

RESOLUTION #25/08-09

RESOLUTION OF THE BOARD OF TRUSTEES OF OHLONE COMMUNITY COLLEGE DISTRICT REGARDING THE ENACTING OF INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

WHEREAS, the District has adopted the uniform public construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act (the "Act") set forth at California Public Contract Code Section 22000 et seq.; and

WHEREAS, pursuant to the Act, if a public entity adopts the uniform public construction cost accounting procedures, such public agency may, in its discretion, adopt and implement the alternative bidding procedures and certain informal bidding procedures set forth in the Act commencing at California Public Contract Code Section 22030 et seq;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Ohlone Community College District hereby elects to become subject to the alternative bidding procedures set forth in the Act, as amended from time to time, and hereby adopts those informal bidding procedures, which currently include:

INFORMAL BID PROCEDURES

Contracts for public projects, as defined in the Act, of One Hundred Twenty-Five Thousand Dollars (\$125,000) or less may be let by informal procedures as set forth in Sections 22032 et seq., of the California Public Contract Code.

LIST OF CONTRACTORS

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the California Public Contract Code and criteria promulgated from time to time by the California Uniform Cost Accounting Commission. The list shall set forth the different categories of trade work that each listed contractor is qualified to perform on behalf of the District.

NOTICE INVITING INFORMAL BIDS

Where a public project is to be performed which is subject to the provisions of this policy, a notice inviting formal bids (which shall describe the project in general terms and how to obtain more detailed information about the project, including the time and place for submissions of bids) shall be mailed to: (1) all contractors for the category of work to be bid as shown in the list of contractors developed pursuant to this Resolution above, or (2) all trade journals specified in the California Uniform Cost Accounting Commission for Alameda County in accordance with section 22036 of the California Public Contract Code, or (3) both such contractors and such trade journals. All mailing of notices to the contractors and/or trade journals described above shall be completed not less than ten (10) calendar days prior to the date that the bids are due. Additional contractors and/or construction trade journals may be notified at the discretion of the Vice President, Administrative Services or Director, Purchasing and Contracts; 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 to the construction trade journals specified by the Commission and such other contractors and trade journals as the Director, Purchasing and Contracts may determine; except

- (2) if the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, in which case the notice inviting informal bids may be sent exclusively to such contractor or contractors.

AWARD OF CONTRACTS

The Board of Trustees may award informal contracts pursuant to this policy. If the lowest bid submitted by a responsible bidder exceeds \$125,000, but does not exceed \$137,500, the Board may nevertheless award the contract to such lowest responsible bidder if it determines, by 4/5th vote that the original cost estimate of the public agency was reasonable.

The Vice President, Administrative Services and the Director, Purchasing and Contracts are each authorized, without further action or authorization of the Board of Trustees, to award contracts bid pursuant to the informal bidding procedures adopted by these resolutions pursuant to Public Contract Code Section 22034(e) which allows the governing body of the public agency to delegate the authority to award informal contracts.

EMERGENCY WORK

Pursuant to Public Contract Code Section 22035, in the case of an emergency, the district may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. Before the board takes any action pursuant to this policy, it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. The governing board delegates by 4/5 vote of the board present to the Vice President, Administrative Services, the authority to order any action pursuant to this policy.

EFFECTIVE DATE

This resolution shall take effect and be in force as of the date of enactment.

PASSED AND ADOPTED by the Board of Trustees of the Ohlone Community College District in Fremont, California, this 10th day of June, 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, this instrument has been duly signed and sealed as of the 11th day of June, 2009.

President of the Board

ATTEST:

Secretary to the Board