

AP 6345 Bids and Contracts - UPCCAA

Reference: **Education Code Section 81641 et seq.; Labor Code Sections 1770 et seq.; Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq. (Uniform Public Construction Cost Accounting Act (Act))**

Date Issued: November 9, 2021 Updated: October 17, 2024

Public Projects are defined in Public Contract Code (PCC) [Section 22002\(c\)](#) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, [installation](#), ~~or~~ painting or repainting of or involving any publicly owned, leased or operated facility.

[PCC 22032](#), as amended by [AB 2249](#) (Ch. 169, Statutes of 2018), establishes the following requirements based on the amount of the public project. Pursuant to [PCC 22020](#), the California Uniform Construction Cost Accounting Commission reviews these monetary limits every five years and recommends to the State Controller whether they need to be adjusted. The State Controller is required to notify all participating public agencies of any adjustment to these limits prior to the effective date.

Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, in accordance with the Uniform Public Construction Cost Accounting Act (UPCCAA) as follows

1. ~~Public projects within Public Contract Code 22032(a)~~Public projects of ~~\$60,000 or less~~ may be awarded by the Vice Chancellor–Business Services, and may be performed by district employees by force account, negotiated contract, or purchase order. ~~(Public Contract Code 22032).~~
2. ~~Contracts for public projects within Public Contract Code 22032(b)~~ public projects of ~~\$60,001 — \$200,000~~ may be awarded through the following informal procedures by the Vice Chancellor–Business Services: (Public Contract Code [22032](#), [22034](#), [22038](#)).
 - a. The Director of Purchasing and Contracts or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain further information about the project, and states the time and place for the submission of bids. This notice shall be disseminated by [eProcurement Software](#) ~~mail~~ or email to either or both of the following:
 - (1) All contractors on a list of qualified contractors maintained by the District for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due. The call for qualified contractors will be issued

Commented [KLR1]: January 1, 2025 limit will change from 60k to 75k

Commented [KLR2]: January 1, 2025 limits will change from 60-200k to 75-220k

Commented [KLR3]: January 1, 2025 Formal Bids limit changes from 200k+ to 220k and above. Our eProcurement software is Planet Bids.

annually but contractors may request to be added to this list at any time.

(2) All construction trade journals identified pursuant to Public Contract Code 22036.

b. The District shall review the informal bids that were submitted and award the contract, except that:

(1) If all bids received through the informal process are in excess of ~~formal bid limits \$200,000~~, the contract may be awarded to the lowest responsible bidder, provided that the Governing Board first adopts a resolution with a four-fifths vote to award the contract ~~at \$212,500 or less~~ and the Board determines the District's cost estimate is reasonable. (AB-2192)

Commented [KLR4]: AB-2192 amended the amount from \$212,500 to \$220,000

(2) If no bids are received through the informal bid procedure, the project may be performed by District employees by force account or negotiated contract.

3. Public projects within Public Contract Code 22034(d), amended by AB-2192, shall, except as otherwise provided by law, be subject to formal bidding procedures, and awarded by the Governing Board, as follows: (Public Contract Code 22032, 22037, 22038)

- a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:
1. Through publication in a newspaper of general circulation in the district's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the district as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.
 2. By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the District may give such other notice as it deems proper.

b. The District shall award the contract as follows:

- (1) The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses.
- (2) At its discretion, the District may reject all bids presented and declare that the project can be more economically performed by District employees, provided that the District notifies an

apparent low bidder, in writing, of the District's intention to reject the bid. Such notice shall ~~sent by electronic mail~~^{be mailed} at least two business days prior to the hearing at which the District intends to reject the bid.

(3) If no bids are received through the formal bid procedure, the project may be performed by District employees by force account or negotiated contract.

(4) District will process pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

Commented [KLR5]: Add pre-qualification for Public Works. Questions cover past performance, issues, financials, Stop Payment notices that resulted in litigation.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading legal requirements for competitive bidding (Public Contract Code 22033).

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission (Public Contract Code 22030).

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

Procedures Not Covered by this AP

When this procedure does not establish a process for bidding Public Projects, the procedures described in AP 6340 Bids and Contracts shall govern.

Contractors List

Lists of contractors shall be developed and maintained.

When Contractors List Has Not Been Prepared: Proprietary Product or Service
Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

Contracts for Maintenance Work

The District has elected to utilize the alternative bid limits for maintenance work pursuant to Public Contract Code [22003](#). Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance Work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids; Re-solicitation; Use of District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Governing Board declaring that the project can be performed more economically by District employees.

Emergency Actions

When formal bids are required by law but an emergency necessitates immediate repair or replacements, the Board may, upon a four-fifths vote of the Board, proceed to replace or repair a facility without adopting plans, specifications, strain sheets, or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Board and/or contractor. The emergency action shall subsequently be reviewed by the Board in accordance with Public Contract Code section [22050](#) and shall be terminated at the earliest possible date that conditions warrant, so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code [1102](#), [22035](#), [22050](#)).