

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 26-02**

**SETTING FORTH INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM
PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

WHEREAS, The Twain Harte Community Services District (“District”) elected to become subject to the Uniform Public Construction Cost Accounting Act (“UPCCAA”) procedures pursuant to Public Contract Code (“PCC”) Section 22000 et seq. on September 11, 2006, through adoption of Ordinance No. 26; and

WHEREAS, the District revised Ordinance No. 26 on August 8, 2013, and December 12, 2018, to reflect changes the State Controller’s Office made to the value limits of public projects that can be let for informal bids under the UPCCAA; and

WHEREAS, the State Controller’s Office has again revised the UPCCAA value limits for public projects that can be let for informal bids (effective January 1, 2025) and it is in the District’s best interest to adopt this Ordinance with said revised limits.

NOW, THEREFORE, the Board of Directors of the Twain Harte Community Services District do ordain as follows:

SECTION 26.1 – Addition to Ordinance Code

Ordinance 26-02 is hereby added to the Ordinance Code of the Twain Harte Community Services District (“District”) as set forth herein.

SECTION 26.2 – Findings and Purpose

It is in the public interest for the Board of Directors of the District to elect to become subject to the UPCCAA procedures adopted by the California Uniform Construction Cost Accounting Commission pursuant to PCC Section 22000 et seq. Performance of District construction and maintenance projects in accordance with these procedures will enable the District to perform said projects with its own staff and/or by contracts through informal bidding procedures when it is in the best public interest of the District to do so.

SECTION 26.3 – Informal Bidding Procedures

Public projects as defined by the UPCCAA of Two Hundred and Twenty Thousand Dollars (\$220,000) or less may be let to contract by informal procedures as set forth in PCC Section 22032 et seq.

Public projects as defined by the UPCCAA of Seventy-Five Thousand Dollars (\$75,000) or less may be performed by District employees by force account, by negotiated contract or by purchase order, as set forth in PCC Section 22032 et seq.

SECTION 26.4 – Development, Maintenance and Use of Contractors List

At the option of the General Manager, the District may develop a list of qualified contractors eligible to submit bids on informal contracts awarded by the District. The list of contractors shall be developed and maintained in accordance with the provisions of PCC Section 22034 and minimum criteria propagated from time to time by the California Uniform Public Construction Cost Accounting Commission.

If a qualified contractors list is maintained, the General Manager shall send an annual written notice to all construction trade journals designated for Tuolumne County by PCC Section 22036 inviting all licensed contractors to submit the name of their company for inclusion on the District's list of qualified bidders for the following calendar year.

The written notice shall require the contractor to provide contact information, including the name and email address to which a Notice Inviting Bids should be sent, the type of work which the contractor is interested in, the class of contractor's license held, and contractor's license number. The District may include any contractor's name it desires on the list, but the list must, at a minimum, include all contractors who have provided the District with the required information. A contractor may have its company added to the District's contractors list at any time by providing the required information.

SECTION 26.5 – Notice Inviting Informal Bids

If the District desires to perform a public project requiring informal bidding procedures pursuant to this Ordinance and/or the UPCCAA, a notice inviting informal bids shall be sent to contractors, no less than 10 calendar days before bids are due, in accordance with one or both of the following paragraphs:

1. All contractors on the District's qualified contractors list, as described in Section 26.4 of this Ordinance, who are qualified and interested in the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary.
2. All construction trade journals specified in PCC Section 22036 for Tuolumne County shall be mailed, faxed, or emailed a notice inviting informal bids, unless the product or service is proprietary.

Additional contractors and/or construction trade journals may be notified at the discretion of the General Manager.

SECTION 26.6 – Award of Contracts

The General Manager of the District is authorized to award informal contracts pursuant to this Section.

At the time provided in the notice inviting informal bids, the General Manager, or his/her designee, shall open all bids timely received and shall award a contract to the lowest

responsible bidder. If two or more bids are the same and lowest, the General Manager may choose the contractor to whom the contract is to be awarded.

If no bids are received, the General Manager may again solicit informal bids, perform the work with District employees, or negotiate an informal contract with a contractor chosen by the General Manager.

If none of the bids received are lower than two hundred twenty thousand dollars (\$220,000), a contract may still be awarded up to a maximum of two hundred thirty-five thousand dollars (\$235,000). Such awards may only be made by the Board of Directors through adoption of a resolution by a four-fifths (4/5) vote, awarding the contract to the lowest responsible bidder and finding that the District's original cost estimate was reasonable.

SECTION 26.7 – Emergencies

The District Board of Directors hereby delegates to its General Manager the power to declare a public emergency as defined in Public Contract Code Section 22035 and to accomplish repairs and/or replacements as permitted by said Section. Such work shall be performed without the benefit of informal or formal bidding and without adoption of plans, specifications or working details, provided that such repair or replacements are necessary to permit the continued conduct of the operation or services of the District or to avoid danger to life or property. The General Manager shall provide a full report on the emergency work performed at the next Board meeting, at which time the Board may confirm the existence of such public emergency by a four-fifths (4/5) vote and may take such other action necessary including but not limited to decisions as to whether the authorized work should continue without the benefit of informal or formal bidding.

SECTION 26.8 – Effective Date and Repeal of Ordinance No. 26-01

This Ordinance shall take effect and be enforced thirty (30) days from the date of its passage and no earlier than January 1, 2025. Upon the effective date of this Ordinance, Ordinance No. 26-01 shall be repealed in its entirety. Before the expiration of fifteen (15) days after this Ordinance's passage, a summary of it, shall be published once, with the names of the members of the Board of Directors voting for and against the same in a newspaper of general circulation published in the County of Tuolumne.

ADOPTED as an Ordinance of Twain Harte Community Services District by the District's Board of Directors at a public hearing held at their regular meeting on February 12, 2025, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Eileen Mannix, Board President

ATTEST:

Kimberly Silva, Board Secretary