

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

ORDINANCE NO. 4455

**AN ORDINANCE ADDING SECTION 2-2414 OF CHAPTER 8, DIVISION 2, TITLE 2 TO THE
ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN TO PROVIDE FOR PUBLIC
PROJECT BIDDING PROCEDURES FOR THE COUNTY AND COUNTY ADMINISTERED
SPECIAL DISTRICTS UNDER THE UNIFORM PUBLIC CONSTRUCTION COST
ACCOUNTING ACT (the "ACT")**

The Board of Supervisors of the County of San Joaquin, State of California, do ordain as follows:

SECTION 1: Section 2-2414 of Chapter 8, Division 2, Title 2 is hereby added to the Ordinance Code of the County of San Joaquin to provide as follows:

SECTION 2-2414 UNIFORM CONSTRUCTION COST ACCOUNTING.

(a) Adoption of Bidding Procedures. The County and its County administered special districts elect to become subject to state law known as the Uniform Public Construction Cost Accounting Act (hereinafter referred to as the "Act"). Contracts for public projects, as defined by the Act in Section 22002 of the California Public Contract Code (hereinafter referred to as "the Code"), and that are within the limits listed in Section 22032 of the Code, shall be done in accordance with the Act, the procedures promulgated by the State Controller, the County's Administrative Manual, and this ordinance.

(b) Low Cost Public Projects. Public projects within the amount specified in Section 22032(a) of the Code may be performed by County employees by force account, by negotiated contract or by purchase order. Such public projects shall be authorized by the Purchasing Agent, the Director of Public Works, the Director of General Services, or their respective designees and processed in accordance with the County's Administrative Manual.

(c) Informal Bidding Procedures. Public projects within the amount specified in Section 22032(b) of the Code may be let to contract by informal procedures as set forth in this section.

(1) List of Contractors. A list of qualified contractors shall be developed and maintained by the Purchasing Officer in accordance with the provisions of Section 22034 of the Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

(2) Notice Inviting Informal Bids. The notice inviting informal bids shall describe the project in general terms and on how to obtain more detailed information about the project, and it shall provide the time and place for the submission of bids. Such notices may be sent to all contractors for the category of work to be bid, as shown on the list of contractors developed in accordance with section (1), above, and/or to the construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Code.

At the County's discretion, contractors and/or construction trade journals may be notified as indicated below if one of the following occurs:

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

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

(3) Notices. All notices, specified in subsection (2) above, to contractors and construction trade journals shall be sent not less than ten (10) calendar days before the bids are due.

(4) Delegation of Authority. The Board of Supervisors may, by resolution, delegate authority to award contracts pursuant to this ordinance to the Director of Public Works and/or the Director of General Services and/or the Purchasing Agent and/or any other appropriate department head within the County.

(5) Award of Contracts. All County personnel with delegated authority pursuant to subsection (4), shall award contracts only if the following steps are followed:

(i) The Purchasing Officer has made the final determination as to whether adequate competition has been sought; and,

(ii) County Counsel has reviewed the procedure and contract; and,

(iii) The appropriate County personnel, as determined by the Purchasing Agent, the Director of Public Works, the Director of General Services, or their respective designees has reviewed and approved of by signature the plans, designs, specifications, and/or other information regarding the project's details in order to preserve the County's design immunity.

(6) Bids Over the Statutory Amount. If all bids received are in excess of the maximum allowed by the Act for informally bid contracts, the Board of Supervisors may award the contract up to the statutory permissible amount by a four-fifths vote to the lowest responsible bidder, if it determines that the cost estimate is reasonable.

(7) Change Orders. Change orders are permitted provided that the maximum contract amount allowed for in the Act is not exceeded; and sufficient budget authority is available to fund the overall contract affected by the change order(s). All other change orders which are not consistent with this section shall not be effective unless and until approved by the Board of Supervisors.

SECTION 2: This Ordinance shall take effect and be in force thirty (30) days after its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once in *The Record*, a newspaper published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.