

# ORDINANCE NO. .

## BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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### ORDINANCE AMENDING SECTIONS 2.55.030 AND 2.55.040, AND ADDING SECTION 2.55.050 TO CHAPTER 2.55 OF TITLE 2 OF THE SAN MATEO COUNTY ORDINANCE CODE TO UPDATE CALIFORNIA PUBLIC CONTRACT CODE PROCEDURES AND COST THRESHOLDS

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The Board of Supervisors of the County of San Mateo, State of California,

**ORDAINS** as follows:

#### **SECTION 1. FINDINGS AND DETERMINATIONS.**

- a) On June 14, 1994, this Board adopted Resolution No. 58373 authorizing the County of San Mateo (County) to become subject to the Uniform Construction Cost Accounting Procedures pursuant to California Public Contract Code (CPC), Section 22030 et seq.
- b) Effective January 2025, Assembly Bill 2192 updates Section 22030, et seq. and increases the threshold by which public projects can be performed by employees from \$60,000 to \$75,000 or less, authorizes public projects of \$220,000 or less to be procured under informal bidding procedures, and projects more than \$220,000 to be procured by a formal bidding procedure.
- c) The bill also authorizes the governing body of a public agency, in the event all informal bids received for the performance of that public project are in excess of \$220,000, to award the contract at \$235,000 or less to the lowest responsible bidder.

#### **SECTION 2. AMENDMENT OF CODE.**

Section 2.55.030 of Chapter 2.55 of Title 2, Administration, of the San Mateo County Ordinance Code is hereby amended to read as follows:

Section 2.55.030 - Competitive bidding on construction or repair contracts - when required:

- (a) Public projects exceeding two hundred twenty thousand dollars (\$220,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedures set forth in the California Public Contract Code.
- (b) Public projects of two hundred twenty thousand dollars (\$220,000) or less may be let to contract by informal bidding procedures as set forth in this chapter.
- (c) Public projects of seventy-five thousand dollars (\$75,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

In cases of great emergency, as determined by the Board of Supervisors, including, but not limited to, states of emergency defined in Section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of the operation or services of the County or to avoid danger to life or property, the Board of Supervisors, by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board of Supervisors, by contract, or by a combination of the two. The County Executive shall have the power to declare a public emergency subject to confirmation by the Board of Supervisors, by a four-fifths vote, at its next meeting. Paragraphs (b) and (c) of Section 2.55.040 of Chapter 2.55 of Title 2, Administration, of the San Mateo County Ordinance Code are hereby amended to read in their entirety as follows:

Section 2.55.040 - Informal bidding ordinance:

- b) Notice Inviting Formal Bids. All contractors on the list for the category of work being bid and/or all construction trade journals specified in Section 22036 of the Public Contracting Code shall be mailed, faxed, or emailed a notice inviting informal bids, unless the product or service is proprietary. The notice inviting informal bids shall be mailed, faxed, or emailed at least ten (10) calendar days before bids are due, shall describe the project in general terms, indicate how to obtain more detailed information about the project, and state the time, date, and place for submission of bids. If the product or service is proprietary in nature such that it can only be obtained from a certain contractor or contractors, the notice inviting bids may be sent exclusively to such contractor or contractors. All mailing of notices to contractors and/or construction trade journals to this subsection shall be completed not less than ten (10) calendar days before bids are due.
- c) Award of Contracts. The County Purchasing Agent and the Director of Public Works are each authorized to award and execute informal contracts pursuant to this section. If all bids received are in excess of two hundred twenty thousand dollars (\$220,000), the Board of Supervisors may, by the adoption of a resolution by a four-fifths vote, award the contract, at two hundred thirty-five thousand dollars (\$235,000) or less to the lowest responsible bidder if it determines the cost estimate was reasonable.

Section 2.55.050 of Chapter 2.55 of Title 2, Administration, of the San Mateo County Ordinance Code is hereby added to read in its entirety as follows:

Section 2.55.050 – Adjustment.

The Uniform Public Construction Cost Accounting Act authorizes a public agency to elect to become subject to uniform construction cost accounting procedures. Existing law provides for the development of cost accounting standards and an alternative

method for the bidding of public works projects by public entities. Pursuant to the Act, the maximum dollar amounts authorized by the Act for informal bidding and awarding projects are periodically subject to change by the state of California. The dollar amounts in this chapter shall be read and interpreted as whatever the maximum amounts authorized pursuant to the terms of the Act are, as it may be amended from time to time, or as such amounts have been adjusted by the State Controller in accordance with California Public Contract Code Section 22020. No amendment of this chapter shall be necessary for the County to utilize the higher amount if such amount has been authorized by the state of California in accordance with the Act.

**SECTION 3.** This Ordinance shall be effective thirty (30) days from the passage date thereof.

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