

Regulation 3311.1: Uniform Public Construction Cost Accounting Procedures

Status: DRAFT

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Public project, in regard to the Uniform Public Construction Cost Accounting Act (UPCCAA or CUPCCAA), means any of the following: (Public Contract Code 22002)

1. Construction, reconstruction, erection, installation, alteration, renovation, improvement, demolition, and repair work involving any district-owned, leased, or operated facility
2. Painting or repainting of any district-owned, leased, or operated facility

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:

1. Public projects of \$~~60,000~~75,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)
2. Contracts for public projects of \$~~200,000~~220,000 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)
 - a. The Superintendent or designee shall prepare a notice inviting informal bids, which describes the project in general terms, explains how to obtain further information about the project, and states the time and place for the submission of bids.

This notice shall be disseminated by mail, fax, or email to either or both of the following:

- i. All construction trade journals identified pursuant to Public Contract Code 22036
 - ii. All contractors on a list of qualified contractors maintained by the district for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due
 - b. The district shall review the informal bids that were submitted and award the contract, ~~except that:~~ as follows:
 - i. The contract shall be awarded to the lowest responsible bidder

If two or more bids are the same and the lowest, the district may accept the one it chooses

- ii. If all bids received through the informal process are in excess of \$~~200,000~~ 220,000, the contract may be awarded to the lowest responsible bidder, provided that the Governing Board adopts a resolution with a four-fifths vote to award the contract at \$~~212,500~~ 235,000 or less and the Board determines the district's cost estimate is reasonable.
 - iii. At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid

Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.

- iv. If no bids are received through the informal bid procedure, the project may be performed by district employees by force account or negotiated contract.
 3. Public projects of more than \$~~200,000~~ 220,000 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows: (Public Contract Code 22032, 22037, 22038)
 4. ~~Notice~~ The Superintendent or designer shall prepare a notice inviting formal bids ~~shall state~~ which states the time and place for receiving and opening sealed bids and distinctly describe the project.
 - a. The notice shall be disseminated in both of the following ways:
 - i. Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places

for posting its notices.

Such notice shall be published at least 14 calendar days before the date that bids will be opened.

- ii. By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036.

Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the district may give such other notice as it deems proper.

b. The district shall review the formal bids that were submitted and award the contract as follows:

- i. The contract shall be awarded to the lowest responsible bidder.

If two or more bids are the same and the lowest, the district may accept the one it chooses.

- ii. At its discretion, the district may reject all bids presented and declare that the project can be more economically performed by district employees, provided that the district notifies an apparent low bidder, in writing, of the district's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the district intends to reject the bid.

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- iii. If no bids are received through the formal bid procedure, the project may be performed by district employees by force account or negotiated contract.
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