

ORDINANCE NO. 04462
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE ADDING CHAPTER 2.54 TO THE SAN MATEO COUNTY
ORDINANCE CODE SPECIFYING BIDDING PROCEDURES FOR PUBLIC WORKS
PROJECTS, AND ADOPTING UNIFORM CONSTRUCTION COST ACCOUNTING
PROCEDURES.**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. CHAPTER 2.54, entitled "Procedures for Contracting for Public Projects" is hereby added to ARTICLE 2.5 (PUBLIC WORKS AND COUNTY PROPERTY) of TITLE 2 (ADMINISTRATION), of the San Mateo County Ordinance Code, to read as follows:

Section 2.54.010. Definitions.

- (a) "Public project," as defined by Section 22002 of the California Public Contract Code, shall mean the construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any County-owned, leased, or operated facility; and the painting or repainting of any County-owned, leased, or operated facility; provided, however, that "public project" shall not include maintenance work as defined in Section 22002 of the California Public Contract Code.
- (b) The definitions employed in the California Public Contract Code Section shall govern the construction of this Chapter.

04462

Section 2.54.020. Findings and purpose.

- (a) It is the intent of the Board of Supervisors that the selection of contractors to perform public projects for the County shall be governed by the bidding procedures specified in the California Public Contract Code.
- (b) By the adoption of Resolution No. 58373 on June 14, 1994, this County has elected to become subject to the uniform construction accounting procedures pursuant to California Public Contract Code section 22030 *et seq.*

Section 2.54.030. Competitive bidding on construction or repair contracts – when required.

- (a) Public projects of more than One Hundred Twenty-Five Thousand Dollars (\$125,000) shall, except as otherwise provided in this article, shall be let to contract by formal bidding procedures set forth in the California Public Contract Code.
- (b) Public projects of One Hundred Twenty-Five Thousand Dollars (\$125,000) or less may be let to contract by formal bidding procedures or by informal bidding procedures as set forth in this chapter.
- (c) Public projects of Thirty Thousand Dollars (\$30,000) or less may be let to contract by formal or informal bidding, performed by negotiated contract, purchase order or by County employees by force account.

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 Manager 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.

Section 2.54.040. Informal Bidding Ordinance.

Except as otherwise provided herein, the provisions of Article 3, Chapter 2, Part 3, Division 2 of the Public Contracts Code shall be controlling.

- (a) Contractors List. The Director of Public Works shall maintain a list of qualified contractors, identified according to categories of work. The contractor's list shall be developed and maintained in accordance with criteria promulgated by the California Uniform Construction Cost Accounting Commission.
- (b) Notice Inviting Informal Bids. All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036 of the Public Contract Code shall be mailed a notice inviting informal bids, unless the product or service is proprietary. The notice inviting informal bids shall be mailed 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 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 construction trade journals pursuant to this sub-section 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 One Hundred Twenty-Five Thousand Dollars (\$125,000), the Board of Supervisors may, by the adoption of a resolution by a four-fifths vote, award the contract, at One Hundred Thirty-Seven Thousand Five Hundred Dollars (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate was reasonable.

SECTION 2. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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Regularly passed and adopted this 10th day of February, 2009.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Marie L. Peterson, Deputy
Clerk of the Board of Supervisors

04462