

EL DORADO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

Meeting of: September 26, 2006

AGENDA TITLE: Adoption of Amendments to the El Dorado County Ordinance Code, Title 3, Chapter 3.14

DEPARTMENT: Transportation	DEPT SIGNOFF: <i>Tim Prudhel</i>	CAO USE ONLY: <i>D. usg</i>
CONTACT: Tim Prudhel	<i>for PWS</i>	
DATE: 09/05/06	PHONE: Ext. 5974	

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

The Department of Transportation is submitting for introduction amendments to Title 3, Chapter 3.14 of the El Dorado County Ordinance Code titled "Public Projects Informal Bidding Procedures," to reflect revisions in the informal bidding limits for public projects contained in Public Contract Code Sections 22032 and 22034 which became effective July 1, 2005, and is recommending that the Board waive reading, read by title only, and continue to October 3, 2006 for final adoption

The proposed amendments to Title 3, Chapter 3.14 of the Ordinance Code have been reviewed and approved by County Counsel.

CAO RECOMMENDATIONS: *Recommend approval. Laurie A Hill 9/18/06*

Financial impact? () Yes (X) No	Funding Source: () Gen Fund () Other
BUDGET SUMMARY:	Other:
Total Est. Cost _____ 0	CAO Office Use Only:
Funding	4/5's Vote Required () Yes () No
Budgeted _____	Change in Policy () Yes () No
New Funding _____	New Personnel () Yes () No
Savings _____	CONCURRENCES:
Other _____	Risk Management _____
Total Funding _____ 0	County Counsel _____
Change in Net County Cost _____ 0	Other _____

***Explain**

BOARD ACTIONS:

Vote: Unanimous _____ Or _____	I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors
Ayes:	
Noes:	
Abstentions:	
Absent:	
Rev. 04/05	Date: _____
	Attest: Cindy Keck, Board of Supervisors Clerk
	By: _____

COUNTY OF EL DORADO

DEPARTMENT OF TRANSPORTATION

**MAINTENANCE DIVISION:**

2441 Headington Road
Placerville CA 95667
Phone: (530) 642-4909
Fax: (530) 642-9238

RICHARD W. SHEPARD, P.E.
Director of Transportation

Internet Web Site:
<http://co.el-dorado.ca.us/dot>

MAIN OFFICE:

2850 Fairlane Court
Placerville CA 95667
Phone: (530) 621-5900
Fax: (530) 626-0387



September 5, 2006

Board of Supervisors
330 Fair Lane
Placerville, California 95667

Title: Adoption of Amendments to the El Dorado County Ordinance Code, Title 3, Chapter 3.14

Meeting Date: September 26, 2006

District/Supervisor: All

Dear Members of the Board:

Recommendation:

The Department of Transportation is submitting for introduction amendments to Title 3, Chapter 3.14 of the El Dorado County Ordinance Code titled "Public Projects Informal Bidding Procedures," to reflect revisions in the informal bidding limits for public projects contained in Public Contract Code Sections 22032 and 22034 which became effective July 1, 2005, and is recommending that the Board waive reading, read by title only, and continue to October 3, 2006 for final adoption

The proposed amendments to Title 3, Chapter 3.14 of the Ordinance Code have been reviewed and approved by County Counsel.

Background:

At the Board of Supervisors meeting of May 16, 2006, agenda item #11, your Board approved in concept amendments to Title 3, Chapter 3.14 of the El Dorado County Ordinance Code to reflect revisions in the informal bidding limits for public projects. Your Board directed County Counsel to prepare a draft version of the amended Ordinance and to present the final ordinance amendments to the Board for adoption.

Reasons for Recommendations:

County Ordinance Code Sections 3.14.010 et seq. regarding informal bidding requirements for public projects are derived from the County's election to become subject to the Uniform Public Construction Cost Accounting Act (Act), commencing with Public Contract Code §22000. The Board of Supervisors elected to operate pursuant to the provisions of the Act in 1986. The intent of the Act is to promote uniformity of both the cost accounting standards and the bidding procedures on construction work performed or contracted by public entities (Public Contract Code §22001). Section

22020 of the Public Contract Code provides that the California Uniform Construction Cost Accounting Commission shall consider whether there have been material changes in public construction costs and shall make recommendations to the State Controller regarding adjustments in the monetary limits prescribed by the Act every five years, provided that the amounts, as adjusted, be greater than fifteen thousand dollars (\$15,000). In a letter to local government agencies dated April 29, 2005, the State Controller notified local agencies of increases to the informal bid limits to become effective July 1, 2005 (copy attached for reference).

In order to conform to Public Contract Code Sections 22032 and 22034, it is necessary to amend Chapter 3.14 of the County's Public Projects Informal Bidding Procedures Ordinance to increase the dollar amounts of the informal bid limits as indicated in the California State Controller's letter of April 29, 2005.

By making the election to be bound by the procedures of the Act, public agencies are under a mandatory duty to enact informal bidding ordinances. On April 16, 1991, your Board approved County Ordinance 4159, adopting the alternative methods of bidding public projects and incorporating the informal bidding procedures under the Public Contract Code into the County's Ordinance Code. As changes have occurred in the bidding limits under the Public Contract Code, Chapter 3.14 of the County Ordinance Code has been amended to coincide with those changes. The most recent revision to the bidding limits in Chapter 3.14 of the Ordinance Code occurred in April of 2001.

The following table compares the bidding limits currently contained in Chapter 3.14 of the County Ordinance Code with the revised bidding limits contained in the California State Controller's letter of April 29, 2005 and reflected in the amendments to Chapter 3.14 of the Ordinance Code:

County Ordinance Code Section	Function/Purpose	County Ordinance Code Dollar Limit	Public Contract Code Dollar Limits as of July 1, 2005	Public Contract Code Section
3.14.040 A	Establishes limits for projects performed by public agency employees (force account labor) or negotiated contract.	\$25, 000.	\$30,000	22032 (a)
3.14.040 B	Establishes bid limit for informal bidding.	Up to \$100,000	Up to \$125,000	22032 (b)
3.14.040 C	Establishes bid limit for formal bidding requirements.	Over \$100,000	Over \$125,000	22032 (c)
3.14.050 G	Applies when the informal bidding procedures are followed and all bids received are in excess of the informal bidding limit. Establishes the thresholds up to which the Board may award the contract.	Bid Amount: \$100,000 May award to: \$110,000	Bid Amount: \$125,000 May award to: \$137,500	22034 (f)
3.14.090	Section 22039 of the Public Contract Code requires the governing body to adopt plans and specifications when the limits in Section 22032 (c) are exceeded. With the increase in the limit in Section 22032(c) the requirement for Board approval of plans and specification would also change.	Over \$100,000	Over \$125,000	22039

In addition to the above changes, the amendments include a "housekeeping" item to amend Chapter 3.14, Section 3.14.050 E, to change the word "formal" in the text to "informal" to conform to Public Contract Code Section 22034(d).

Adoption of the amended Ordinance Code will enable the Department of Transportation and other authorized County departments to use public agency employees or negotiated contracts for projects estimated to cost up to \$30,000; will allow informal bidding procedures for projects estimated to cost up to \$125,000; and will allow your Board to award contracts up to \$137,500, when the bids solicited through the informal bidding process are all in excess of \$125,000. These changes will enable the County's Ordinance Code to conform to the Public Contract Code.

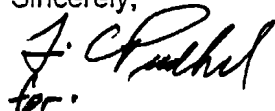
Fiscal Impact:

There is no direct fiscal impact associated with approval of amendments to County Ordinance Code Chapter 3.14.

Action to be Taken Following Approval:

Continue until October 3, 2006 for final adoption and incorporation of amendments into Title 3, Chapter 3.14 of the El Dorado County Ordinance Code, which amendments shall become effective thirty (30) days following final adoption by the Board of Supervisors.

Sincerely,




for:
Richard W. Shepard, P. E.
Director of Transportation

RWS: se

Attachments

CONTRACT ROUTING SHEET

PROCESSING DEPARTMENT: DOT

Department: Transportation
Dept. Contact: Tim Prudhel
Phone: 5974
Department Head
Signature: 
Tim Prudhel
Contract Services Officer

CONTRACTOR:

Name: _____
Address: _____
Phone: _____

CONTRACTING DEPARTMENT: Transportation

Compliance with Human Resources requirements? Yes: N/A No: _____
Compliance verified by: _____

COUNTY COUNSEL: (must approve all contracts and MOUs)

Approved: Disapproved: _____ Date: 8.23.06 By: DAVE LIVINGSTON*
Approved: _____ Disapproved: _____ Date: _____ By: _____

** SEE ATTACHED MEMO FROM DAVE LIVINGSTON*

_____	User Code: _____
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RISK MANAGEMENT:

Approved: _____ Disapproved: _____ Date: _____ By: _____
Approved: _____ Disapproved: _____ Date: _____ By: _____

OTHER APPROVAL (Specify department(s) participating or directly affected by this contract).

Department(s): _____
Approved: _____ Disapproved: _____ Date: _____ By: _____
Approved: _____ Disapproved: _____ Date: _____ By: _____

DAL:km
3-14 Ord
08/17/06



ORDINANCE NO. _____

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 3.14.040 of Chapter 3.14 of Title 3 of the El Dorado County Ordinance Code is hereby amended as follows:

3.14.040. Dollar Amount Limitation.

A. Public projects of ~~twenty-five~~ thirty thousand dollars (~~\$25,000~~) (\$30,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

B. Public projects of one hundred twenty-five thousand dollars (~~\$100,000~~) (\$125,000) or less may be let for contract by informal procedures as set forth in this chapter.

C. Public projects of more than one hundred twenty-five thousand dollars (~~\$100,000~~) (\$125,000) shall, except as otherwise provided in this chapter, 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.

Section 2. Section 3.14.050 of Chapter 3.14 of Title 3 of the El Dorado County Ordinance Code is hereby amended as follows:

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 subdivision B or C 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, director of general services, 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 one hundred twenty-five thousand dollars (~~\$100,000~~) (\$125,000), the board of supervisors may by passage of a resolution by a four-fifths (4/5) vote, award the contract at one hundred ~~ten~~ thirty-seven thousand five hundred dollars (~~\$110,000~~) (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the county was reasonable.

Section 3. Section 3.14.090 of Chapter 3.14 of Title 3 of the El Dorado County Ordinance Code is hereby amended as follows:

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 one hundred twenty-five thousand dollars (~~\$100,000~~) (\$125,000). Any person may examine the plans, specifications or working details, or all of these, adopted by the county for any public project.

Ordinance No. _____
Page 3

Section 4. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2006, by the following vote of said Board:

Ayes:

ATTEST
CINDY KECK
Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: CINDY KECK, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk



STEVE WESTLY
California State Controller

April 29, 2005

**TO ALL LOCAL GOVERNMENT ENTITIES WHO HAVE OPTED INTO THE
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT:**

I am pleased to announce that the informal bid limits listed in Public Contract Code (PCC) sections 22032 and 22034 have been changed as follows:

- PCC section 22032 (a): Increase monetary limit from \$25,000 to \$30,000.
- PCC section 22032 (b): Increase monetary limit from \$100,000 to \$125,000.
- PCC section 22032 (c): Increase monetary limit from \$100,000 to \$125,000.
- PCC section 22034 (f): Increase monetary limit from \$100,000 to \$125,000 and the exclusion from \$110,000 to \$137,500.

Public Contract Code section 22020 states that any adjustment shall be effective beginning with the fiscal year which commences no less than 60 days following the Controller's notification to affected public agencies of the adjustment. Therefore, the above adjusted informal bid limits will be effective on July 1, 2005.

If you have any questions or comments, please call ~~Gary Marshall~~ or Bob Stonehouse of the Division of Accounting and Reporting at ~~(916) 324-0253~~ or (916) 327-2289, respectively.

Sincerely,

Original Signed By:

STEVE WESTLY
California State Controller



**OFFICE OF COUNTY COUNSEL
INTER-DEPARTMENT MEMORANDUM**

TO: Tim Prudhel, Department of Transportation
FROM: Dave Livingston, Deputy County Counsel DAL
RE: Revisions to Ordinance Code § 3.14
DATE: August 23, 2006

Pursuant to Board action taken on April 25, 2006, here is a revised version of Ordinance Code §§ 3.14.040 and 3.14.090 for you to present to the Board for final adoption.

Since we last discussed this ordinance, I have learned of a more expedited way to process new or revised ordinances. First, as you did here, you should submit a draft of the ordinance to our office for review. Then, you should submit the ordinance to the Board for conceptual approval as required by Board Policy A-3. Your recommendation, however, should not only seek conceptual approval, but should request that the item be continued for at least one week for final adoption. For instance, take a look at Agenda Item # 23 from the August 22, 2006 Board Agenda.

If you have any questions on this procedure, feel free to contact me or Kathie Martin.

DAL

s:\transportation-120\correspondence\memo to tim re ordinance procedure.doc

2006
AUG 23
10:10 AM
DAL