

**TWAIN HARTE COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 26-01**

**AN ORDINANCE REPEALING ORDINANCE NO. 26 OF THE TWAIN HARTE
COMMUNITY SERVICES DISTRICT AND 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 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, 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, 2019) 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 26-01 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 Uniform Public Construction Cost Accounting Act procedures adopted by the California Uniform Construction Cost Accounting Commission pursuant to Public Contract Code 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 Thousand Dollars (\$200,000) or less may be let to contract by informal procedures as set forth in Section 22032 et seq. of the Public Contract Code.

Public projects as defined by the UPCCAA of Sixty Thousand Dollars (\$60,000) or less may be performed by District employees by force account, by negotiated contract or by purchase order, as set forth in Section 22032 et seq. of the Public Contract Code.

SECTION 26.4 – Development, Maintenance and Use of Contractors List

The General Manager shall 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 Section 22034 of the Public Contract Code and minimum criteria propagated from time to time by the California Uniform Public Construction Cost Accounting Commission.

The contractors list shall be organized in accordance with the license classifications utilized by the Contractors State License Board and according to categories of work. The General Manager of the District shall, during November of each year, mail a written notice to all construction trade journals designated by the Commission for that County in which the District is located pursuant to Public Contract Code Section 22036 inviting all licensed contractors to submit the name of their firm to the District for inclusion on the District's list of qualified bidders for the following calendar year.

The written notice shall require the contractor to provide the name and address to which a Notice Inviting Bids should be mailed, a telephone number at which the contractor may be reached, the type of work which the contractor is interested in and currently licensed to do, together with 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 include at a minimum all contractors who have properly provided the District with the information required as set forth above. A contractor may have his firm added to the District's contractors list at any time by providing the required information.

SECTION 26.5 – Notice Inviting Informal Bids

Where a public project is to be performed subject to this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the contractors list developed and maintained by the District, and all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the District provided however:

1. If there is no list of qualified contractors maintained by the District 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; and
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.

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 shall open all bids timely received and, upon approval by the Board of Directors, shall award a contract to the lowest responsible bidder. If two or more bids are the same and lowest, the Board of Directors 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.

SECTION 26.7 – Emergencies

The Board of Directors hereby delegates to the General Manager of the District 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 of the District shall provide a full report on the emergency work performed at the next meeting of the Board of Directors, 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

This Ordinance shall take effect and be enforced thirty (30) days from the date of its passage and no earlier than January 1, 2019. Upon the effective date of this Ordinance, Ordinance No. 26 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 December 12, 2018, by the following vote:

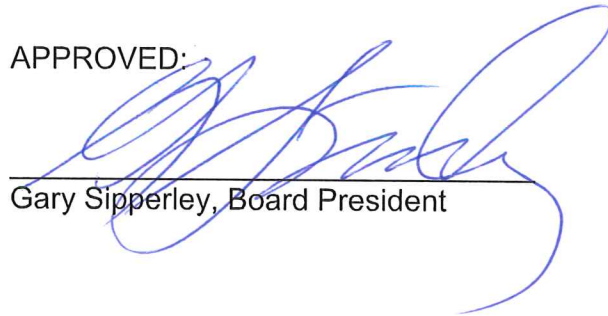
AYES: Sipperley, McManus, Knudson, Mannix, Johnson

NOES:

ABSTAIN:

ABSENT:

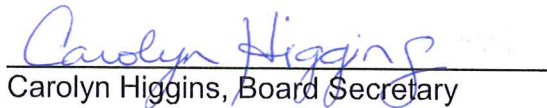
APPROVED:



A large, stylized handwritten signature in blue ink, which appears to read "Gary Sipperley". The signature is written over a horizontal line.

Gary Sipperley, Board President

ATTEST:



A handwritten signature in blue ink, which appears to read "Carolyn Higgins". The signature is written over a horizontal line.

Carolyn Higgins, Board Secretary