



## **ORDINANCE NO. 195**

### **AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT ADDING RULE 19.9 PROVIDING INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

#### **FINDINGS**

1. On April 15, 2024, the Board of Directors of the Monterey Peninsula Water Management District (District), by Resolution No. 2024-04, elected under Public Contract Code (PCC) Sections 22000-22050 to become subject to the California Uniform Public Construction Cost Accounting (CUPCCA) procedures set forth in the CUPCCA Act (Act) and to the CUPCCA Commission's (Commission) policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directed the CFO/ASD Manager to notify the State Controller forthwith of the election.
2. The District notified the State Controller of adoption of Resolution No. 2024-04. On April 17, 2024, the Commission confirmed the District's enrollment in the Act pursuant to PCC §22030.
3. The PCC §22034 requires a public agency that elects to become subject to the Act to enact an informal bidding ordinance to govern the selection of contractors to perform public projects by informal bidding procedures pursuant to Section 22032. The PCC §22034 provides the language incorporated herein as Rule 19.9.
4. The Board of Directors determined that this Ordinance is limited to the amendment of its internal rules and, as such, lacks any potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This Ordinance does not constitute a Project as that term is defined by Section 15378 of the California Environmental Quality Act (CEQA) as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

**NOW THEREFORE** it be ordained as follows:

## ORDINANCE

**Section One: Short Title**

This Ordinance shall be known as the Informal Bidding Procedures under the California Uniform Public Construction Cost Accounting Act.

**Section Two: Purpose**

The purpose of this Ordinance is to meet the requirements set forth in the Uniform Public Construction Cost Accounting Act pursuant to California Public Contract Code §22030-22045, which the District adopted by Resolution 2024-04.

**Section Three: Addition of Rule 19.9, Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act**

The following text shall be added as Rule 19.9 – Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act:

**RULE 19.9 -- INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

1. Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in Section 22032 of the California Public Contract Code, may be let to contract by informal procedures.
  
2. Where a public project is to be performed which is subject to the provisions of this Rule, a notice inviting informal bids shall be circulated using one or both of the following alternatives:
  - a. The District shall maintain a list of qualified contractors, identified according to categories of work. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than ten (10) calendar days before bids are due.
  
  - b. Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the

California Public Contract Code. Additional contractors and/ or construction trade journals may be notified at the discretion of the department soliciting bids.

4. 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.
5. The Board of Directors of the Monterey Peninsula Water Management District may award informally bid contracts or may delegate the authority to award these contracts to the General Manager, Chief Financial Officer, District Engineer or other appropriate person.
6. If all bids received are in excess of the limit set forth in Section 22032 of the California Public Contract Code, the Board of Directors may, by adoption of a resolution by a four-fifths vote, award the contract, up to the limit set forth in Section 22034 of the California Public Contract Code , to the lowest responsible bidder, if it determines the cost estimate was reasonable.

**Section Four: Publication and Application**

The provisions of this Ordinance shall cause the republication and amendment of the permanent Rules and Regulations of the Monterey Peninsula Water Management District.

**Section Five: Effective Date and Sunset**

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage. This Ordinance shall not have a sunset date. Should MPWMD elect to no longer be subject to the California Uniform Public Construction Cost Accounting Act, this Ordinance shall be repealed.

**Section Six: Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that

one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

**PASSED AND ADOPTED** on this 16<sup>th</sup> day of September 2024 on a motion by Eisenhart with a second by Riley by the following vote, to wit:

AYES: Oglesby Adams, Eisenhart, Paull, Edwards, Riley and Anderson

NAYS: None

ABSENT: None

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing ordinance was duly adopted on the 16<sup>th</sup> day of September 2024.

Dated: September 17, 2024

  
David J. Stoldt  
Secretary to the Board

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