proposers will be notified in writing of the recommendation of award or the actual award. Any vendor who had submitted a proposal that was responsive to the RFP and who wishes to file a protest of the award shall do so in compliance with Rule PP-04-09.

C. Recordkeeping - A copy of the original RFP, including all addenda issued thereto, and originals of all proposals, correspondence and other proposer-generated documents will be retained by the issuer of the RFP for the duration of the contract award or for a longer period if required by the District's records retention policy.

The District is subject to the California Public Records Act set forth in Government Code sections 6250-6270. As such, proposals, correspondence and other proposer-generated documents are subject to public inspection, unless otherwise excluded by the Public Records Act. For this reason, proposers are to be instructed to identify in their proposals information they deem to be proprietary in nature. Identification of information as "proprietary" by the proposer does not guarantee non-disclosure of the information if public disclosure is otherwise permitted or required by law.

III. LEGAL AUTHORITY AND CITATIONS

Public Contract Code sections 20650-20660
Education Code sections 81550 et seq, 81641, 81651
Government Code section 53060
Board Rules 7100 and 7102.16
04-02 – Types of Transactions
Government Code sections 6250-6270