

## Article XXIII. Informal Bidding Procedures; ~~Declaration of~~ Delegations for Emergencies.

### Sec. 2-350. Authority and scope.

By resolution ~~of its board of supervisors, this board the County of Sonoma~~ elected to become subject to the procedures established pursuant to the Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22000 et seq.) hereinafter referred to as the "Act" and ~~has~~ notified the State Controller of such election. In compliance with Section 22034 of ~~said the~~ Act, this ~~Article~~ is adopted ~~as the procedure for the~~ letting ~~non-exempt work by informal bidding only for of certain contracts for~~ public projects, ~~as defined in Section 22002 of the Act, using the informal procedures and~~ within the limits set forth in Section 22032 ~~subdivision (b) of~~ ~~said the~~ Act, as adjusted from time to time pursuant to Section 22020 ~~of Act of the Act thereto~~. ~~All other public work project contracts not exempted from public bidding requirements shall be procured advertised and awarded in accordance with applicable provisions of state law and county policies.~~

~~This Article shall not apply to contracts or project work orders issued under a job order or individual annual contract for repair, remodeling, or repetitive work, including those engaged pursuant to Public Contract Code Section 20128.5.~~

### Sec. 2-351. Delegation of ~~duties~~ authorities.

- (a) ~~Subject to the provisions of this Article and Pursuant pursuant to Section 22034(e) of the Act Public Contract Code, the board of supervisors delegates the following duties to the purchasing agent and the director of public infrastructure are each delegated and authorized as follows on behalf of all county departments with regard to public project contracts up to the amount stated in Section 22032(b) of the Act, as may be adjusted from time to time pursuant to Section 22020 thereto:~~

- (1) ~~To solicit bids and award contracts;~~

~~As awarding officer, the purchasing agent shall solicit bids and award contracts for public projects funded by budget units managed under the control of the director of general services, director of transportation and public works, director of regional parks, the probation camp manager, the chief executive officer of community hospital, and for public projects of other county departments who have engaged such officials to manage the design and construction of such projects;~~

- (2) ~~The purchasing agent, as awarding officer, shall solicit bids and award contracts for public projects for any other county department not covered by subsection (a)(1) of this section.~~

- (3) ~~The purchasing agent shall To maintain a lists of contractors as herein provided;~~

- (4) ~~The purchasing agent shall have the authority To consent to the substitution of subcontractors pursuant to the Subletting and Subcontracting Fair Practices Act (California Public Contract Code Section 4100 et seq.);~~

- (5) ~~To order and issue approve change orders and contract additions as herein provided s to contracts awarded under this Article, in accordance with Section 2-355;~~

- (6) ~~To record a notices of completion.~~

(b) Pursuant to Section 22050(b) of the ~~Public Contract Code Act~~, ~~the board of supervisors delegates to the county administrator~~ executive officer is delegated and authorized the authority to order any action pursuant to Section 22050(a)(1) in the event of an emergency.<sup>1</sup>

(c) The director of public infrastructure, and any designee, is delegated and authorized to approve plans, specifications, and working details for the following, on condition of compliance with Section 2-28 of this Code with regard to any civil engineering functions performed:

- (1) All public project contracts up to the amount stated in Section 22032(b) of the Act, as may be adjusted from time to time, including as to any change orders or additions thereto;
- (2) All change orders, additions, or modifications to any public project contract awarded and approved by the board of supervisors; and
- (3) All public project contracts undertaken pursuant Public Contract Code Section 22050, and any other work performed or contracts awarded under exemption or procedure allowed by applicable law, including as to any change orders or additions thereto.

As to all such public projects, the director of public infrastructure is hereby delegated all other discretionary authority to approve any other designs, plans specifications, working details, changes, and additions as to any such work which, in his official and professional judgment, is reasonable and in accordance with accepted engineering and industry practices and standards consistent with best ensuring safe, long-lasting, and quality County public facilities.

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#### Sec. 2-352. Contractors list.

Contractor listings, identified according to categories of work, shall be maintained and administered ~~under this article~~ by the purchasing agent. ~~Contractor listing shall be developed and maintained~~ in accordance with Section 22034 of the Act and the minimum criteria determined by the California Uniform Construction Cost Accounting Commission. The lists may be revised by the purchasing agent from time to time to remove inactive names.

#### Sec. 2-353. Notice inviting informal bids.

- (a) For all public projects subject to informal bidding under this article, a notice inviting informal bids shall be mailed, faxed, or emailed to all contractors on the list developed in accordance with Section 2-352, for the category of work to be bid. 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 Contract Code, or any successor statute, shall be mailed or receive mailed, faxed, or emailed notice inviting informal bids unless the product or service is proprietary. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, said notice may be sent exclusively to such contractor or contractors.
- (b) ~~The notice inviting informal bids shall include a project description in general terms, the time and place for submission of bids, and information on how to obtain more detailed information on the project.~~
- (c) ~~All mailing of said notices to contractors to contractors and construction trade journals pursuant to subsection (b) of this section shall be completed not less than ten (10) calendar days before bids are due.~~

<sup>1</sup>\* See Chapter 10 of Sonoma County Code for further provisions on emergencies.

(b) The notice inviting informal 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.

#### Sec. 2-354. Contract award.

- (a) ~~Except as otherwise permitted under applicable law, t~~The contract shall be awarded to the lowest responsible bidder ~~in accordance Section 22038 of the Act (or any successor statute), if the purchasing agent considers the bid to be reasonable, sufficient funds have been appropriated, and the bid is within the limits prescribed for award. If two or more bids are the same and the lowest, the purchasing agent may accept the bid it chooses after consultation with the county department undertaking the project.~~
- (b) If all bids received are in excess of ~~one hundred seventy five thousand dollars (\$175,000.00) the amount set forth in Section 22034(d) of the Act, as may be adjusted by the State Legislature from time to time,~~ the board of supervisors may, by ~~passage adoption~~ of a resolution by a four-fifths vote, award the ~~contract contract at one hundred eighty seven thousand dollars (\$187,000.00) or less,~~ to the lowest responsible bidder at any amount up to the limit set forth in said Section 22034(d), if it determines the cost estimate was reasonable.
- (c) ~~Upon completion of a project, the purchasing agent shall record a notice of completion.~~

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#### Sec. 2-355. Change orders.

~~The purchasing agent may order and approve changes issue C changes orders or additions to may be made in the contracts awarded under this AArticle, with the following limitations:~~

- (a) Appropriated funds are available to cover the cost of the change or addition; and
- (b) Each individual change or addition is within the maximum amount allowed under Public Contract Code Section 20142 (or any successor statute), as such amounts may be adjusted by the State Legislature from time to time. Neither the net sum of any individual change nor the sum of all changes in the aggregate increase the total contract amount by more than the amount specified in Section 22032(a) of the Act as may be adjusted from time to time;
- (c) ~~Neither the net sum of any individual change nor the net sum of all changes in the aggregate increases the total contract amount by more than ten percent (10%) of the amount specified in Section 22032(b) of the Act, as adjusted from time to time; and~~
- (d) ~~The purchasing agent considers the change to be reasonable.~~

#### Sec. 2-356. ReservedSubcontractors.

~~All contracts awarded pursuant to this Aarticle shall be subject to the provisions of the Subletting and Subcontracting Fair Practices Act (California Public Contract Code Section 4100 et. seq.).~~

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#### Sec. 2-357. Alternative procedures.

Nothing in this Aarticle shall prohibit or restrict:

- (a) ~~The board of supervisors or the Sonoma County road commissioner~~director of public infrastructure from utilizing, as an alternative to the procedures set for in the Act and this Aarticle, the procedures set forth in Article 25 of Chapter 1, commencing with Section 20390, of the Public Contract Code (commencing with Section 20390).
- (b) ~~The county executive officer from utilizing any authority taken under Chapter 10 of the Sonoma County Code.~~

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(c) Work performed or cContracts awarded procured under exemption or procedure allowed by applicable law.

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