

## **RODEO SANITARY DISTRICT**

### **ITEM 9C**

#### **PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE OF THE RODEO SANITARY DISTRICT ESTABLISHING BIDDING PROCEDURES IN ACCORDANCE WITH THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (PUBLIC CONTRACT CODE SECTION 22000 ET SEQ.)**

#### **SUGGESTED AGENDA**

**March 14, 2023**

#### **AGENDA ITEM**

1. Public Hearing on proposed Ordinance 2023 – 300 establishing bidding procedures in accordance with the California Uniform Public Construction Cost Accounting Act procedures:

- a. Open hearing
- b. Receive comments, if any
- c. Close hearing

2. Discussion

3. Recommended Actions: Adopt ordinance to:

a. Enact an informal bidding procedure to govern the selection of contractors to perform public projects. (Pub. Contract Code, § 22034). The ordinance includes specified information, such as how notice to contractors and that the District Board has delegated the authority to award informal contracts to the District Manager. (Pub. Contract Code, § 22034.)

# ORDINANCE NO. 2023-300

## ORDINANCE OF THE RODEO SANITARY DISTRICT ESTABLISHING BIDDING PROCEDURES IN ACCORDANCE WITH THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (PUBLIC CONTRACT CODE SECTION 22000 ET SEQ.)

**WHEREAS**, on February 14, 2023, the Rodeo Sanitary District (“District”) elected to become subject to the Uniform Public Construction Cost Accounting Act (“Act”); and

**WHEREAS**, the Act requires participating agencies to adopt a bidding ordinance consistent with the bidding requirements under the Act.

**NOW, THEREFORE**, the Board of Directors of the Rodeo Sanitary District does hereby ordain as follows:

1. The bidding procedures attached hereto as Exhibit “A” are adopted and established for all District public works projects.
2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This Board of Directors hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.
3. The Board of Directors finds the adoption of this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly
4. This Ordinance shall, pursuant to Health and Safety Code Section 6490, be published in the West County Times, a newspaper of general circulation, and circulated within the Rodeo Sanitary District, and shall be effective March 15, 2023.

**PASSED AND ADOPTED** this 14th day of March, 2023, by the Board of Directors of the Rodeo Sanitary District by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Connie Batchelder, Board President  
Rodeo Sanitary District

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Richard Frakes, Secretary  
Rodeo Sanitary District

## **Exhibit "A"**

### **Public Works Contract Purchasing Procedures**

#### **Section 1. Definitions**

For the purposes of this Public Works Contract Purchasing Procedures, the following words and phrases shall have the following meanings:

1. **Act** means the Uniform Public Construction Cost Accounting Act (California Public Contracts Code Section 22000 *et seq.*).
2. **Commission** means the California Uniform Construction Cost Accounting Commission.
3. **District** means the Rodeo Sanitary District.
4. **Public project** has the meaning assigned to it under Public Contract Code Section 22002, as it may be amended from time to time.

#### **Section 2. Public Project Contracting Procedures**

The District shall follow the contracting procedures set forth in Article 3 of the Act (Public Contract Code Section 22030 *et seq.*).

#### **Section 3. Contractors List**

The District Manager, or his or her designee, shall compile and maintain a list of qualified contractors identified according to categories of work. This list shall comply with the requirements of the Act and the criteria promulgated, from time to time, by the Commission.

#### **Section 4. Informal Bidding**

- (a) When a public project is to be performed which qualifies for informal bidding, notice of such project shall be given as follows except where the product or service is proprietary:
  - (1) Notice shall be sent to all contractors on the contractors list for the category of work being bid or notice shall be given to all construction trade journals specified by the Commission for the receipt of such notice for Contra Costa County; or
  - (2) Additional notice to other contractors and/or trade journals may, in the discretion of the District, be given.
- (b) If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors in accordance with Public Contract Code section 3400 *et seq.*

- (c) All mailing of notices to contractors and/or construction trade journals shall be completed not less than ten days before bids are due.
- (d) The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.

**Section 5. Formal Bidding.**

- (a) When a public project is to be performed which qualifies for formal bidding, notice of such project shall be given as follows except where the product or service is proprietary:
  - (1) Notice shall be given to all construction trade journals specified by the Commission for the receipt of such notice for Contra Costa County and notice shall be published in a newspaper of general circulation printed and published in the jurisdiction of the District; and
  - (2) Additional notice to other contractors and/or trade journals may, in the discretion of the District, be given.
- (b) If the product or service to be acquired is proprietary in nature such that it can only be obtained from a certain contractor or contractors, notice inviting bids may be sent only to such contractor or contractors in accordance with Public Contract Code section 3400 *et seq.*
- (c) All notices to construction trade journals shall be completed not less than fifteen days before bids are due. All notices shall be published in a newspaper of general circulation not less than fourteen days before bids are due.
- (d) The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.

**Section 6. Award of Contracts**

The District Manager is authorized to award contracts for public projects of thirty-five thousand dollars or less. The Board of Directors shall award all contracts in excess of thirty-five thousand dollars.

**Section 7. Rejection of Bids**

The District Manager or the Board of Directors, as the case may be, may, in the District Manager's or Board of Directors' discretion, reject all bids and proceed as authorized by the Act.

**Section 8. Emergencies**

Emergency work shall be contracted for in accordance with Public Contract Code Sections 22035 and 22050.

# West County Times

1160 Brickyard Cove  
Suite 200, Rm 15  
Richmond, CA 94801  
(510) 262-2740

2015508

RODEO SANITARY DISTRICT  
ATTN: ACCOUNTS PAYABLE  
800 SAN PABLO AVE.  
RODEO, CA 94572-1232

## PROOF OF PUBLICATION FILE NO. March 14 Hearing

### West County Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**02/27/2023, 03/06/2023**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 6th day of March, 2023.



Signature

Legal No. 0006733656

### NOTICE OF PUBLIC HEARINGS RODEO SANITARY DISTRICT

NOTICE IS HEREBY GIVEN THAT on Tuesday, March 14, 2023, at the regular meeting of the Board of Directors of the Rodeo Sanitary District, beginning at 1:00 p.m. in the Board Room of the John Swett Unified School District Office, 400 Parker Ave., Rodeo, California, 94572, the Board will hold three public hearings as further described below.

One Public Hearing will be to consider the adoption of Ordinance No. 2023-300, an Ordinance establishing bidding procedures in accordance with the California Uniform Public Construction Cost Accounting Act procedures. The full text of proposed Ordinance 2023-300 is available for review during regular business hours at the Rodeo Sanitary District, 800 San Pablo Ave., Rodeo, California, 94572, and at the District's website [reodeosan.org](http://reodeosan.org). Oral or written presentations may be made prior to or at this Public Hearing.

The other Public Hearing will be to consider the adoption of Resolutions No. 2023-02 and No. 2023-03 directing that delinquent solid waste collection charges and delinquent sewer connection fees be collected by placing liens upon the properties that received the collection services and special assessments on the County's property tax roll. A list of delinquent accounts, if any, will be filed with the District and will be available for examination during regular business hours at the office of the District Administrator, 800 San Pablo Ave., Rodeo, California, 94572, upon reasonable request. At this Public Hearing, the Board will hear and consider all protests and objections to said proposed resolution, which protest or objections may be submitted in writing prior to the Public Hearing, or oral or written presentations may be made for consideration at the time of the Public Hearing.

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Nancy R. Lefebvre  
District Administrator  
Rodeo Sanitary District  
Contra Costa County, California

**WCT 6733656 Feb. 27; Mar. 6, 2023**