

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES

The Legislature finds and declares that there is a statewide need to promote uniformity of the cost accounting standards and bidding procedures on construction work performed or contracted by public entities in the state.

“Public project” means any of the following:

1. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
2. Painting or repainting of any publicly owned, leased, or operated facility.
3. In the case of a publicly owned utility system, “public project” shall include only the construction, erection, improvement, or repair of dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

“Public project” does not include maintenance work. For purposes of this section, “maintenance work” includes all of the following:

1. Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
2. Minor repainting.
3. Resurfacing of streets and highways at less than one inch.
4. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
5. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

“Facility” means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

1. Public projects of \$45,000 or less may be performed by District employees by force account, negotiated contract, or purchase order.
2. Contracts for public projects of \$175,000 or less may be awarded through the following informal procedures:
 - a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.
 - b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to all contractors on the District's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due. In addition, the Superintendent or designee may mail, fax, or email a notice inviting informal bids to all construction trade journals identified pursuant to Public Contract Code 22036.

- c. The Superintendent or designee shall review the informal bids and award the contract, except that:
- (1) If all bids received through the informal process are in excess of \$175,000, the contract may be awarded to the lowest responsible bidder, provided that the Governing Board adopts a resolution with a four-fifths vote to award the contract at \$187,500 or less and the Board determines the District's cost estimate is reasonable.
 - (2) If no bids are received through the informal bid procedure, the project may be performed by District employees by force account or negotiated contract.

Public projects of more than \$175,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows:

- a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:
- (1) Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the District as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.
 - (2) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the District may give such other notice as it deems proper.

- b. The District shall award the contract as follows:
- (1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses.
 - (2) At its discretion, the District may reject all bids presented and declare that the project can be more economically performed by District employees, provided that the District notifies an apparent low bidder, in writing, of the District's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the District intends to reject the bid.
 - (3) If no bids are received through the formal bid procedure, the project may be performed by District employees by force account or negotiated contract.

LEGAL REFERENCES

PUBLIC CONTRACT CODE

1102	Definition of Emergency
20110-20118.4	Local Agency Public Construction Act; School Districts
22000-22020	California Uniform Construction Cost Accounting Commission
22030-22045	Alternative Procedures for Public Projects (UPCCAA), especially:
22032	Applicability of Procedures Based on Amount of Project

- 22034 Informal Bidding Procedure
- 22035 Emergency Need for Repairs or Replacement
- 22037-22038 Formal Bidding Procedures for Projects Exceeding \$175,000
- 22050 Alternative Emergency Procedures