

## **ORDINANCE NO. 36-9**

### **AN ORDINANCE ADOPTING POLICIES AND PROCEDURES RELATED TO DISTRICT PURCHASES AND PROVIDING INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

The Sanitary Board of Oro Loma Sanitary District, Alameda County, California, does ordain as follows:

#### **1. PURPOSE**

The purpose of this Ordinance is to establish policies governing District purchases in accordance with existing law and the District's mission to procure quality goods and services at the lowest possible cost, and in a timely and efficient manner. The Ordinance also establishes informal bidding procedures under the Uniform Public Construction Cost Accounting Act (UPCCAA).

#### **2. DEFINITIONS**

- A. "Board" means the Sanitary Board of the District.
- B. "Contractual Services" means any contract services not defined as professional services.
- C. "CMAS" – California Multiple Award Schedule – means the State of California purchasing process that makes competitively bid items available to local government agencies.
- D. "District" means Oro Loma Sanitary District or any of the divisions, offices or other organizational units thereof.
- E. "District Project/Construction Project" means the construction, reconstruction, alteration, enlargement, renewal or replacement of sewer facilities which the District is authorized to do, including, but not limited to, the furnishing of supplies or materials for any such work. (As defined in California Public Contract Code (PCC) and California Uniform Public Construction Cost Accounting Act.)
- F. "Emergency" means a great public calamity, such as a fire, flood, storm, epidemic, strike or other disaster or situation of national or local defense.
- G. "Equipment, supplies and materials" means those associated with District operations and not related to a "District Project", and approved for purchase by the District's Budget.
- H. "General Manager" means the General Manager of the District and/or his/her designee.

- I. “Professional Services Contracts” includes contracts for retention of engineers, consultants, attorneys, planners, contract labor for maintenance and operations, accountants, etc.
- J. “Repairs and Maintenance” means the acts of preservation, support, mending, restoration or renovation to prevent a decline in condition, but does not include any significant construction, reconstruction, alteration, enlargement, renewal or replacement of sewer facilities.

### 3. PURCHASING AUTHORITY

A. **ALL PURCHASES, INCLUDING SMALL CONTRACTS / PROJECTS, \$50,000 OR UNDER** included in the adopted budget shall be procured according to standard procedures developed by the General Manager, which include the issuing of purchase orders, the entering into of contracts, and the delegating of authority to subordinate staff with respect thereto. The purchasing procedures will provide for the fair and equitable treatment of all persons who wish to sell goods or provide services to the District; however, the District reserves the right to exercise exception rules when the purchase involves sole source; brand name or equal specifications for equipment, supplies, and materials; contract services; purchases from public utilities other than governmental agencies or in the best interest of the District, pursuant to exceptions as provided by law. The General Manager is authorized to enter into all such agreements and to execute contracts or purchases on behalf of the District.

B. **CONTRACTS / DISTRICT PROJECTS / CONSTRUCTION PROJECTS BETWEEN \$50,000 AND \$175,000**

Budget-approved District projects of up to \$175,000 shall be signed in the name of the District by the General Manager, in compliance with PCC and UPCCAA, as follows:

Informal Bid Procedures. Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the PCC may be let to contract by informal procedures as set forth in Section 22032, et seq., of the PCC. [As of this date, the limits prescribed are between \$45,000 and \$175,000; they may be adjusted in the future in accordance to changes to Section 22032 of the PCC].

Contractors List. A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the PCC and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (CUCCAC).

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 may be mailed to all contractors for the category of work to be bid, and shall be mailed to all construction trade journals as specified by the CUCCAC in accordance with Section 22036 of the PCC. Additional contractors and/or construction trade journals may be notified at the discretion of the District, provided 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 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.

#### 4. **USE OF THE CALIFORNIA MULTIPLE AWARD SCHEDULE (C.M.A.S.) PROGRAM**

Subject to the requirements of Public Contract Code Section 20800 *et seq.*, and notwithstanding provision 3 of this Ordinance, District Standard procedure I.B.1, or any other contrary District ordinance, provision or procedure, purchase of equipment, supplies, materials and services may be made without telephone or written quotations or other competitive bidding pursuant to the California Multiple Award Schedule (C.M.A.S.) program of the California Department of General Services. Purchases from C.M.A.S. contractors shall be by contract in accordance with C.M.A.S. requirements in effect at the time of purchase. Under the C.M.A.S. policy exception for districts and other local government agencies, purchases from C.M.A.S. contractors may be for any amount, subject to the authorization requirements of provision 3 of this Ordinance and District Standard Procedure I.B.1.

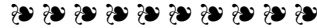
#### 5. **EMERGENCY PURCHASES**

- A. In a case of disaster or extreme emergency, the Board may pass a resolution by a four-fifths (4/5ths) vote of its members declaring that the public interest and necessity demand the immediate expenditure of District funds to safeguard life, health, or property. Upon adoption of the resolution, the Board may authorize expenses in any sum required in an emergency without complying with requirements of this Ordinance (see §6515.5 Health & Safety Code; §22050 Public Contract Code).
- B. In the case of such emergency, if a 4/5ths quorum of the Board is unavailable to convene a timely meeting of the Board, the General Manager (or a standby officer for that position) is authorized to determine that the public interest and necessity demand the immediate expenditure of District funds to safeguard life, health or property and may commit up to \$500,000 for such purpose without complying with the requirements of this Ordinance. The General Manager (or his standby officer) shall, at the earliest reasonable opportunity, notify the Board of such emergency and the need for such expenditure. Following such notification, the Board shall hold an emergency meeting to authorize or discontinue additional expenditures pursuant to the emergency (see §22050 Public Contract Code) purchase provision. (Resolution No. 2757)
- C. The Board has appointed the following individuals as “standby officers”, during an emergency or disaster, to carry out the responsibilities of the General Manager if the General Manager becomes incapacitated, killed, or otherwise unavailable to manage the affairs of the District:
  1. District Engineer
  2. Supervisor of Plant Operations

(See Resolution No. 2757, §8638 Government Code)

**6. EFFECTIVE DATE**

Upon adoption, this Ordinance shall be entered into the minutes of the Board, shall be posted for one week in three (3) public places within the District, shall be published once in the Daily Review, and shall take effect one week following its posting and publication, whichever occurs later.



I certify the foregoing is a full, true and correct copy of an ordinance duly and regularly adopted by the Sanitary Board of Oro Loma Sanitary District, Alameda County, California, at a meeting thereof held on the 18<sup>th</sup> day of February, 2014, by the following vote of the members thereof:

AYES, Members: Becker, Dias, Kerr, Landis, Sidari

NOES, Members: None

ABSENT, Members: None

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s/ Roland J. Dias, President

**COUNTERSIGNED:**

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s/ Timothy P. Becker, Secretary

Revised by A. Turon, M. Cameron, M. Cortez, P. Zolfarelli, A. Simion in March 2007  
Reviewed by Legal Counsel Riback on March 6, 2007  
Reviewed by Finance & Insurance Committee on March 16, 2007  
Revision approved by Board on March 20, 2007

Revised by W. Halsted, A. Simion, December 2013