

## **Article XXIII. Informal Bidding Procedures; Delegations for Emergencies.**

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

By resolution of its board of supervisors, 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 notified the State Controller of such election. In compliance with Section 22034 of the Act, this Article is adopted for the letting 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 of the Act, as adjusted from time to time pursuant to Section 22020 of the Act.

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 authorities.**

- (a) Subject to the provisions of this Article and pursuant to Section 22034 of the Act, the purchasing agent and the director of public infrastructure are each delegated and authorized as follows 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:
  - (1) To solicit bids and award contracts;
  - (2) To maintain lists of contractors;
  - (3) To consent to the substitution of subcontractors pursuant to the Subletting and Subcontracting Fair Practices Act (Public Contract Code Section 4100 et seq.);
  - (4) To order and approve change orders and contract additions;
  - (5) To record notices of completion.
- (b) Pursuant to Section 22050(b) of the Act, the county executive officer is delegated and authorized 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

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

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- (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.

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

Contractor listings, identified according to categories of work, shall be maintained and administered by the purchasing agent 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, 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. All mailing of said notices shall be completed not less than ten (10) calendar days before bids are due.
- (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, the contract shall be awarded to the lowest responsible bidder in accordance Section 22038 of the Act (or any successor statute), if sufficient funds have been appropriated. 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 the amount set forth in Section 22034(d) of the Act, as may be adjusted from time to time, the board of supervisors may, by adoption of a resolution by a four-fifths vote, award the contract to the lowest responsible bidder at any amount up to the limit set forth in Section 22034(d), if it determines the cost estimate was reasonable.

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

The purchasing agent may order and approve changes or additions to contracts awarded under this Article, 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.

#### **Sec. 2-356. Reserved**

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**Sec. 2-357. Alternative procedures.**

Nothing in this Article shall prohibit or restrict:

- (a) The board of supervisors or the director of public infrastructure from utilizing, as an alternative to the procedures set for in the Act and this Article, the procedures set forth in Article 25 of Chapter 1 of the Public Contract Code (commencing with Section 20390).
- (b) The county executive officer from utilizing authority under Chapter 10 of the Sonoma County Code.
- (c) Work performed or contracts awarded under exemption or procedure allowed by applicable law.