

CHAPTER 3.14. - PUBLIC PROJECTS BIDDING PROCEDURES^[4]

Footnotes:

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State Law reference— County authorized to adopt informal bidding ordinance to govern selection of contractors to perform public projects, Public Contracts Code § 22034.

Sec. 3.14.010. - Title.

This chapter shall be known as the County Public Projects Bidding Procedures Ordinance.

(Code 1997, § 3.14.010; Ord. No. 4159, § 1, 1991)

Sec. 3.14.020. - Purpose.

The purpose of this chapter is to secure for the County taxpayers the advantages and economies which will result from the adoption of an alternative method for the bidding of public projects. The ordinance from which this chapter is derived is enacted to adopt procedure governing the bidding of public projects by the establishment of informal bidding procedures as permitted by [Article 3](#), Chapter 2, Part 3 of Division 2 of the Public Contracts Code (Public Contracts Code § 22030 et seq.).

(Code 1997, § 3.14.020; Ord. No. 4159, § 2, 1991)

Sec. 3.14.030. - Definitions.

For the purpose of this chapter, the following terms and phrases shall be defined as set out below, except where the context clearly indicates a different meaning:

Commission means the California Uniform Construction Cost Accounting Commission as set forth in [Article 2](#), Chapter 2, Part 3 of Division 2 of the Public Contracts Code (Public Contracts Code § 22010 et seq.).

Facility means any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work improvement.

Public project.

- A. The term "public project" means the construction, reconstruction, erection, alteration, renovation, improvement, demolition or repair work involving any publicly owned, leased or operated facility, or the painting or repairing of any publicly owned, leased or operated facility.
- B. The term "public project" does not include maintenance work, including the routine recurring and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes, minor repainting, resurfacing of streets and highways at less than one inch of thickness, landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants and servicing of irrigation sprinkler systems, or the acquisition of supplies and materials as defined by [Section 3.12.050](#).

(Code 1997, § 3.14.030; Ord. No. 4159, § 3, 1991)

Sec. 3.14.040. - Dollar amount limitation.

- A. Public projects up to \$45,000.00, or that amount set forth by Public Contracts Code § 22032, if greater, may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
- B. Public projects up to \$175,000.00, or that amount set forth by Public Contracts Code § 22032, if greater, may be let for contract by informal procedures as set forth in this chapter.

- C. Public projects of more than \$175,000.00 or that amount set forth by Public Contracts Code § 22032, if greater, except as otherwise provided in this chapter, shall be let to contract by formal bidding procedure.
- D. It is unlawful to split or separate into smaller work orders or projects any public project for the purposes of evading the provisions of this chapter.

(Code 1997, § 3.14.040; Ord. No. 4704, 10-17-2006; [Ord. No. 4976, § 1\(3.14.040\), 4-10-2012](#))

Sec. 3.14.050. - Informal bidding procedures.

- A. The County shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractor list shall be as determined by the Commission.
- B. All contractors on the list for the category of work being bid, or all construction trade journals which the Commission determines are appropriate for the County, or both all contractors on the list for the category of work being bid and all such construction trade journals, shall be mailed a notice inviting written informal bids unless the product or service is proprietary.
- C. If there is no list of qualified contractors for the particular category of work to be performed, the notice inviting bids shall be sent to the construction trade journals specified by the Commission.
- D. Mailing of notices to contractors and construction trade journals pursuant to Subsection B or C of this section shall be completed not less than ten calendar days before bids are due.
- E. Notices inviting informal bids shall describe the public project in general terms, how to obtain more detailed information about the public project, and state the time and place for submission of written bids.
- F. The Chief Administrative Officer, Facilities Manager, County Purchasing Agent, the Director of Environmental Management and the Director of Transportation are each authorized to award informal contracts pursuant to this chapter.
- G. If all bids received are in excess of \$175,000.00, or that amount set forth in Public Contracts Code § 22034, if greater, the Board of Supervisors may, by passage of a resolution by a four-fifths vote, award the contract up to \$187,500.00, or up to that amount set forth by Public Contracts Code § 22034, if greater, to the lowest responsible bidder, if it determines the cost estimate of the County was reasonable.

(Code 1997, § 3.14.050; Ord. No. 4704, 10-17-2006; [Ord. No. 4976, § 2\(3.14.050\), 4-10-2012](#); Ord. No. [5051](#), § 2, 4-18-2017)

Sec. 3.14.060. - Emergencies; procedure.

In the case of great emergency, as determined by the Board of Supervisors, including, but not limited to, states of emergency defined in Government Code § 8558, when repair or replacements are necessary to permit the continued conduct of the operation or services of the County or to avoid danger to life or property, the Board of Supervisors, by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. Work may be done by day labor under the direction of the Board of Supervisors, by contract, or by a combination of the two. The Board of Supervisors, by majority vote, may delegate to the Chief Administrative Officer the power to declare a public emergency subject to confirmation by the Board of Supervisors by a four-fifths vote, at its next meeting.

(Code 1997, § 3.14.060; Ord. No. 4159, § 6, 1991)

Sec. 3.14.070. - Notice inviting formal bids.

Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the public project. The notice shall be published at least 14 calendar days before the date of opening bids in a newspaper of general circulation, printed and published in the County, or as set forth in Public Contracts Code § 22037. The notice inviting formal bids shall also be mailed to all construction trade journals specified in Section 3.14.050.B. The notice shall be mailed at least 15 calendar days before the date of opening of bids, or as set forth in Public Contracts Code § 22037. In addition to the notice required by this chapter, the County may give such other notice as it, in its sole option, deems proper under the circumstances.

(Code 1997, § 3.14.070; Ord. No. 4159, § 7, 1991; [Ord. No. 4976, § 3\(3.14.070\), 4-10-2012](#))

Sec. 3.14.080. - Rejection of bids; options.

- A. In its discretion, the County may reject any or all bids presented, if the agency, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the agency, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the agency's intention to reject the bid and shall be mailed at least two business days prior to the hearing at which the agency intends to reject the bid. If after the first invitation for bids all bids are rejected, after reevaluating its cost estimates to the public project, the County shall have the option of the following:
 - 1. Abandoning the public project or re-advertising for bids in the manner described by this chapter; or
 - 2. Having the public project done by force account without further compliance with this chapter, by passage of a resolution by a four-fifths vote of the Board of Supervisors declaring that the public project can be performed more economically by the employees of the County.
- B. If the contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the public agency may accept the one it in its sole discretion may choose.
- C. If no bids are received, the public project may be performed by employees of the County by force account, or by informal bidding procedures set forth in [Section 3.14.050](#) without further complying with this chapter.

(Code 1997, § 3.14.080; Ord. No. 4159, § 8, 1991)

Sec. 3.14.090. - Adoption of plans, specifications and working details; examination.

The Board of Supervisors shall adopt plans, specifications and working details for all public projects of more than \$175,000.00 or an amount specified in [Section 3.14.040](#). Any person may examine the plans, specifications or working details, or all of these, adopted by the County for any public project.

(Code 1997, § 3.14.090; Ord. No. 4704, 10-17-2006)