



CENTRAL MARIN SANITATION AGENCY

**AN ORDINANCE RELATING TO
BID COST THRESHOLDS AND BIDDING PROCEDURES
FOR PUBLIC PROJECTS**

Ordinance No. 2021-02

April, 2021



CENTRAL MARIN SANITATION AGENCY

Ordinance No. 2021-2

**AN ORDINANCE RELATING TO
BID COST THRESHOLDS AND BIDDING PROCEDURES
FOR PUBLIC PROJECTS**

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AN ORDINANCE RELATING TO BID COST THRESHOLDS AND BIDDING PROCEDURES FOR PUBLIC PROJECTS

SECTION 1 – INTRODUCTION

The Commission of the Central Marin Sanitation Agency (CMSA) of Marin County does adopt as follows: This Ordinance shall be known as the “Public Project Bid Ordinance of the Central Marin Sanitation Agency” and may be so cited and pleaded. This Ordinance is adopted pursuant to provisions of Section 22000 *et. seq.* of the Public Contract Code ("PCC").

SECTION 2 – BACKGROUND

CMSA passed Ordinance No. 2013-03 on June 2013 to update the original 2004 Ordinance that replaced the bidding procedures and costs thresholds in the Sanitary District Act.

SECTION 3. PURPOSE AND SCOPE

- A. The purpose of this Ordinance is to adjust the monetary limits for public projects, as defined in PCC Section 22002 (c), which can be carried out with administrative decision, informally bid, and formally bid procedures. The contracting limits imposed by PCC Section 20803 of the Sanitary District Public Construction Act are superseded by Section 22030 *et. seq.* of the Uniform Public Construction Cost Accounting Act (UPCCAA).
- B. With the adoption of the Ordinance, public projects that are equal to or less than the Tier 1 dollar amount specified in Attachment 1 may be performed by CMSA’s staff, by force account with a contractor, by negotiated contract, or by use of a purchase order.
- C. Public projects that are equal to or less than the Tier 2 dollar amount specified in Attachment 1 may be bid informally, which requires the maintenance of a list of qualified contractors identified according to categories of work that must be updated annually. All contractors on the list for the applicable category of work being bid are mailed, faxed, or emailed a notice inviting informal bids not less than 10 calendar days before bids are due. The notice is also provided to

specified trade journals as named by the California Uniform Construction Cost Accounting Commission (CUCCAC). The notice shall describe the public project in general terms and how to obtain more detailed information about the public project, and state the time and place for submission of bids.

- D. Public projects that are more than the Tier 2 dollar amount specified in Attachment 1 shall, except in the case of an emergency as provided in PCC Section 22035, be bid by formal bidding procedure which includes advertising, a bid period of minimum duration, pre-published public bid open date and time, and opening sealed bids.

SECTION 4. AUTHORITY

The authority for CMSA adoption of these alternative public contract bidding procedures is derived from the UPCCAA for the State of California.

SECTION 5. ADMINISTRATION

- A. Public projects, as defined by the UPCCAA and in accordance with the dollar limits listed in Section 22032 (a) & (b) of the Public Contract Code, may be let to contract by informal procedures as set forth therein.
- B. A list of contractors identified according to categories of work shall be developed and maintained in accordance with the provisions of PCC Section 22034 and criteria promulgated from time to time by the CUCCAC.
- 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, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with PCC Section 22034, not less than 10 calendar days before bids are due and to all construction trade journals as specified by the CUCCAC in accordance with PCC Section 22036. Additional contractors and/or construction trade journals may be notified at the discretion of CMSA, provided however:
 - (1) If there is no list of qualified contractors maintained by CMSA 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 CUCCAC.
 - (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 General Manager is authorized to award informal contracts pursuant to this Section.

- E. In January, 2019, the limits shown in Attachment 1 were set by the CUCCAC. The General Manager is authorized to periodically update the Tier amounts in Attachment 1 to reflect the most recent limits set by the CUCCAC.

SECTION 6. 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 Commissioners voting for and against it, 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 13th day of April, 2021 by the following vote:

AYES: Eli Beckman, Michael Boorstein, Maribeth Bushey, Dean DiGiovanni, Doug Kelly

NOES: None

ABSENT: None

ATTEST: None



Michael Boorstein – Commission Chair



Dean DiGiovanni – Commission Secretary

ATTACHMENT 1

The table below shows the CUCCAC amounts for the three Tiers referenced in Ordinance 2021-2, as of April 13, 2021. The General Manager will update the Tier amounts after the CUCCAC approves adjustments.

Table 1

	CUCCAC Limit
Tier 1	\$60,000 or less
Tier 2	\$200,000 or less
Tier 3	More than \$200,000