

## EXHIBIT "B"

4.20.110 **Purpose.** The purpose of Sections 4.20.110 to 4.20.115 is to establish procedures for public works construction projects in the City in compliance with the California Public Contract Code, Division 2, Part 1 and Division 2, Part 3, the Local Agency Public Construction Act, including the Alternate Provisions of the Uniform Construction Cost Accounting Act.

### 4.20.115 **Definitions.**

- A. "Public works project" shall include:
1. Construction, reconstruction, erection, alteration, renovation, improvement, demolition and repair work of City owned, leased or operated facilities.
  2. Maintenance work involving the routine, recurring and usual work for the preservation or protection of City owned, leased or operated facilities.
- B. "Public works project" does not include:
1. Minor repainting.
  2. Resurfacing of streets and highways less than one inch.
  3. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

### 4.20.120 **Bidding thresholds.**

A. **Projects \$60,000 or less.** Construction projects less than the amount specified in California Public Contract Code § 22032(a) may be performed by City forces, by negotiated contract or by purchase order.

B. **Projects \$200,000 or less.** Construction projects less than the amount specified in California Public Contract Code § 22032(b) may be let to contract by informal bidding procedures, set forth in Section 4.20.130 below, to the lowest responsible bidder.

C. **Projects \$200,000 or more.** Construction projects of more than the amount specified in California Public Contract Code § 22032(c) shall be let by formal bidding procedure, set forth in Section 4.20.135 below, to the lowest responsible bidder.

4.20.125 **Project splitting.** It shall be unlawful to split projects into smaller work orders or projects for the purpose of evading the provisions of this Chapter or applicable state laws.

### 4.20.130 **Informal Bidding Procedures.**

A. **Notice inviting bids.** The notice inviting bids shall describe the project in general terms and how to obtain more detailed information about the project, and state

the time and place for the submission of bids. Notice shall be provided in accordance with either Subsection B(1) or (2), or both.

**B. Notice to contractor.**

(1) The City shall maintain a list of qualified contractors, identified according to categories of work. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this division shall be completed not less than ten calendar days before bids are due.

(2) The City may elect to mail, fax, or email a notice inviting informal bids to all construction trade journals as specified in California Public Contract Code § 22036.

**C. Award of bids in excess of informal amount.** If all the bids received are in excess of \$200,000, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract up to \$215,000, to the lowest responsible bidder if it determines the cost estimate of the City was reasonable.

**4.20.135 Formal Bidding Procedures.**

Notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the City; or, if there is no newspaper printed and published within the City, in a newspaper of general circulation which is circulated within the City, or, if there is no newspaper which is circulated within the City, publication shall be by posting the notice in at least three places within the City as have been designated by ordinance or regulation of the City as places for the posting of its notices. The notice inviting formal bids shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in California Public Contract Code § 22036. The notice shall be sent at least 15 calendar days before the date of opening the bids. In addition, the City may also give such other notice as it deems proper, including mailing or e-mailing the notice to prospective vendors and contractors.

**4.20.140 Award.**

In both informal and formal bidding process, award shall be to the lowest responsible bidder. If two or more bids are the same and the lowest, the City may accept the one it chooses.

**4.20.145 Rejection of Bids.**

In its discretion, the City may reject any bids presented if the City declares that the project can be performed more economically by employees of the City. Prior to rejecting any

bids, the City shall furnish a written notice to an apparent low bidder informing the bidder of the City's intention to reject the bid. Said notice shall be mailed at least two business days prior to the hearing at which the City intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the City shall have the option of either of the following:

(a) Abandon the project or readvertise for bids, or

(b) With the passage of a resolution by a four-fifths vote of the City Council declaring that the project can be performed more economically by the employees of the City, may have the project done by force account.

4.20.150 **No bids.** If no bids are received through the formal or informal procedure, the project may be performed by the employees of the City by force account, or by negotiated contract.

4.20.155 **Contract and Change Order Signing Authority.**

4.20.160 **Signing Authority.** The City Manager, or designee, has the authority to award informal bids up to \$35,000 and to execute all contracts associated therewith. All informal bids and formal bids over \$35,000 shall be awarded by the City Council and executed by the City Manager, or designee.

4.20.165 **Change Orders.** The City Manager, or designee, is authorized to approve one or more change orders not exceeding in aggregate 10% of the contract award amount, unless the City Council has granted additional authority. All change orders over 10% will require City Council approval.

4.20.170 **Emergency Work.**

A. **Declaration of Emergency.** In the case of an emergency, the City, pursuant to a four-fifths vote of the City Council, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. The City Council, in a resolution, shall make findings that the emergency is such that it will not permit a delay which would occur from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

B. **Delegation of Authority.** The City Council, by a four-fifths vote herein, delegates to the City Manager the authority to make an initial determination of an emergency and take any action under subsection A.

(1) If the City Manager orders any action specified in subsection A, the City Manager shall report to the City Council, at its next meeting, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

C. **Review of the Emergency.**

(1) If the City Council orders any action specified in subsection A, the City Council shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

(2) If the City Manager orders any action specified in subsection A, the City Council shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

(3) The City Council shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.