



College Coordinating Council Meeting

April 27, 2022
 9:30 a.m. – 10:30 a.m.
 SSV 151 – Board Room

Type of Meeting: Regular
Note Taker: Patty McClure, Megan Aceves
Please Review/Bring: Agenda, Minutes

Committee Members:
 Van Rider, Academic Senate
 Nhe’Zhem Peoples, ASO
 Pamela Ford, Classified Union
 Michelle Hernandez, Confidential/Management/Supervisory/Administrators
 LaDonna Trimble, Deans
 Dr. Aurora Burd, Faculty Union

Shami Brar, Vice President of Administrative Services - **CHAIR**
 Bridget Cook, Interim General Counsel
 Howard Davis, Interim Vice President of Academic Affairs
 VACANT - Vice President of Human Resources
 VACANT, Vice President of Student Services

MEETING

Items	Person(s) Responsible	Time	Action
STANDING ITEMS:			
I. Approval of Previous Minutes of March 23, 2022	All	1 minute	
II. Constituent Reports	All	5 minutes	
DISCUSSION/ACTION ITEMS:			
I. BP/AP 7130 – Compensation	All	5 minutes	
II. Committee Membership – Call for Committee Information Sheet Updates	Michelle	15 minutes	
III. BP/AP 6340 – Bids and Contracts	Shami	5 minutes	
IV. AP 6370 – Contracts for Personal Services	Shami	5 minutes	
V. BP 6900 - Bookstores	Shami	5 minutes	
VI. Meeting During the Summer	Shami	10 minutes	
FUTURE AGENDA ITEMS:			
NEXT MEETING DATE: May 11, 2022			



College Coordinating Council Minutes

March 23, 2022
9:30 a.m. – 10:30 a.m.
SSV 151 – Board Room

Type of Meeting: Regular
Note Taker: Patty McClure, Megan Aceves (ABSENT)
Please Review/Bring: Agenda, Minutes

Committee Members:
Van Rider, Academic Senate
Nhe’Zhem Peoples, ASO
Pamela Ford, Classified Union
Michelle Hernandez, Confidential/Management/Supervisory/Administrators - **ABSENT**
LaDonna Trimble, Deans
Dr. Aurora Burd, Faculty Union
~~~~~  
Shami Brar, Vice President of Administrative Services - **CHAIR**  
Bridget Cook, Interim General Counsel  
Howard Davis, Interim Vice President of Academic Affairs  
VACANT - Vice President of Human Resources  
VACANT, Vice President of Student Services

## MINUTES

| Items                                                | Person(s) Responsible | Time      | Action                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------|-----------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STANDING ITEMS:</b>                               |                       |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| I. Approval of Previous Minutes of February 23, 2022 | All                   | 1 minute  | The minutes were approved with a minor change from Aurora.                                                                                                                                                                                                                                                                                                                                                                                        |
| II. Constituent Reports                              | All                   | 5 minutes | <b>Nhe’Zhem</b> stated that the ASO Public Relations representative was recently impeached and that some officers will be attending the SCCC Conference in Sacramento in a couple of weeks.                                                                                                                                                                                                                                                       |
| <b>DISCUSSION/ACTION ITEMS:</b>                      |                       |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| I. BP/AP 3300 – Public Records                       | Shami                 | 5 minutes | There was some discussion regarding personal information.<br><b>Bridget</b> stated that the Government Code had been added, that Marketing and Legal collaborated on the revisions. and that the district has the obligation to protect employees’ information.<br><b>Shami</b> stated that the language can be more stringent but cannot be more laxed. There was some discussion about adding language from the Government Code regarding “upon |

|                                                                                                                              |          |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------|----------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                              |          |           | <p>written request of any employee, a public agency shall not disclose the employee's home address . . . “</p> <p><b>Bridget</b> stated that the District does not provide information.</p> <p><b>Pamela</b> asked LaDonna if there was something regarding students, and <b>LaDonna</b> stated that under Family Education Rights, a student may request that all transactions with the college be done in person. It was agreed to go out to constituents and return to another meeting after 30 days.</p> |
| II. BP/AP 6700 – Civic Center and Other Facilities Use                                                                       | Shami    | 5 minutes | <p><b>Aurora</b> asked if the locations should be noted, since there is so much change on campus.</p> <p><b>Bridget</b> stated that the locations are identified as they are the current locations.</p> <p><b>Shami</b> stated that it will be revised in the future and that facilities had reviewed the policy.</p> <p>It was agreed to go out to constituents and return to another meeting after 30 days.</p>                                                                                            |
| III. BP/AP 3720 – Computer Network and Telecommunications Use<br>IV. Information Technology Standards of Operations Document | Shami    | 5 minutes | <p><b>Shami</b> stated that this item has been pulled and will return at another meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                |
| V. BP/AP 7130 – Compensation                                                                                                 | All      | 5 minutes | <p>There was some discussion surrounding the anniversary date language and language that Pamela had submitted. It was agreed to return at another meeting.</p>                                                                                                                                                                                                                                                                                                                                               |
| VI. Committee Membership – Call for Committee Information Sheet Updates                                                      | Michelle | 5 minutes | <p><b>Shami</b> stated that the committee needs to be reviewing the memberships of the different committees and representation on the committees.</p> <p><b>Van</b> stated that the membership terms need to be looked at.</p> <p><b>LaDonna</b> asked about all the governance committees and Patty will gather the lists of the committees/memberships and bring back to the next meeting.</p>                                                                                                             |
| <b>FUTURE AGENDA ITEMS:</b>                                                                                                  |          |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>NEXT MEETING DATE: April 13, 2022</b>                                                                                     |          |           | <p>There was discussion about conflict in schedules and it was agreed that the next meeting would be on April 27, 2022.</p>                                                                                                                                                                                                                                                                                                                                                                                  |

## BP 7130 Compensation

### References:

Education Code Sections 70902(b) (4); 72411; 87801; and 88160;  
Government Code Section 53200

34 Code of Federal Regulations Part 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended)

Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each administrator employed pursuant to a contract under Education Code Section 72411 shall be established by the Board of Trustees.

### Prohibition of Incentive Compensation

The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as "covered employees" for purposes of this policy.

For specific compensation-related details, also see AP 7130 Compensation as well as the applicable collective bargaining agreements.

Adopted: 5/8/06

Revised: 5/9/16

Revised: 3/14/22

## **AP 7130 Compensation**

### **References:**

Education Code Sections 87801 and 88160;  
Government Code Section 53200;  
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under TitleIV of the Higher Education Act of 1965, as amended.

### **Classified Compensation**

#### **Full Time Employees**

The District shall maintain a single salary schedule for all regularly employed classified employees. The salary schedule for classified personnel on a full-time basis is based on a standard eight (8) hour per day, forty (40) hour workweek.

#### **Part Time**

Employees assigned to work less than the number of hours prescribed for full-time employees will be paid at the rate their employment bears to full-time service. This provision does not apply to short-term hourly or student employees.

#### **Pay for Holidays (~~EG~~ Education Code Section 88029)**

If a person serving in an exempt position is required to work on a holiday, he/she shall be compensated, in addition to his/her regular pay for the holiday, at a rate not less than his/her normal rate of pay.

### **Pay Periods**

#### **Regular Employees**

Time of payment for classified employees shall be established by the Board of Trustees providing that such payment is made at least once during each calendar month.

Regular classified employees of the District shall be paid on the 10th and 25th of each calendar month. Nothing contained in the foregoing provisions shall be construed as prohibiting the Board of Trustees from making payment of earned salary prior to the aforementioned pay period.

#### **Substitute Employees**

Substitute employees of the District shall be paid on or about the tenth (10) working day of the month following the month in which the services were performed.

#### **Overtime**

Overtime pay will be included in the salary warrant that is issued on the tenth (10<sup>th</sup>) of the month following that in which such overtime pay was earned.

#### **Error in Compensation (~~EG~~ Education Code Section 88166)**

Whenever it is determined that an error has been made in the calculation of a classified employee's salary, the Board of Trustees shall, within five (5) workdays following the discovery of the error, provide the employee with a statement of the correction and supplemental payment drawn against any available funds of the District.

## Salary Deductions

### Deductions Required by Law

Deductions from the employee's wage, mandated by law, shall be made for the following reasons:

- State and Federal Income Tax
- Public Employees Retirement (PERS)
- Old Age, Survivors and Disability Insurance (OASDI)
- Medicare

### Dues (~~GC~~ Government Code Section 3543.1) (E.C. 87833 and 88167)

Refer to Section 7.12 of the Antelope Valley College Antelope Valley College Federation of Classified Employees Collective Bargaining Agreement for information regarding dues and other payroll deductions.

### Salary Advances

This District does not allow salary advances.

### Authorization

The Board of Trustees shall, not later than the date prescribed by law for approval of the budget, fix salaries for the ensuing ~~school~~ academic year for all persons employed by the District in classified positions. The Board of Trustees may, at that time, include an increase in annual salaries, all or part of which is conditioned upon actual receipt by the District of anticipated revenue from all sources. If the revenue actually received is less than anticipated, the Board of Trustees may, at any time during the ~~school~~ academic year, reduce the annual salaries by an amount not to exceed the amount which was granted due to the anticipated revenue from all sources. The Board of Trustees may, at any time during the ~~school~~ academic year, increase the salaries of persons employed by the District in non-academic positions for the remainder of the year.

### Differential Compensation (~~EG~~ Education Code Section 88180)

Refer to Sections 12.7, 12.7.1, and 12.7.2 of the Antelope Valley College Federation of Classified Employees Collective Bargaining Agreement for information regarding differential compensation.

### Paid Holidays (~~EG~~ Education Code Section 88203)

General Provisions Refer to Article VIII of the current Antelope Valley College Federation of Classified Employees Collective Bargaining Agreement.

Restrictions Refer to Article VIII of the current Antelope Valley College Federation of Classified Employees Collective Bargaining Agreement.

### Substitute Holiday

Any classified employee required to work a workweek other than Monday through Friday, and as a result thereof loses a holiday, shall be compensated in the amount to which the employee would have been entitled had the holiday fallen within his/her normal work schedule, or provided a substitute holiday.

### **Paid Vacations**

Refer to Article VIII of the current Antelope Valley College Federation of Classified Employees Collective Bargaining Agreement.

## **Salary Schedules**

### **Provisions of Salary Schedule**

The basic or minimum salary for those who meet the minimum requirements for training and experience is indicated on the schedule for each position listed, together with other salaries.

A full year of classified service is required to progress from one step to another.

All salaries on the schedule are full-time salaries intended for full-time service except as noted in the schedule (Refer to Antelope Valley College Federation of Classified Employees Collective Bargaining Agreement/Exhibit A). Salaries for part-time service shall be pro-rated in relation to full-time service.

No classified employee in the service of the District shall be reduced in salary as the result of the adoption of a new schedule.

### **Placement**

All new probationary employees shall be placed on Step 1 and shall remain at this initial step until the anniversary date is attained.

Additional salary increments shall occur on the annual anniversary of the first (1<sup>st</sup>) increment until the maximum is reached.

### **Anniversary Date**

The anniversary date for classified employees shall be established at the time of appointment as a regular member of the classified service. If that date upon which an employee first performs any and all duties required falls between the first (1<sup>st</sup>) and the fifteenth (15<sup>th</sup>) of a month, the anniversary date shall be designated as the first (1<sup>st</sup>) of the month in which service is so rendered; if the date of first service is between the sixteenth (16<sup>th</sup>) day and the last day of a month, the anniversary date shall be designated as the first (1<sup>st</sup>) day of the following or subsequent month in which service is so rendered.

### **Adopted Schedule**

The salary schedule will be adopted by the Board of Trustees annually and shall be published, with acopy provided to the bargaining unit and any employee who requests one.

## **Unemployment Compensation**

### **Eligibility**

Every regularly employed classified employee of the dDistrict, except those listed below, shall be protected by unemployment insurance pursuant to Sections 605 and 802 of the Unemployment Insurance Code Sections 605 and 802.

### **Exempt Employees**

Students employed part-time and enrolled in college classes offered by the District, apprentices, temporary professional experts, emergency, limited term, or provisional employees or volunteers are excluded from unemployment insurance.

It shall be the responsibility of the Human Resources Office thereof to inform classified employees of their rights in the event of unemployment.

## **Academic Personnel Compensation and Related Benefits**

### **Salary Schedule**

See current Antelope Valley College Federation of Teachers Collective Bargaining Agreement.

### **General Provisions**

Salaries of individual academic personnel will be established in accordance with the schedules and the provisions under which they are administered.

For academic personnel new to the District, credit for appropriate previous teaching experience will normally be allowed up to a maximum of five (5) years. For disciplines in which a master's degree is not generally expected or available, partial credit toward the five (5)-year maximum may be allowed for appropriate work experience in related professions and industries upon the recommendation of the Superintendent/President or designee.

Refer to Article IX in the current Antelope Valley College Federation of Teachers Collective Bargaining Agreement.

Request for Approval of Units for Advancement

Refer to Article IX in the current Antelope Valley College Federation of Teachers Collective Bargaining Agreement.

### **Pay Periods**

Refer to Article X in the current Antelope Valley College Federation of Teachers Collective Bargaining Agreement.

### **Related Benefits**

Related benefits shall be those established by the collective bargaining process and as approved by the governing Board of Trustees on an annual basis.

### **Salary Advances**

This District does not allow salary advances.



## **Prohibition of Incentive Compensation**

Senior managers and executive level employees who are only involved in the development of policy and do not engage in individual student contact or the other covered activities will not generally be subject to the incentive compensation ban.

Although athletic coaches may be covered employees, subject to certain limitations, and, based upon the District's determination on a case-by-case basis [after consulting with exclusive representatives, if any], coaching staff and other athletic personnel may be exempt from the prohibition of incentive compensation.

The Superintendent/President or designee shall identify any covered employees of the District and determine whether the District's compensation arrangements comport with the prohibition on incentive compensation, and to the extent that they do not, make necessary modifications to comply. Similarly, the Superintendent/President or designee shall identify any covered service providers, evaluate whether the contract pricing structure is consistent with the prohibition on incentive compensation, and if not, determine what modifications the District can make to any applicable contract.

Antelope Valley  
College  
Tablet Stipend

~~Your position with the College, or Board of Trustees, has been identified by the Office of the President as requiring access to a personal tablet device in order to fulfill your day-to-day responsibilities to the Board of Trustees, and/or the College. To facilitate fulfillment of this requirement, and alleviate institutional responsibility due to loss or damage, a one-time stipend of \$1,275 will be awarded to cover the expense of acquisition. Upon request, this stipend will be provided every 4 (four) years in order to ensure that the technology is updated in a timely manner. The following standard components are recommended and will officially be supported by Information Technology Services:~~

- ~~• One (1) Apple iPad with 16 GB Memory, a Retina Display, and wireless capacity, and AppleCare extended warranty protection.~~
- ~~• One (1) Protective Cover (Targus Versavu Carrying Case is recommended)~~
- ~~• One (1) Protective Screen Film (Zagg InvisibleSHIELD is recommended)~~
- ~~• GoodReader for iPad — for document management/viewing from cloud storage (available through the Apple App Store)~~

~~Your acceptance of this stipend, and signature below, signals acceptance of the following terms:~~

- ~~• Stipend is a one-time funding for purchase.~~
- ~~• Stipend is taxable income and will be reflected within your annual tax documentation.~~
- ~~• Equipment purchased is recognized as is your personal property and the college has no responsibility for maintenance or repair in the event of damage.~~
- ~~• Equipment is required for fulfillment of duties of your office and it is your responsibility to insure its availability and good condition to execute those duties.~~
- ~~• Information Technology Services will provide basic training and support for the device's use, as an established standard for Tablet Computing for the college. That support will be limited to basic support of: Apple's IOS on the device; AVC/Gmail electronic mail configuration; access to AVC Wireless; web access to BoardDocs; Skype & FaceTime for video conferencing; access to GoogleDrive; and use of GoodReader. (All other support needs should be directed to the manufacture and their support services.)~~

IDENTIFIED POSITIONS  
FOR ACCESS TO A  
PERSONAL TABLET  
DEVICE

~~Five (5) Board Members~~  
~~Superintendent/President~~  
~~Executive Assistant to the~~  
~~Superintendent/President~~~~Administrative Assistant~~  
~~—President's Office~~  
~~Vice President Human~~  
~~Resources~~~~Vice President~~  
~~Student Services~~~~Vice~~  
~~President Academic Affairs~~  
~~Executive Director of Facilities, Planning & Campus~~  
~~Development~~~~Executive Director of Information Technology~~  
~~Services~~  
~~Executive Director of Public & Governmental Relations~~  
~~Antelope Valley College Confidential/Management/Supervisory~~  
~~Employee~~~~President Antelope Valley College Federation of Teachers~~  
~~Antelope Valley Federation of Classified~~  
~~Employees~~~~Executive Director of Business~~  
~~Services~~  
~~Academic Senate President~~  
~~Executive Director of Advancement & Foundation~~

4/14/08

Revised: 9/10/12

Revised: 4/15/13

Revised: 4/11/16

Revised: 3/14/22

## AP7130 Compensation – Anniversary Date Language

### A. Recommended District Language

The anniversary date for classified employees shall be established at the time of appointment as a regular member of the classified service. If that date upon which an employee first performs any and all duties required fall between the first (1<sup>st</sup>) and the fifteenth (15<sup>th</sup>) of a month, the anniversary date shall be designated as the first (1<sup>st</sup>) of the month in which service is so rendered; if the date of first service between sixteenth (16<sup>th</sup>) day and the last day of a month, the anniversary date shall be designated as the (1<sup>st</sup>) day of the following month or subsequent month in which the service is so rendered.

### B. Negotiated Federation/District Language

Starting with the 2020-2021 fiscal year, all employees eligible for step or longevity increases during any subsequent fiscal year shall receive such increase on July 1 of the start of the fiscal year in which they are eligible for such increase. Thus, by having the anniversary date on July 1 of each year, each classified employee shall receive his/her step and/or longevity increase in advance of their hire date (except those with a hire date of July 1, for whom the anniversary date and hire date shall be the same. The change to anniversary date shall be for the purpose of step increases and longevity only and shall not constitute a change in actual hire/seniority date or be used for any other purpose, including layoff purposes or evaluation.



## BP 6340 Bids and Contracts

### References:

Education Code Sections 81641, et seq.; ~~Public Public~~ Contracts Code Sections 20650, et seq.;  
Government Code Section 53060;  
ACCJC Accreditation Standard III.D.16;  
2 Code of Federal Regulations Part 200.318;  
Title 5 Sections 59130 et seq.

The Board of Trustees delegates to the Superintendent/President the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are ratified by the Board of Trustees.
- Contracts for work to be done, services to be performed or for goods, equipment, or supplies to be furnished or sold to the District that ~~exceed the amounts specified in Public Contracts Code Section 20651~~ meet or exceed \$25,000 shall require prior approval by the Board of Trustees. ~~When meeting the Board deadline is not feasible, the Board of Trustees may delegate to the Superintendent/President the authority to sign urgent contracts up to the amount specified in the Board approved Organizational Report.~~
- When bids are required according to Public Contracts Code Section 20651 and 22032, the Board of Trustees shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board of Trustees requires, or reject all bids.
- When the District determines that, according to Public Contract Code Section 20651.7, it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may select and award the contract based on best value in accordance with AP 6340 Bids and Contracts. The bidder shall give such security as the Board requires and may reject all bids.
- ~~When the Superintendent/President, in consultation with Chief Business Officer, determines that, the District can obtain a contract for goods or services through the California Community Colleges Chancellor's Office CollegeBuys Program for the Procurement of Goods and Services for Community College Districts at a lower price upon the same terms, conditions and specifications, the Chief Business Officer may proceed with the contract without conducting a formal bidding process in accordance with Public Contract Code Section 20661.~~

If the Superintendent/President concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contracts Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition or purchase order through any other public corporation or agency in accordance with Public Contracts Code Section 10298, 10299, 20652, 20653, 20653.5, the Superintendent/President is authorized to proceed with a contract.

The District commits to achieving diversity, equity, and inclusion with regard to its vendors. The Board delegates to the Superintendent/President the authority to create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.

Also see AP 6340 Bids and Contracts.

Adopted: 5/8/06  
Revised: 6/8/20  
Revised: 2/14/22

## AP 6340 Bids and Contracts

### References:

Education Code Sections 81641 et seq.;

Public Contract Code Sections ~~20103.7, 20112, 20650 et seq., and 22000 et seq.;~~  
2600, 2600.5, 20103.7, 20112, 20650 et seq., and 22000 et seq.;

Labor Code Sections 1770 et seq.;

Government Code Section 53060;

ACCJC Accreditation Standard III.D.16.;

2 Code of Federal Regulations Part 200.318;

Title 5 Sections 59130 et seq.

Contracts or purchase orders that exceed the Public Contract Code bid limits will not be issued without required competitive bids and notifications unless an emergency, as defined in Public Contract Code Section 20654 exists.

When bids are required according to Public Contract Code Section 20651, the Board shall award contracts to the lowest **responsive and** responsible bidder who meets the specifications published by the District and who shall give such security as the Board of Trustees requires, or the District shall reject all bids.

The Superintendent/President or his/her designees are empowered to execute and file a "Notice of Completion and Acceptance of Work" on behalf of the District. Such notices shall be approved in advance by the Board of Trustees.

When utilizing a "Piggyback" or Cooperative Contract per **PCC** Public Contract Code Section **10298, 10299, 20652, 20653, 20653.5 and/or 20661**, the District shall communicate via Consent Item to the Board of Trustees when the dollar amount is between \$25,000 and the bid limit. The District shall communicate via Formal Action when the dollar amount is over the bid limit.

### Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set by the Board of Governors as required by the Public Contract Code will require documented quotes as noted on the District's Purchasing Website (located from the Business Services link).

- Purchase of goods or services in excess of the limits set by the Board of Governors as required by the Public Contracts Code will require formal advertised bids.

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

**Note:** The bid minimums are subject to adjustment each year by the Board of Governors as required by Public Contracts Code Section 20651 subdivision (d); The current bid minimum can be found with the California Department of Education website.

### **Bid Specifications**

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified. ~~Additionally, when the use of a skilled and trained workforce to complete a contract or project is required, the bid documents and construction contracts shall state that the project is subject to the skilled and trained workforce requirement.~~

### **Notice Calling for Formal Advertised Bids**

The District shall publish ~~at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the District's web site or through an electronic portal,~~ a notice calling for bids or proposals, in accordance with Education Code 81641. ~~stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened.~~ The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by ~~the~~ Purchasing and Contract Services. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Business Official shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.



When required or determined to be 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.

~~The~~ Purchasing and Contract Services 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 materiel personnel may examine the specifications and drawings.

~~The~~ Purchasing and Contract Services shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

### **Awarding of Bids and Contracts**

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Selection and Award to Lowest **Responsive and Responsible** Bidder:
  - Bid and contract awards shall be made to the lowest **responsive and responsible** bidder substantially meeting the requirements of the specifications.
- Selection and Award Based on Best Value:
  - For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of lifecycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value **in accordance with Public Contract Code Section 20651.7.**
  - ~~"Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price,~~

~~features, long-term functionality, life-cycle costs, overall sustainability, and required services.~~

- ~~• The District will consider all of the following in a best value selection and award:
  - ~~• Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.~~
  - ~~• Equipment, services, supplies, and materials standards that support the District's strategic acquisition and management program direction.~~
  - ~~• A procedure for protest and resolution in the request for proposal.~~~~
- ~~• The District may also consider any of the following in a best value selection and award:
  - ~~• The total cost to of its purchase, use, and consumption of equipment, supplies, and materials.~~
  - ~~• The operational cost or benefit incurred by the District.~~
  - ~~• The added value to the District, as defined in the request for proposal, of vendor-added services.~~
  - ~~• The quality and effectiveness of equipment, supplies, materials, and services.~~
  - ~~• The reliability of delivery and installation schedules.~~
  - ~~• The terms and conditions of product warranties and vendor guarantees.~~
  - ~~• The financial stability of the vendor.~~
  - ~~• The vendor's quality assurance program.~~
  - ~~• The vendor's experience with the provisions of equipment, supplies, materials, and services within the institutional marketplace.~~
  - ~~• The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.~~
  - ~~• The economic benefits to the local community, including, but not limited to, job creation and retention.~~
  - ~~• The environmental benefits to the local community.~~~~
- ~~○ The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criterial set forth in the request for proposal. The District shall document its determination in writing.~~
- ~~○ The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.~~
- ~~○ The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating~~

~~on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.~~

- ~~○ The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.~~

### **Purchase without Advertising for Bids**

The Chief Business Official is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The Chief Business Official may, without advertising for bids within the same district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order (Public Contract Code Section 20652 and 20653.5).

The Chief Business Official may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services (Public Contract Code Sections 10298, 10299, and 20653).

The Chief Business Official may make purchases through the CollegeBuys Program for the Procurement of Goods and Services for Community College Districts, without conducting an independent local bidding process, if the District determines that doing so would result in a lower contract price upon the same terms, conditions and specifications (Public Contract Code Section 20661).

The Chief Business Official is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise (Public Contract Code Section 20651.2).

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

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years (Education Code Section 81644).

### **Emergency Repair Contracts without Bid**

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Superintendent/President or designee may make a contract in behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board ([Public Contract Code Sections 1102 and 20654](#)).

### **Unlawful to Split Bids**

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding ([Public Contract Code Section 20657](#)).

### **Record Retention**

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price ([Antelope Valley College Records Retention and Destruction Guidelines which have been checked against the California Education Code and California Code Regulations Section 59020-59041 of Title 5](#)).

- Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws, [shall maintain applicable documents on behalf of the District](#).

Information on the following items may be found at on the District's Purchasing Webpage under the Business Services link: [Contract Services](#)

- ~~Bid Specifications~~
- ~~Notice Calling for Formal Advertised Bids Awarding of Bids and Contracts Awards Purchase without Advertising for Bids~~
- ~~Continuing contracts for work or services furnished to the District are not to exceed five (5) years.— Contracts for materials and supplies are not to exceed three (3) years.~~

Also see BP/AP 6330 Purchasing, AP 6345 Bids and Contracts Under the UPCCAA, AP 6350 Contracts – Construction, AP 6355 Contracts – Job Order Contracts, AP 6360 Contracts – Electronic Systems and Materials, AP 6365 Contracts – Accessibility of Information Technology, AP 6370 Contracts – Personal Services, and AP 6380 Vendors.

Approved: 5/8/06  
Revised: 1/8/07  
Revised: 9/10/07  
Revised: 11/13/18  
Revised: 5/11/20  
Revised: 1/10/22

## AP 6370 Contracts – Personal Services

### References:

Education Code Section 88003.1;  
Government Code Section 53060;  
Labor Code Section 3353;  
Public Contract Code Section 10335.5, 20651  
**Assembly Bill 5 (AB5) and related legal authority**

The District may enter into personal services contracts to achieve cost savings when each of the following conditions are met:

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor's wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of District employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process **when contract total exceeds formal bid limits**;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- ~~The contract is with a firm; and~~
- The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

Personal service contracts are also permissible when any one of the following conditions is met:

- the contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;
- the services are not available within the District or cannot be satisfactorily performed by District employees;
- the services are incidental to a purchase or lease contract;
- the policy, administrative, or legal goals and purposes of the District cannot be

accomplished through the regular or ordinary hiring process;

- the work meets the criteria for emergency appointment equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- the services are of an urgent, temporary, or occasional nature.

### **Professional Experts**

Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal or administrative matters. They must be specially trained, experienced, and competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered.

**NOTE:** *AB 5, which went into effect on January 1, 2020, codified the “ABC” test for determining independent contractor status that the California Supreme Court adopted in its 2018 decision, *Dynamex Operations West, Inc. v. Superior Court* (2018) 4 Cal.5th 901. However, the longstanding multifactor test established in *S.G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341, still applies to certain occupations. These occupations include: insurance agents; medical professionals such as physicians, dentists, podiatrists, psychologists, and veterinarians; licensed professionals such as attorneys, architects, engineers, private investigators, and accountants; financial advisers; direct sales salespersons; commercial fisherman; some contracts for professional services for marketing, human resources administrators, travel agents, graphic designers, grant writers, fine artists, freelance writers, photographers and photojournalists, and cosmetologists; licensed real estate agents; “business service providers”; construction contractors; construction trucking services; referral service providers; and motor club third party agents. Districts should consult with legal counsel if there is a question as to which test to apply to a particular contractor’s occupation.*

### **Independent Contractors**

To be an independent contractor, substantial conformance with the following conditions must exist:

- The contractor is free from the control and direction of the District in connection with the performance of the work, both under the contract for the performance of the work and in fact;
- The contractor performs work that is outside the usual course of the District’s business; and
- The contractor is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.
- Contractors can’t be ~~fire~~terminated ~~seas~~ long as they produce a result that meets the contract specifications, **– unless specified otherwise in the contract document.** Contractors may not be a current employee of the Antelope Valley

Community College District.

~~Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.~~

### **Consultants**

Consulting services contracts refer to all services that:

- are of an advisory nature,
- provide a recommended course of action or personal expertise,
- have an end product which is basically a transmittal of information either written or verbal, and,
- are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.

The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

Also see BP/AP 6330 Purchasing, BP/AP 6340 Bids and Contracts, AP 6345 Bids and Contracts Under the UPCCAA, AP 6350 Contracts – Construction, AP 6355 Contracts – Job Order Contracts, AP 6360 Contracts – Electronic Systems and Materials, AP 6365 Contracts – Accessibility of Information Technology, and BP/AP 6380 Vendors.

Approved: 5/8/06

Revised: 1/11/21

Revised: 4/15/22





## BP 6900 Bookstores

### References:

Education Code Section 81676  
Civil Code Section 1798.90

College bookstore[s] shall be established and operated by the District or a qualified vendor. College bookstore[s] shall comply with the requirements of the Reader Privacy Act.

### **If the bookstore is run by the District:**

Operational costs of the college bookstore[s] shall be paid from revenue earned from the bookstore.

Fiscal management of the bookstore[s] shall be in accordance with the California Community Colleges Budget and Accounting Manual. An annual audit of the records and accounts of the bookstore shall be provided to the Board of Trustees.

### **If a qualified vendor is to provide bookstore services:**

Contracts for outside vendors to operate bookstores shall be awarded by competitive bid, submitted to the Board for approval, and awarded in the best interests of the students. Student organizations shall be encouraged to submit bids and given preference if they meet all other bid criteria.

Adopted: 5/8/06  
Revised: 1/8/07  
Revised: 8/13/12  
Revised: 4/13/20  
Revised: 4/11/22