



DATE: November 10, 2015
TO: Alameda County Waste Management Authority Board
FROM: Gary Wolff, Executive Director
BY: Pat Cabrera, Administrative Services Director
SUBJECT: Uniform Public Construction Cost Accounting Act Ordinance

BACKGROUND

The Uniform Public Construction Cost Accounting Act (UPCCAA) allows for a more streamlined and efficient contracting process for small public works projects. In order for the Agency to be subject to the UPCCAA it must adopt an ordinance and a resolution, both of which were presented to the WMA last month. The prior memo can be found at <http://stopwaste.org/UPCCAA/Ordinance/memo/10-28-15.pdf.pdf>

At the October 28, 2015 WMA board meeting, the Board chose to waive the first reading of the full draft ordinance, schedule it for consideration of adoption on November 18th, and adopted the resolution by a vote of 17-0. The ordinance is now being presented for second reading and adoption.

RECOMMENDATION

Staff recommends that the Authority Board 1) waive the second reading of the full ordinance provided in the following attachment; 2) hold a public hearing, and 3) adopt the ordinance. The ordinance will take effect thirty days after the date of adoption.

Attachment: UPCCA Ordinance

ORDINANCE #2015 -03

**AN ORDINANCE
TO PROVIDE FOR INFORMAL BIDDING PROCEDURES
UNDER THE
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT
(CALIFORNIA PUBLIC CONTRACT CODE § 22000 ET SEQ.)**

The Board of the Alameda County Waste Management Authority ordains as follows:

SECTION 1 (Enactment)

The Board of the Authority does hereby enact this ordinance in full consisting of Section 1 through Section 6.

SECTION 2 (Informal Bid Procedures)

Public projects, as defined by section 22002 of the California Public Contract Code (“Code”), and in accordance with the terms of section 22032 of the Code, may be let to contract by informal procedures as set forth in sections 22032-22035 of the Code.

SECTION 3 (Contractors List)

The Authority shall develop and maintain a list of contractors identified according to categories of work in accordance with section 22034 of the Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (“Commission”).

SECTION 4 (Notice Inviting Informal Bids)

(a) Where a public project subject to the informal bid procedures pursuant to Section 2 is to be performed, 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 3 not less than 10 calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(b) If there is no list of qualified contractors maintained by the Authority for the particular category of work to be performed, the notice inviting bids shall be sent to all construction trade journals as specified by the Commission in accordance with Section 22036 of the Code.

(c) 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.

SECTION 5 (Award of Contracts)

The Executive Director is authorized to award informal contracts pursuant to this Ordinance for contracts that do not exceed \$175,000. Expenditures in non emergency situations that exceed \$50,000 per vendor/contractor per fiscal year also require Board approval. If all bids received are in excess of one hundred seventy-five thousand dollars (\$175,000), the Authority Board may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars (\$187,500) or less, to the lowest responsible bidder, if the Board determines the cost estimate of the Authority staff was reasonable.

SECTION 6 (Notice and Effective Date)

This ordinance was introduced and first reading waived on October 28, 2015 and adopted on November 18, 2015. It shall be posted at the Authority Office for at least thirty (30) days after its adoption by the Board and shall become effective thirty (30) days after the adoption.

Passed and adopted this __ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

I certify that this is a full, true and correct copy of ORDINANCE NO. 2015-03 which is on file in the Authority Office and that it was passed and adopted on the date indicated above.

**GARY WOLFF
EXECUTIVE DIRECTOR**