



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 6/3/2025

To: Board of Supervisors

Department or Agency Name(s): Sonoma County Public Infrastructure

Staff Name and Phone Number: Johannes J. Hoevertsz, 707-565-2550

Vote Requirement: 4/5th

Supervisory District(s): All

Title:

Amendments to Sonoma County Code: Updates to CUPCCA Informal Bidding and Establishment of Road Commissioner Authorities— Adopt

Recommended Action:

- A) Adopt an Ordinance amending Article XXIII of the Sonoma County Code, to increase certain construction contract bidding and award limits, clarify certain emergency and other alternative contracting authorities, and make other changes as permitted by State law. (4/5ths Vote Required)
- B) Adopt an Ordinance amending Article II of the Sonoma County Code, to adopt certain procedures and authorize the director of public infrastructure as to the procurement, award, and administration of contracts for work on County highways.

Executive Summary:

The Sonoma County Public Infrastructure Department (SPI) is recommending two major revisions to the Sonoma County Code:

The first is to align with increased contract award authority permitted under the California Uniform Public Construction Cost Accounting (CUPCCA) Act. State law allows construction contracts up to \$75,000 to be directly negotiated or performed using County forces, and contracts up to \$220,000 to be solicited and awarded using expedited procedures and by delegated officers. The proposed amendments will codify the current CUPCCA allowances and provide for automatic increases in the event that CUPCCA allows further increases.

The second is to codify the “road commissioner” procedures and authorities as to contracts for work on County highways, as allowed under State law. These procedures and authorities would allow the director of public infrastructure to procure, award, and manage contracts for construction, reconstruction, emergency work, and maintenance on County roadways.

These changes enhance efficiency while maintaining fiscal responsibility and legal compliance.

On May 6, 2025, two proposed ordinances were introduced recommending an amendment to the Sonoma County Code Chapter 2, Article XXIII- 'Informal Bidding Procedures, Declarations of Emergencies,' recommending these two changes.

Discussion:

CUPCCA Update:

The Uniform Public Construction Cost Accounting Act (CUPCCA), codified as part of the California Public Contract Code (§§ 22000-22045), was enacted in 1983 to provide a more efficient and standardized approach to public construction contracting. CUPCCA helps local governments expedite small- to mid-sized construction projects while maintaining fairness, transparency, and cost control. Since its enactment, CUPCCA has been amended multiple times to increase bidding thresholds in response to inflation and evolving construction costs.

As of January 1, 2025, CUPCCA was amended to increase bid thresholds for covered public works projects. The amendments increased the threshold (previously \$60,000; now \$75,000) for projects that can be performed using force account labor (in-house workforce), negotiated contracts, or purchase orders. For projects estimated above \$75,000 but less than \$220,000 (previously \$200,000), agencies may utilize the informal bidding process, a streamlined procurement method without the formality and requirements of standard high-dollar construction contracts. Generally, public projects exceeding \$220,000 will require a formal bidding process. These changes are intended to streamline project delivery, reduce administrative costs, and improve efficiency for agencies participating in CUPCCAA.

In light of these increased allowances under CUPCCA, SPI is recommending amendments to Sonoma County Code Article XXIII, to align with CUPCCA limits. The proposed amendments also provide for automatic increases under the County Code in the event that CUPCCA is later amended to increase bidding thresholds and informal award authorities. By tethering the County's contract bidding and award amounts to then-current CUPCCA thresholds (instead of using specified dollar amounts), administrative delays will be reduced while maintaining compliance with State regulations.

In addition to updating the County Code to reflect existing and future CUPCCA allowances, the proposed amendments also make the following significant updates:

1. Clarifies authority for approving plans, specifications, and other working details for projects issued under CUPCAA authority;
2. Clarifies departmental authority for approving change orders and related project materials for contracts awarded under CUPCCA;
3. Reaffirms authority for alternative procurement procedures under State law, including as to emergency contracts.

Road Commissioner Authority:

Under CUPCCA and applicable State law, the Board of Supervisors may utilize and authorize the procedures and authorities set forth in Public Contract Code Section 20390 et seq., for construction, repair, and maintenance of county highways. Pursuant to Public Contract Code Section 20395:

“In any county that has appointed a road commissioner pursuant to Section 2006 of the Streets and Highways Code, or in any county that has abolished the office of road commissioner and complied with Section 2006.1 of the Streets and Highways Code, the board of supervisors may authorize the road commissioner, or a registered civil engineer under the direction of the county director of transportation, to have any work upon county highways done under their supervision and direction.”

Accordingly, these alternative procedure and authorities are commonly referred to as “Road Commissioner authority.”

All contracts procured under this Road Commissioner authority must comply with the noticing, solicitation, and competitive bidding requirements as set forth in the Public Contract Code, which include formulation of plans and specifications for project work, publication of bid opportunities in local newspaper publications, sealed bids, and award to lowest responsible bidder.

Pursuant to Sonoma County Code Section 2-28, all duties of the County Road Commissioner were transferred to the Director of Public Infrastructure, as permitted by the Streets and Highways Code.

At various time, your Board has approved utilization of these procedures, as a means to expedite delivery of disaster- and storm-related road repair projects, including the recent April 15, 2025, approval for Specified Flood Disaster Projects on Westside Avenue, Cavedale Road, West Soda Rock Lane, Wohler Road, and Giovanetti Road, and the 2023 delegation (pursuant to Resolution 23-0337, dated July 11, 2023) for funded road projects through Fiscal Year 2026-27.

To improve project delivery time, respond to emergency needs, eliminate need for unnecessary Board of Supervisors approvals of funded road projects, and otherwise streamline administration of County roadway project work, SPI recommends that the Road Commissioner procedures and authorities be authorized in general and codified for use on all applicable road projects. The proposed Ordinance codifies these procedures and authorities, and establishes criteria for their application, which include:

1. Funding contingencies: work will only be permitted if there is sufficient funding, in accordance with approved budgets;
2. All work to be procured using the competitive bidding and award requirements as set forth in the Road Commissioner rules under the Public Contract Code;
3. All work to be pursuant to public declaration by the director of public infrastructure; and
4. Emergency work to be performed only during the period of the emergency need.

If adopted, the Ordinance would allow the Director of Public Infrastructure to procure, award, and manage all contracts for construction, reconstruction, emergency work, and maintenance of County roadways. The

Ordinance also would delegate authority during emergencies to the Director to obtain and execute contracts for services agreements necessary for emergency roadwork, without need for competitive procurement or being subject to any sole source waiver requirements under the Sonoma County Code.

The proposed amendments provide a structured framework that enhances the County's ability to execute contracts and manage projects effectively, supporting the County's broader strategic objectives while ensuring responsible stewardship of public funds.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

5/06/2025: Ordinance First Read

2/7/2012: Ordinance Amending Chapter 2, Article XXIII Section 2-354 of the Sonoma County Code in Order to Revise Informal Bidding Limits as Authorized by the Uniform Public Construction Cost Accounting Act

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

There are no fiscal impacts associated with this recommended action.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

1. Ordinance to Amend Sonoma County Code, Article XXIII
2. Attachment A: Amendments to Sonoma County Code, Article XXIII (redline)
3. Attachment A: Amendments to Sonoma County Code, Article XXIII (clean)
4. Ordinance to Add Road Commissioner Authority

Related Items "On File" with the Clerk of the Board:

None