

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the matter of:

An Ordinance Authorizing)	Ordinance No. 17-02
Revisions to Chapter 2.52 of)	
Orinda Municipal Code to Increase)	
the Informal Bidding Limit)	

The City Council of the City of Orinda DOES ORDAIN as follows (additions are shown in double-underline, and deletions are shown in strikeout):

SECTION 1. The City of Orinda hereby revises Orinda Municipal Code Chapter 2.52 as follows:

CHAPTER 2.52 – INFORMAL BIDDING ON PUBLIC PROJECTS

2.52.010 - Authority and purpose of Chapter

This Chapter is adopted pursuant to Chapter 3 of Chapter 2, Part 3, Division 2 commencing with Section 22030 of the State Public Contract Code and constitutes an "informal bidding ordinance" as described in Section 22034 of said Code. The purpose of this chapter is to establish an informal bidding procedure applicable to certain contracts for public projects as a result of the City having elected, by resolution of the City Council, to become subject to the uniform construction cost accounting procedures promulgated by the State Controller. In the event that the City Council adopts a resolution withdrawing its election to be subject to said procedures this Chapter shall not apply to any public project commenced after the date.

2.52.020 - Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section, unless the context or the provision clearly requires otherwise:

- (a) *“Commission”* means the California Uniform Construction Cost Accounting Commission, as created under Section 22010 of the Public Contract Code.
- (b) *“Public Contract Code”* means the Public Contract Code of the State of California
- (c) *“Public project”* has the meaning set forth in section 22002 of the Public contract Code as that Code may be amended from time to time.

2.52.030 - Application of Chapter

(a) This Chapter shall apply to public projects with a cost in excess of the forty-five thousand dollar (\$45,000) amount specified in Section 22032(a) of the Public Contract Code, but not exceeding the one hundred seventy-five thousand dollar (\$175,000) amount specified in Section 22032(b) of the Public Contract Code. Any public project with a cost less than the dollar amount specified in Section 22032(a) of the Public Contract Code may be performed by the employees of the City by force account, by negotiated contract, or by purchase order as authorized by Section 22032(a), unless the City Council shall specifically direct that the provisions of this Chapter be followed with respect to such project.

(b) The provisions of this Chapter shall in no way restrict the right of the City to perform all necessary repair or replacement work in cases of great emergency, without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, as authorized by and in accordance with the procedures set forth in Section 22035 of the Public Contract Code.

2.52.040 - List of qualified contractors

The City shall maintain a list of qualified contractors, identified according to categories of work. The list shall be developed and maintained in compliance with such minimum requirements as may be specified from time to time by the Commission. The City Manager or City Manager's designee is the City official having primary responsibility for the preparation and maintenance of the list of qualified contractors required by this Section.

2.52.050 - Notice inviting informal bids

(a) Where a public project is to be performed which is subject to the provisions of this Chapter, the City Manager or Manager's designee shall email a notice inviting informal bids to all contractors for the category of work to be bid, as shown on the list described in Section 2.52.040, and to all construction trade journals for the category of work as determined by the Commission pursuant to Section 22036 of the Public Contract code; provided, however:

(1) If there is no existing list of qualified contractors maintained by the City for the particular category of work to be performed, the notice inviting informal bids shall be sent only to the construction trade journals specified by the Commission; or

(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.

(b) All emailing of notices to contractors and construction trade journals pursuant to Paragraph (a) of this Section shall be completed not less than ten calendar days before bids are due.

(c) The notice inviting informal bids shall describe the public project in general terms, shall indicate the name, address and telephone number of the person from whom detailed information concerning the project can be obtained, and shall state the time and place for the submission of bids.

2.52.060 - Award of contracts

(a) Contracts on which informal bids have been obtained pursuant to this Chapter shall be awarded in accordance with the same policies and standards customarily followed by the City for public projects requiring formal bids.

(b) The City Council may, by resolution, delegate to the City Manager or other designated employee of the City the authority to award contracts for which informal bids will be obtained pursuant to this Chapter.

(c) If all bids received are in excess of one hundred seventy-five thousand dollars (\$175,000), the City Council 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 it determines the cost estimate of the City was reasonable.

SECTION 2. This ordinance becomes effective 30 days after adoption.

SECTION 3. The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again within 15 days after adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Orinda held on March 21, 2017, and was adopted and ordered published at a regular meeting held on April 11, 2017, by the following vote:

AYES:	COUNCILMEMBERS: Gee, Miller, Orr, Worth
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: Mayor Phillips
ABSTAIN:	COUNCILMEMBERS: None

Amy Worth, Vice Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

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