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March 3, 2024

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

SUBJECT: ADOPT AN ORDINANCE AMENDING SECTIONS 4.24.010 AND 4.24.040 OF THE ALAMEDA COUNTY ADMINISTRATIVE CODE TO ALIGN THE ADMINISTRATIVE CODE WITH CALIFORNIA PUBLIC CONTRACT CODE FOR INFORMAL PUBLIC PROJECT BIDDING PROCEDURES AND AUTHORIZE THE PURCHASING AGENT TO AWARD INFORMALLY BID CONTRACTS FOR PUBLIC PROJECTS

Dear Board Members:

RECOMMENDATION:

Adopt an Ordinance amending Sections 4.24.010 and 4.24.040 of the Alameda County Administrative Code to align the Administrative Code with the California Public Contract Code for informal bidding procedures and authorize the Purchasing Agent to award informally bid contracts for public projects.

DISCUSSION/SUMMARY:

On 9/19/2022, the General Services Agency (GSA) presented the proposed changes to Sections 4.24.010 and 4.24.040 of the Alameda County Administrative Code to the Procurement & Contracting Policy Committee (PCPC) meeting. A quorum was not available at the PCPC meeting, and GSA was advised to bring this item to your Board for adoption.

On 3/18/2024, GSA presented the proposed changes to Sections 4.24.010 and 4.24.040 of the Alameda County Administrative Code to the PCPC meeting, and the PCPC committee has recommended to bring these proposed changes to your Board.

Chapter 4.24 of Alameda County Administrative Code contains the informal construction contract bidding procedures for the County. This Chapter implements the informal construction contract bidding procedures for public projects and maintenance work, as defined by Section 22002 of the California Public Contract Code (PCC), and as authorized by PCC Section 22034 in the Uniform Public Construction Cost Accounting Act.

PCC Section 22032 (a) allows public projects of sixty thousand dollars (\$60,000) or less to be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order. PCC Section 22032 (b) allows public projects of two hundred thousand dollars (\$200,000) or less to be let to contract by informal procedures as set forth by PCC Sections 22034

and 22036, if the local public agency enacts an informal bidding ordinance governing the informal bid process in a manner consistent with the Public Contract Code. These PCC informal bidding thresholds are periodically updated by amendment to state law.

The adoption of this ordinance will amend Sections 4.24.010 and 4.24.040 to align the Administrative Code with the current and future informal bid limits in PCC Section 22032 (a) and (b) and PCC Section 22034(d). Additionally, this ordinance amends subdivision A and adds subdivision C to Section 4.24.040 to authorize the Purchasing Agent, or her designee, to award informally bid contracts and negotiated contracts (but not purchase orders), without seeking Board approval, up to the limits set forth in PCC Section 22032 (a) and (b).

A “public project” is generally defined by the Public Contract Code to include construction, reconstruction, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. Typical public projects include repairs to heating & air conditioning units, repairs to elevators, repairs to sewer lines, removal of walls, and hazardous materials abatement. It does not include maintenance work.

Amending Sections 4.24.010 and 4.24.040 will provide simplified administration of projects under \$60,000, expedite award and project delivery for small public projects (currently up to \$200,000), and may benefit our small and local contractors. Additionally, this allows the Administrative Code to align with future changes to the informal bidding threshold limits in the Public Contract Code. These limits are currently \$60,000 and \$200,000 and may be increased based on future state legislative changes. Recommendations to award construction contracts in excess of the limit set forth in PCC Section 22032 (a) and PCC Section 22034(d) will continue to be brought before your Board for approval.

FINANCING:

There will be no increase in net County cost for the adoption action.

VISION 2026 GOAL:

The ordinance amendment meets the 10X goal pathway of **Accessible Infrastructure** in support of our shared vision of a **Healthy Environment**.

Respectfully submitted,

DocuSigned by:

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Kimberly Gasaway
Director, General Services Agency

Attachment

cc: County Administrator
Auditor-Controller
County Counsel

ORDINANCE NO. O-2024-9

AN ORDINANCE AMENDING THE INFORMAL CONSTRUCTION CONTRACT BIDDING PROCEDURES IN SECTIONS 4.24.010 AND 4.24.040 OF THE ALAMEDA COUNTY ADMINISTRATIVE CODE TO AUTOMATICALLY ADJUST THE INFORMAL CONTRACTING BID LIMITS AS ADJUSTED BY STATE LAW AND TO DELEGATE AUTHORITY TO THE PURCHASING AGENT TO AWARD INFORMALLY BID CONTRACTS

WHEREAS, on March 14, 1994 the Board of Supervisors adopted Resolution No. R94-104 to elect to participate in the Uniform Public Construction Cost Accounting Act (Public Contract Code Section 22000, et seq.) (the "UPCCAA"); and

WHEREAS, the UPCCAA provides an alternative method for the bidding of public projects by public entities; and

WHEREAS, the UPCCAA establishes contract price ceilings for the performance of public projects by force account, negotiated contract or purchase order (currently \$60,000 or less), for contracting using informal procedures (currently \$200,000 or less), and using formal bidding procedures (currently more than \$200,000); and

WHEREAS, the UPCCAA allows the governing body of a participating public agency to delegate the authority to award informal contracts to the public works director, the purchasing agent, or other appropriate person; and

WHEREAS, every five years the California Uniform Construction Cost Accounting Commission reviews the informal bid limits for inflation and other factors to determine whether adjustments should be made to the contract price ceilings and Commission recommended adjustments are thereafter included in amendments to the UPCCAA; and

WHEREAS, the Board of Supervisors desires to amend the Administrative Code to automatically incorporate in the Administrative Code adjustments to the bid limits in the UPCCAA and to delegate authority to the Purchasing Agent, and the Purchasing Agent's designee, to award contracts as permitted under Section 22032 (a) and (b) of the Public Contract Code;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 4.24.010 of the Administrative Code of Alameda County is hereby amended to read as follows:

Section 4.24.010 – Informal bid procedures.

Public projects and maintenance work, as defined by Section 22002 of the Public Contract Code, and any other work that does not fall within the definition of a "public project," consistent with Section 22003 of the Public Contract Code, up to the maximum amount specified in Public Contract Code Section 22032(b) or any successor statute, as may be amended, may be let to contract by the purchasing agent, or the purchasing agent's designee, using the informal procedures as set forth in Section 22032 et seq. of the Public Contract Code, in this Chapter 4.24, and in applicable county policies.

SECTION II

Section 4.24.040 of the Administrative Code of Alameda County is hereby amended to read as follows:

4.24.040 - Award of contracts.

A. The Board of Supervisors authorizes the purchasing agent, or the purchasing agent's designee, to award informally bid contracts for public projects (as defined in Public Contract Code Section 22002(c)), or maintenance projects (as defined in Public Contract Code Section 22002(d)), or other work which does not fall within the definition of public project (pursuant to Public Contract Code Section 22003).

B. If all bids received are in excess of the maximum amount specified in Public Contract Code Section 22032(b) or any successor statute, as may be amended, the board of supervisors as the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, up to the maximum amount specified in Public Contract Code Section 22034(d) or any successor statute, as may be amended, to the lowest responsible bidder, if the board of supervisors determines the cost estimate of the agency was reasonable.

C. If the project expense is the same or less than the amount specified in Public Contract Code Section 22032(a) or any successor statute, as may be amended, the work may be performed by County employees by force account or by contracts negotiated and awarded by the purchasing agent or the purchasing agents' designee.

SECTION III

This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 2 day of April 2024, by the following called vote:

AYES: Supervisors Tam, Marquez, Carson, and President Miley

NOES: 0

EXCUSED: Supervisor Haubert


ABSTAINED: 0



NATE MILEY
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

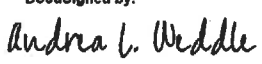

ANIKA CAMPBELL-BELTON,
CLERK OF THE BOARD OF SUPERVISORS

By: 

Deputy

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

DocuSigned by:

By: 

Andrea L. Weddle
Chief Assistant County Counsel