

FINANCE AND ADMINISTRATIVE SERVICES

AP 6345 BIDS AND CONTRACTS USING UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (UPCCAA)

References:

Education Code Sections 81641 et seq.;
Labor Code Sections 1770 et seq., 1725.5 et seq.
Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq.
(Uniform Public Construction Cost Accounting Act)

The Palomar Community College District has elected to adopt the Uniform Public Construction Cost Accounting Act (Act) by resolution of the Governing Board. The Act provides for alternate bidding procedures to expedite the awards process, improve the timeliness of project completion, eliminate paperwork and simplify administration on Public Projects.

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. Public projects estimated to cost up to \$200,000¹ shall be let to contract by the procedures described below.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this procedure requiring work to be done by contract after competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Pursuant to SB 854, no contractor or subcontractor may be listed on a bid for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations (DIR) and no contractor or subcontractor may be awarded a contract for a public works project (awarded on or after April 1, 2015) unless registered with the DIR per California Labor Code section 1725.6.

¹ The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorizes public projects of \$60,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to \$200,000 may be let to contract by informal procedures. Public projects in excess of \$200,000, with limited exceptions, shall be let to contract by formal bidding procedure. PCC 22032.

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

Contractors List

Lists of contractors shall be developed and maintained.

Award to Low Bidder; No Bids

All contracts must be awarded to the lowest bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further complying with this procedure.

Notice Inviting Informal Bids

When a Public Project anticipated to cost less than \$200,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids and describe how to obtain more detailed information about the Project. The District shall send by mail, electronic mail, or by facsimile the notice to all contractors for the category of work to be bid, as shown on the Contractors List developed in accordance with the above section. The District shall notify the required trade journals as designated by the Commission and may also mail the notice to all other construction trade journals. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing, electronic mail or facsimile, shall be completed at least ten days before bids are due.

Award of Informally-Bid Contracts

The Superintendent/President or designee is authorized to award informal contracts (defined as contracts for less than \$200,000.00), except those contracts described below.

Bids Exceed Informal Bidding Limit

If all informal bids received exceed \$200,000, and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$212,500 to the lowest responsible bidder. The contract must be approved by Resolution receiving a four-fifths (4/5) vote of the Governing Board.

Bid Documents for Formal Bids

The Superintendent/President or designee will see that plans, specifications, and working details for all Public Projects estimated to cost more than \$200,000 are adopted.

Notice Inviting Formal Bids

When a Public Project, which is anticipated to cost in excess of \$200,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall also be sent electronically, if available, by facsimile or electronic mail and/or mailed to construction trade journals designated for the San

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Diego County area. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least 30 days before bids are due. See AP 6340

When Contractors List Has Not Been Prepared: Proprietary Product or Service

Notwithstanding the sections titled Notice Inviting Informal Bids and Notice Inviting Formal Bids:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors

Contracts for Maintenance Work

Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described in the section titled Notice Inviting Informal Bids, above. Maintenance work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; or work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids, Re-solicitation, and Use of District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Governing Board declaring that the project can be performed more economically by District employees.

Emergency Procedures

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

Procedures Not Covered by this AP

When this procedure does not establish a process for bidding Public Projects, the procedures described in AP 6340 Bids and Contracts shall govern.

Office of Primary Responsibility: Finance and Administrative Services