

**TUOLUMNE CITY SANITARY DISTRICT
ORDINANCE NO 2012.7.11.12**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
TUOLUMNE CITY SANITARY DISTRICT**

WHEREAS, the Board of Directors of the Tuolumne City Sanitary District desires to govern the District's selection of contractors through informal bidding procedures, in accordance with California Public Contract Code Sections 22000 and following;

NOW, THEREFORE THE BOARD OF DIRECTORS OF THE TUOLUMNE CITY SANITARY DISTRICT DOES ORDAIN AS FOLLOWS:

INFORMAL BIDDING

1. Application
2. Definitions
3. Work of \$45,000 or Less
4. Informal Bidding Procedures
5. Contractor's List
6. Notice Inviting Informal Bids
7. Mailing of Notices Inviting Informal Bids and Project Description
8. Rejection of Bids/No Bids
9. Bids Received in Excess of \$175,000
10. Award of Contracts

1. APPLICATION

Contracts for Work of \$175,000 or less shall be governed by the Uniform Public Construction Cost Accounting Act, Division 2, Part 3, Chapter 2, of the Public Contract Code, Section 22000 et seq. and this Ordinance.

2. DEFINITIONS

For purposes of this part, and in accordance with the Uniform Public Construction Cost Accounting Act ("Act") (Public Contract Code Section 22000, et seq.), the terms are defined as follows:

a. "Public Project" means:

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

b. "Maintenance Work" means:

- (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes; or

- (2) Minor repainting; or
- (3) Resurfacing of streets and highways at less than one inch; or
- (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

c. "Work" means either a Public Project or Maintenance Work as defined above.

d. "Facility" means any plant, building, structure, ground facility, real property, streets and highways, or other public work improvement.

3. WORK OF \$45,000 OR LESS

Pursuant to Public Contract Code Sections 22003 and 22032(a), any Work as defined herein, of forty-five thousand dollars (\$45,000) or less may be performed by the employees of the District by force account, by negotiated contract, or by purchase order.

4. INFORMAL BIDDING PROCEDURES

Any Work, as defined herein, of one hundred seventy five thousand dollars (\$175,000.00) or less may be contracted for by the informal bidding procedures set forth in this part.

5. CONTRACTOR'S LIST

A list of qualified contractors for Public Projects, identified according to categories of work ("Contractors List"), shall be developed and maintained by the District in accordance with the minimum criteria determined by the California Uniform Construction Cost Accounting Commission ("Commission").

6. NOTICE INVITING INFORMAL BIDS

Where Work subject to the provisions of this part is to be performed and the Work does not meet the criteria set forth herein, or informal bidding is desired, 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, and to all appropriate construction trade journals as specified by the Commission. Additional contractors and/or construction trade journals may be notified at the District's discretion. If there is no Contractors List 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. If the product or service required to be performed is, in the discretion of the District's Engineer, determined to be 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.

7. MAILING OF NOTICES INVITING INFORMAL BIDS AND PROJECT DESCRIPTION

The mailing of notices to contractors and/or construction trade journals shall be completed not less than 10 calendar days before bids are due. The notice inviting bids shall: (1) describe the Work in general terms; (2) explain how more detailed information about the proposed Work may be obtained; and (3) state the time, date, and location for the submission of bids.

8. REJECTION OF BIDS/NO BIDS

a. The District Board of Directors may, in its sole discretion, reject any bids presented. If, after the first invitation of bids, all bids received are rejected, after reevaluating its cost estimates of the project, the District shall have the option of either of the following:

(1) The District may abandon the project or re-advertise for bids in the manner described in this part; or

(2) The Board of Directors may, by passage of a resolution by a four-fifths majority, declare that the project can be performed more economically by its employees; the District may have the project done by force account (i.e., by using internal resources including but not limited to labor, equipment, materials, supplies, and subcontracts of the District), without further compliance with this part.

b. If no bids are received, the project may be performed by force account without a Board of Directors resolution or by negotiated contract.

9. BIDS RECEIVED IN EXCESS OF \$175,000.00

If all bids received are in excess of \$175,000.00, the Board of Directors may, by passage of a resolution by a four-fifths vote, award the contract for \$187,500.00, or less, to the lowest responsible bidder, if the Board of Directors determines that the cost estimate was reasonable.

10. AWARD OF CONTRACTS

Except as specified under Section 3.30.090, dealing with bids in excess of \$175,000.00, the Board of Directors is authorized to award or enter into contracts pursuant to the provisions of this part. If informal bidding has been solicited, the District shall award the contract to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one he or she chooses.

Section 2. Section 8004 of the District's Administrative Code is amended to comply with this Ordinance.

Section 3. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the District or any officer or employee thereof a mandatory duty of care toward persons and property within or without the District so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board of Directors hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 5. This ordinance shall become effective seven (7) days after its publication or posting, whichever is used.

Section 6. Within fifteen (15) days after its final passage, the Board Secretary shall prepare and cause a fair and adequate summary of this ordinance to be posted or published in full accordance with Section 6490 of the Health and Safety Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the Board of Directors of the Tuolumne City Sanitary District held on, July 11, 2012 and pass by the following vote of the board members present.

On motion of board member Cenn, seconded by board member Feriani, the foregoing ordinance was duly passed by the Board of Directors of the Tuolumne City Sanitary District at a regular meeting thereof held on July 11, 2012 by the following vote:

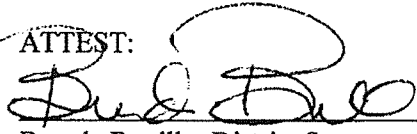
AYES: J. Feriani, C. Cenn, W. Waters, M. Lingo

NOES: 0

ABSTENTIONS: 0

ABSENT: S. Murray

ATTEST:


Brenda Bonillo, District Secretary

Resolution No. 2012-07