

McCLOUD COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 24

**THE PROVISION OF INFORMAL BIDDING PROCEDURES
UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT
(PUBLIC CONTRACT CODE SECTION 22000, et seq.)**

The Board of Directors of the McCloud Community Services District ordains as follows and hereby adds Ordinance 24 to the Ordinance Code of the McCloud Community Services District:

Section 1 – Findings and Purpose

It is in the public interest for the Board of Directors of the McCloud Community Services District to elect to become subject to the Uniform Public Construction Cost Accounting Act Procedures adopted by the California Uniform Construction Cost Accounting commission pursuant to Public Contract Code Section 22000 et seq.

Performance of District construction and maintenance projects in accordance with these procedures will enable the District to perform said projects with its own staff and/or by contracts ordered through informal bidding procedures when it is in the best public interest of the District to do so.

Section 2 – Informal Bid Procedures

Public projects as defined by the Act in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000.00) or less, and/or as revised by the State Controller pursuant to Public Contract Code Section 22020, may be let to contract by informal procedures as set forth in Section 22032 et seq. of the Public Contract Code.

Section 3 – Development, Maintenance and Use of Contractors List

The General Manager shall develop a list of qualified contractors eligible to submit bids on informal contracts awarded by the District. The list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and minimum criteria propagated from time to time by the California Uniform Public Construction Cost Accounting Commission.

The contractors list shall be organized in accordance with the license classifications utilized by the Contractors State License Board and according to categories of work. The General Manager of the District shall, during November of each year, mail a written notice to all construction trade journals designated by the Commission for that County in which the District is located pursuant to Public Contract Code Section 22036 inviting all licensed contractors to submit the name of their firm to the District for inclusion on the District's list of qualified bidders for the following calendar year.

The written notice shall require that the contractor provide the name and address to which a Notice to Contractors of Proposal should be mailed, a telephone number at which the contractor may be reached, the type of work which the contractor is interested in and currently licensed to do, together with the class

of contractor's license held and contractor's license number. The District may include any contractor's name it desires on the list, but the list must include at a minimum all contractors who have properly provided the District with the information required as set forth above. A contractor may have his firm added to the District's contractors list at any time by providing the required information.

Section 4 – Notice Inviting Informal Bids

Where a public project is to be performed subject to this ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the contractors list developed and maintained by the District, and all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the District provided however:

1. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission; and
2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Section 5 – Award of Contracts

The General Manager of the District is authorized to award informal contracts pursuant to this Section. At the time provided in the notice inviting informal bids, the General Manager shall open all bids timely received and, upon approval by the Board of Directors, shall award a contract to the lowest responsible bidder. If two or more bids are the same and lowest, the Board of Directors may choose the contractor to whom the contract is to be awarded. If no bids are received, the General Manager may again solicit informal bids, perform the work with District employees, or negotiate an informal contract with a contractor chosen by the District General Manager.

The Board of Directors hereby delegates to the General Manager of the District the power to declare a public emergency as defined in Public Contract Code Section 22035 and to accomplish repairs and/or replacements as permitted by said Section. Such work shall be performed without the benefit of informal or formal bidding and without adoption of plans, specifications or working details, provided that such repair or replacements are necessary to permit the continued conduct of the operation or services of the District or to avoid danger to life or property. The General Manager of the District shall provide a full report on the emergency work performed at the next meeting of the Board of Directors, at which time the Board may confirm the existence of such public emergency by a four-fifths (4/5) vote and may take such other action necessary including but not limited to decisions as to whether the authorized work should continue without the benefit of informal or formal bidding.

Section 6 – Effective Date

This Ordinance shall take effect and be enforced thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the members of the Board of Directors voting for and against the same in a newspaper of

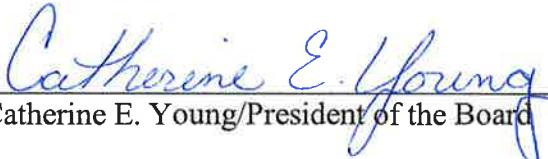
general circulation published in the County of Siskiyou.

The foregoing ordinance was introduced at a regular meeting of the Board of Directors of the McCloud Community services District held on 08 January 2007 and given a first reading at said meeting. Director Schoenstein moved the adoption of said ordinance, which motion was seconded by Director Kleinhans and upon roll call was carried by the following vote:

Ayes: Dalton, Dickinson, Kleinhans, Schoenstein and Young
Noes: None
Absent or Abstaining: None

A summary of said ordinance was published in the Mt. Shasta Herald, a newspaper of local circulation on January 31, 2007 and was posted on January 12, 2007 in three (3) locations throughout the community. The ordinance was presented for a second reading and final adoption at the regular meeting of the Board of Directors of the McCloud Community Services District on February 12, 2007 and record of the vote appears as follows:

Ayes: Dalton, Dickinson, Kleinhans, Schoenstein and Young
Noes: None
Absent or Abstaining: None


Catherine E. Young/President of the Board

ATTEST: 
Beth Steele/Secretary of the Board