

prescribed by District ordinances, resolutions, policies, and procedures, and as otherwise provided for by law.

- (2) Maintain the list of qualified contractors required pursuant to Section 2.C of this Ordinance.
- (3) Engage independent contractors to perform services for the District in accordance with the provisions of this Ordinance.
- (4) Engage independent contractors to construct, repair or furnish any building or structure consistent with the authority vested in the Purchasing Agent by this Ordinance.
- (5) When authorized, sell or dispose of surplus property of the District.
- (6) Perform such other services as the Board of Directors may from time to time by resolution require.

E. **Rules and Procedures.** The Purchasing Agent is charged with the authority and responsibility for coordinating and managing the procurement of goods, supplies, equipment, and services according to applicable law and this ordinance. This authority includes the responsibility to establish rules and procedures to ensure that applicable laws, regulations and procurement policies are followed.

2.03.020 Informal Bidding for Construction

- A. **Dollar amount limitations.** Public projects, as defined by the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code), of sixty thousand dollars (\$60,000) or less may be performed by District employees by force account, by negotiated contract, or by purchase order without obtaining competitive bids. Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this Section. If all bids received are in excess of \$200,000, the Board of Directors may, by adoption of a resolution by four-fifths vote, award the contract, at two hundred twelve thousand five hundred dollars (\$212,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the District was reasonable.
- B. **Informal bidding procedures.** Public projects, as defined by the Uniform Public Construction Cost Accounting Act (Section 22000, et seq. of the Public Contract Code) and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.
- C. **Contractors list.** A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- D. **Notice inviting informal bids.** Where a public project is to be performed that is subject to the provisions of this Section, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2(C) above, and/or to 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 that:

- (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.
- (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.

All notices to contractors and construction trade journals pursuant to this Section shall be issued not less than ten (10) calendar days before bids are due. 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.

- E. **Award of contracts.** The General Manager and the Purchasing Agent are each authorized to award informal contracts pursuant to this Section for projects that have been approved by the Board of Directors in the Capital Improvement Plan. The Board of Directors shall award all other informal contracts pursuant to this Section.
- F. **Change orders.** The General Manager may, without authorization of the Board of Directors, approve change orders for public projects awarded pursuant to this Section 2 that are up to 20% of the initial award amount for projects with an initial award up to \$200,000, and up to 15% of the initial award amount for projects with an initial award between \$200,000 and \$212,500.
- G. **Separation of Work Orders.** The District shall not split or separate into smaller work orders or projects any project for the purpose of evading the provisions this Ordinance or state law requiring work to be done by contract after competitive bidding.

2.03.030 Formal Bidding for Construction

- A. **Formal Bidding Required.** Except as otherwise authorized by this Ordinance, all public projects shall be constructed and all contracts for the construction of work shall be let pursuant to state law regarding competitive bids and the work shall be performed by the contractor who shall be found and determined by the Board of Directors to have presented the lowest responsible and responsive bid for each instance.
- B. **Construction approval by Board.** Plans and specifications shall be approved by the Board of Directors prior to the invitation of bids for construction projects subject to formal bidding.
- C. **General notice inviting bids.** Unless otherwise directed by the Board, each notice inviting bids shall be signed by the District Engineer and shall be published twice not less than five (5) calendar days apart in a newspaper of general circulation printed and published in Napa County at least fourteen (14) calendar days prior to the date fixed for receiving and opening bids. The notice shall also be mailed to all construction trade journals designated by the California Uniform Cost Accounting Commission to receive mailed notice for all informal and formal construction contracts being bid for work within Napa County at least thirty (30) calendar days prior to the date designated for opening bids.