

**ORDINANCE NO. 2018-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 3.85 TO TITLE 3 OF THE JURUPA VALLEY MUNICIPAL CODE, PUBLIC WORKS CONTRACT BIDDING, UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT TO INCREASE MINIMUM BIDDING REQUIREMENTS AND IMPLEMENT CHANGES TO SAID ACT BY CHAPTER 169 OF THE STATUTES OF 2018**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 3.85, Public Works Contract Bidding Under The Uniform Public Construction Cost Accounting Act, is hereby added to the Jurupa Valley Municipal Code to read as follows:

**CHAPTER 3.85**

**3.85.010 Scope of Chapter; Public Project Bidding Requirements**

A. The provisions of this chapter shall implement the provisions of the Uniform Public Construction Cost Accounting Act (Public Contract Code Sections 22000 et seq.) which procedures as made applicable to the City by City Council Resolution No. 11-17 pursuant to Public Contract Code Section 22030.

B. Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of the City by force account, by negotiated contract, or by purchase order.

C. Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this Chapter.

D. Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

E. "Public project" as used in this Chapter shall have the meaning set forth in Public Contract Code Section 22002(c) and (d) as such sections now exist or may hereafter be amended.

F. All bidding and all work performed pursuant to the authority of this Chapter shall be subject to and in conformity with the provisions of the Uniform Public Construction Cost Accounting Act (Public Contract Code Sections 22000 et seq.) as such Act now exist or may hereafter be amended.

### **3.85.020 List of Qualified Contractors**

The City Engineer shall maintain a list of qualified contractors identified according to categories of work. Such list shall comply with the minimum criteria for development and maintenance of such list, as determined from time to time by the California Uniform Construction Cost Accounting Commission ("Commission").

### **3.85.030 Notice of Inviting Informal Bids; Minor Exception**

A. For those public projects subject to the informal bidding provisions of this Chapter, not less than ten (10) calendar days before the bids are due, a notice inviting informal bids shall be mailed, faxed or emailed to: 1) all contractors for the category of work, to be bid, as shown on the list developed in accordance with Section 3.85.020, and 2) to all construction trade journals as specified by the California Uniform Construction Cost Accounting Contract Code .

B. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of the informal bids. Additional contractors and/or construction trade journals may be noticed at the discretion of the City Engineer; provided, however:

1. If there is no list of qualified contractors maintained by the city for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

2. 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.

C. If all bids received pursuant to this section are in excess of two hundred thousand dollars (\$200,000), the City Council may, by adoption of a resolution by a four-fifths vote, award the contract, at two hundred twelve thousand five hundred (\$212,500) or less, to the lowest responsible bidder, if the City Council determines the cost estimate of the City Engineer was reasonable.

### **3.85.040 Delegation of Authority to Award Informal Contracts**

The City Manager is authorized to award bids and enter into informal construction contracts pursuant to this Chapter where the amount of such contract does not exceed twenty-five thousand dollars (\$25,000), or such other amount as the Council may designate by resolution; provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. Where the amount of any such contract exceeds twenty-five thousand dollars, or such other amount as the Council may designate by resolution, the contract shall be approved by the City Council.

### **3.85.050 Emergency Work**

In cases of emergency when repair or replacements are necessary, the governing body 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. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two. In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 of the Public Contract Code (commencing with Section 22050).

### **3.85.060 Formal Bids**

Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the City; or, if there is no newspaper printed and published within the City, in a newspaper of general circulation which is circulated within the City, or, if there is no newspaper which is circulated within the jurisdiction of the public agency, publication shall be by posting the notice in at least three places within the City as have been designated by ordinance or regulation of the City as places for the posting of its notices. The notice inviting formal bids shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in Public Contract Code Section 22036. The notice shall be sent at least fifteen (15) calendar days before the date of opening the bids. In addition to notice required by this section, the City Engineer may give such other notice as he or she deems proper.

### **3.85.070 Award of Contract; No Bids; Rejection of Bids**

A. If a 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 chooses.

B. If no bids are received through the formal or informal procedure, the project may be performed by the employees of the City by force account, or negotiated contract without further complying with this Chapter.

C. In its discretion, the City Council may reject any bids presented, if the agency, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the City or by negotiated agreement, the City Engineer furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the City's intention to reject the bid and shall be mailed and sent by fax or email at least two (2) business days prior to the City Council meeting at which the City Council intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating

its cost estimates of the project, the City Council shall have the option of either of the following:

1. Abandoning the project or re-advertising for bids in the manner described by this Chapter; or
2. By passage of a resolution by a four-fifths vote of the City Council declaring that the project can be performed more economically by the employees of the public agency or by negotiated agreement, may have the project done by force account or negotiated agreement without further complying with this Chapter.

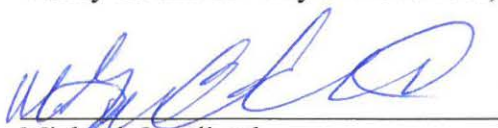
**3.85.080 Prior Adoption of Plans and Specifications.**

The City Council or the City Engineer shall adopt plans, specifications, and working details for all public projects exceeding the amount of two hundred thousand dollars (\$200,000) or such amount specified in subdivision (c) of Section 22032 of the Public Contract Code as it now exists or may hereafter be amended.

**Section 2.** The provisions of this Ordinance increasing the dollar amounts for minimum bidding procedures shall take effect on January 1, 2019.

**Section 3.** If any sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 15<sup>th</sup> day of November, 2018



Micheal Goodland  
Mayor



ATTEST:



Victoria Wasko, CMC  
City Clerk

## CERTIFICATION

STATE OF CALIFORNIA           )  
COUNTY OF RIVERSIDE       ) ss.  
CITY OF JURUPA VALLEY       )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2018-12 was regularly introduced at a regular meeting of the City Council held on the 1<sup>st</sup> day of November, 2018 and thereafter at a regular meeting held on the 15<sup>th</sup> day of November, 2018, it was duly passed and adopted by the following vote of the City Council:


**AYES:           BERKSON, KELLY, LAURITZEN, ROUGHTON, GOODLAND**

**NOES:           NONE**

**ABSENT:        NONE**

**ABSTAIN:       NONE**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 15<sup>th</sup> day of November, 2018.

  
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Victoria Wasko, CMC  
City Clerk