



**NAPA-VALLEJO WASTE
MANAGEMENT AUTHORITY**

ORDINANCE NO. 2013-04

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
NAPA-VALLEJO WASTE MANAGEMENT AUTHORITY TO PROVIDE INFORMAL
BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST
ACCOUNTING ACT (PUBLIC CONTRACT CODE SECTION 22000 ET SEQ.)**

WHEREAS, the Uniform Public Construction Cost Accounting Act (Public Contracting Code Section 22000 et seq.), establishes a uniform cost accounting standard for public project construction work performed or contracted by local public agencies; and

WHEREAS, the Napa-Vallejo Waste Management Authority (“Authority”) intends to subject itself to the Uniform Public Construction Cost Accounting Procedures and desires to now adopt the necessary informal bidding procedures by ordinance as required by Public Resources Code Section 22034;

NOW, THEREFORE, the Board of Directors of the Authority ordains as follows:

SECTION 1. Informal Bidding Procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in Section 22032 of the Public Contract Code as amended from time to time, may be let to contract by informal procedures as set forth in Section 22030 et seq., of the Public Contract Code.

SECTION 2. Contractors List.

The Authority's Executive Director is authorized to develop and maintain lists of contractors 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. Where it is appropriate to provide for pre-qualification, the Executive Director may develop and maintain appropriate pre-qualification packets for different levels and/or categories of work.

SECTION 3. Notice Inviting Informal Bids.

Where a public project is to be performed which is subject to the provisions of 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 list developed in accordance with Section 2 of this ordinance, 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 Executive Director, provided however:

- A. If there is no list of qualified contractors maintained by the Authority 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 California Uniform Construction Cost Accounting Commission.
- B. 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 subsection (B) of this section shall be completed not less than ten 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.

SECTION 4. Award of Contracts.

The Executive Director is authorized to award informal contracts in the amount not to exceed the amount set forth in Section 22032(b) of the Public Contract Code as amended from time to time. The Board of Directors may, by adoption of a resolution by a four-fifths vote, award the contract, at the amount set forth in Section 22034(f) of the Public Contract Code as amended from time to time, to the lowest responsible bidder, if it determines the cost estimate of the Executive Director was reasonable. The Executive Director is further authorized to award contracts without the necessity of informal bidding pursuant to the amounts and mechanisms set forth under section 22032(a) of the Public Contract Code as amended from time to time.

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Napa-Vallejo Waste Management Authority hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Napa-Vallejo Waste Management Authority District Board of Directors, held on the 4th day of April, 2013, and adopted at a regular meeting of the Board of Directors, held on the 2nd day of May, 2013, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____

ATTEST BY:

Secretary of the Authority

<p style="text-align: center;">APPROVED AS TO FORM Office of AUTHORITY Counsel</p> <p>By: _____</p> <p>Date: _____</p>
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<p style="text-align: center;">APPROVED BY THE AUTHORITY BOARD OF DIRECTORS</p> <p>Date: _____</p> <p>Processed by: _____ Secretary of the Board</p>
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