

Business and Non-Instructional Operations

Contracts

Whenever state law invests the Board of Education with the power to enter into contracts on behalf of the District, the Board may, by a majority vote, delegate this power to the Superintendent or designee. To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Board. (Education Code 17604)

All contracts between the District and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

All contracts, where appropriate, shall be submitted to the legal advisor of the District for review and approval.

When required by law, contracts and subcontracts made by the District for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement. (Government Code 12990)

The District shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

In accordance with the dates specified in law, the District or a District school shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

The Board shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages or non-nutritious food until parents/guardians, students and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled board meeting. The Board shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

The Superintendent or designee may enter into contracts on behalf of the District. All contracts in excess of \$15,000 must be approved by the Board. Contracts under \$15,000 may be approved by the Superintendent or designee.

(Legal reference next page)

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination on the basis of sex
- 14505 Provisions required in contracts for audits
- 17595-17606 Contracts
- 35182.5 Contract prohibitions
- 45103.5 Contracts for management consulting service related to food service
- 49431-49431.5 Nutritional standards

CODE OF CIVIL PROCEDURE

- 685.010 Rate of interest

GOVERNMENT CODE

- 12990 Nondiscrimination and compliance employment programs
- 53260 Contract provision re maximum cash settlement
- 53262 Ratification of contracts with administrative officers

LABOR CODE

- 1775 Penalties for violations
- 1810-1813 Working hours

PUBLIC CONTRACT CODE

- 4100-4114 Subletting and subcontracting fair practices
- 7104 Contracts for excavations; discovery of hazardous waste
- 7106 Noncollusion affidavit
- 20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
- 20104.50 Construction Progress Payments
- 22300 Performance retentions

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX, discrimination