

CENTRAL MARIN SANITATION AGENCY

Ordinance No. 2004-1

AN ORDINANCE RELATING TO BID COST THRESHOLDS AND BIDDING PROCEDURES FOR CONSTRUCTION SERVICES

Section 1. TITLE

An Ordinance of the Central Marin Sanitation Agency (CMSA) of San Rafael, California Adopting Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. Of the Public Contract Code).

Section 2. PURPOSE AND SCOPE

A. The purpose of this Ordinance is to adjust the monetary limits for construction projects which can be carried out with administrative decision, informally bid, and formally bid projects. Current regulations imposed by the California Public Contract Code limit discretionary purchases to be less than \$15,000. All projects with a value of \$15,000 and over must be administered through the formal bid process.

B. With the adoption of the Ordinance, projects less than \$25,000 may be performed by staff of the Agency, by force account with a contractor, by negotiated contract, or by use of a purchase order.

C. Projects less than \$100,000 may be bid informally which requires the maintenance of a list of qualified contractors that must be updated annually. All contractors on the list are mailed notice inviting informal bids and notice is also provided to specified trade journals as named by the California Uniform Construction Cost Accounting Commission. Authority for awarding informally bid projects may be delegated to the General Manager.

D. Projects greater than \$100,000 are bid formally in a manner which is very similar to the older Public Contract Code sections 20800 et seq. which stipulates sealed bids, advertising, a bid period of minimum duration, and a pre-published public bid open date and time.

Section 3. AUTHORITY

The authority for public agency adoption of these alternative public contract bidding procedures is derived from the Uniform Public Construction Accounting Act for the State of California dated January 2003.

Section 4. ADMINISTRATION

A. Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

B. A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

C. Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 22034, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the Agency, provided however:

(1) If there is no list of qualified contractors maintained by the Agency for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

(2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

D. The Agency General Manager is authorized to award informal contracts pursuant to this Section.

Section 5. ADOPTION AND NOTIFICATION

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it shall be published once, with the names of the members of the CMSA Board of Commissioners voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.


PASSED, APPROVED AND ADOPTED by the Board of Commissioners of the Central Marin Sanitation Agency in the County of Marin, State of California, this 9th day of March, by the following vote:

2004

AYES: Bjorn, Cohen, Preston, Sinnott, Vanni, Yang

NOES: None

ABSENT: Bro, Buckle


Vice-Chairperson, Commission of the
Central Marin Sanitation Agency

ATTEST:


Secretary, Commission of the
Central Marin Sanitation Agency