

**UPDATING ALAMEDA' S
MUNICIPAL CODE
REGARDING
CONSTRUCTION BIDDING**

STAFF RECOMMENDATION

1

2-61.1 - Informal Bid Procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act, of seventy-five thousand dollars (\$75,000.00) or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

2-61.1 - Informal Bid Procedures.

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



California State
Controller's Office



California
Public Contract

PUBLIC CONTRACT CODE

22032. (a) Public projects of forty-five thousand dollars (\$45,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
(b) Public projects of one hundred seventy-five thousand dollars (\$175,000) or less may be let to contract by informal procedures as set forth in this article.
(c) Public projects of more than one hundred seventy-five thousand dollars (\$175,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

2

~~“2-59.2 – Submission of Terms to Council.~~

~~Whenever any public works contract with the City of Alameda must be approved or authorized by the City Council, the head of the department or other employee of the City entering into such contract shall submit to the City Council for its approval the plans and specifications for the work, services and materials to be furnished the City under such contract.~~

2-59.2 – Approval of Plans and Specifications

In accordance with Government Code 830.6 the City Council hereby delegates to the City Engineer, or his or her designee, the authority to approve plans, specifications, and designs, and all amendments and addenda thereto, field changes through the change order process and/or approval of as-built plans for all city public works projects.”



California
Government Code

GOVERNMENT CODE – GOV


830.6. Neither a public entity nor a public employee is liable under this chapter for an injury caused by the plan or design of a construction of, or an improvement to, public property where such plan or design has been approved in advance of the construction or improvement **by the legislative body of the public entity or** by some other body or **employee exercising discretionary authority to give such approval** of

Goals of the Update

- Conform to State Law
- Save up to 10% on project expenses
- Complete projects four months faster
- Enable Public Works to complete an ambitious number of facility CIPs
- Attract more small, local contractors to compete for the City's construction projects
- Increase the City's immunity from legal claims
- Eliminate unnecessary City Council approvals

Current Alameda Construction Bidding Procedures

Section 2-61 of the Alameda Municipal Code

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**ARTICLE V. -
ADMINISTRATIVE
PROCEDURES AND POLICIES**

**2-61 - BIDDING
PROCEDURES ON PUBLIC
PROJECTS AND GOODS
AND SUPPLIES.**

**2-61.1 - Informal Bid
Procedures.**

2-61 - BIDDING PROCEDURES ON PUBLIC PROJECTS AND GOODS AND SUPPLIES.

2-61.1 - Informal Bid Procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act, of seventy-five thousand dollars (\$75,000.00) or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

(Ord. No. 2473 N.S. § 1)

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CITY OF ALAMEDA ORDINANCE NO. 2473
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING CHAPTER 9 TO TITLE II OF THE ALAMEDA MUNICIPAL CODE TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE) AND TO ALLOW SIMILAR PROCEDURES FOR PURCHASE OF GOODS/SUPPLIES

BE IT ORDAINED by the Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by adding Chapter 9 to Title II as follows:

CHAPTER 9. BIDDING PROCEDURES

Article 1. Public Projects.
Article 2. Goods and Supplies.

Article 1. Public Projects

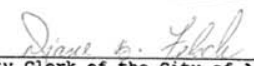
Sec. 2-61.1. INFORMAL BID PROCEDURES. Public projects, as defined by the Uniform Public Construction Cost Accounting Act, of Seventy-five Thousand Dollars (\$75,000) or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 6th day of February, 1990, by the following vote to wit:

AYES: Councilmembers Arnerich, Camicia, Thomas, Withrow and President Corica - 5.
NOES: None.
ABSENT: None.
ABSTENTIONS: None.

2-6-1990

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 7th day of February, 1990.


City Clerk of the City of Alameda

California State Controller and California Public Contract Websites



Controller Betty T. Yee
California State Controller's Office

California Uniform Construction Cost Accounting Commission

22032

Contracting Procedures; Dollar
Amount Limitations

- (a) Public projects of forty-five thousand dollars (\$45,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
- (b) Public projects of one hundred seventy-five thousand dollars (\$175,000) or less may be let to contract by informal procedures as set forth in this article.
- (c) Public projects of more than one hundred seventy-five thousand dollars (\$175,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

California Uniform Construction
Cost Accounting Commission

Cost Accounting Policies and
Procedures Manual



June 2015
Edition

California State Controller's Office



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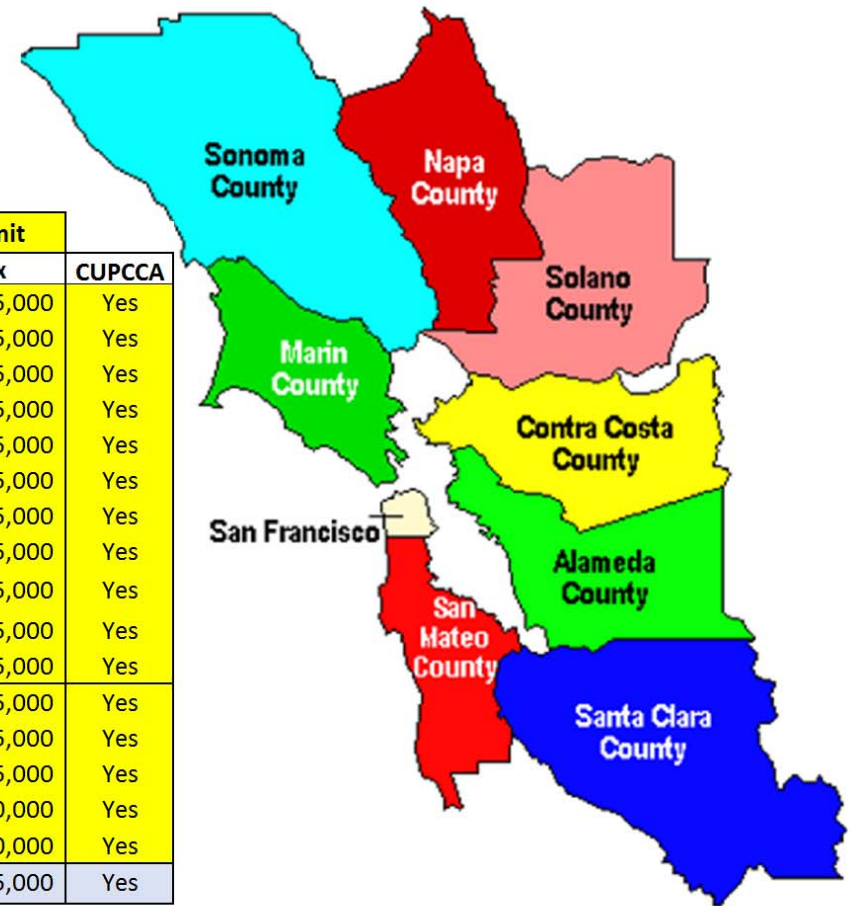
22032.

- (a) Public projects of forty-five thousand dollars (\$45,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
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- (c) Public projects of more than one hundred seventy-five thousand dollars (\$175,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

(Amended by Stats. 2011, Ch. 683, Sec. 2. Effective January 1, 2012.)

Comparison between Alameda and 16 Bay Area Cities

	City	County	Population	Land area sq mi	Informal Bid Limit		CUPCCA
					Min	Max	
1	Emeryville	Alameda	10,080	1.25	\$ 45,000	\$ 175,000	Yes
2	Pleasanton	Alameda	70,285	24.11	\$ 45,000	\$ 175,000	Yes
3	Union City	Alameda	69,516	19.47	\$ 45,000	\$ 175,000	Yes
4	Concord	Contra Costa	122,067	30.55	\$ 45,000	\$ 175,000	Yes
5	Walnut Creek	Contra Costa	66,900	19.77	\$ 45,000	\$ 175,000	Yes
6	Martinez	contra Costa	35,824	13.13	\$ 45,000	\$ 175,000	Yes
7	Campbell	Santa Clara	39,349	5.9	\$ 45,000	\$ 175,000	Yes
8	Healdsburg	Sonoma	11,517	4.46	\$ 45,000	\$ 175,000	Yes
9	Pittsburg	Contra Costa	63,264	17.22	\$ 45,000	\$ 175,000	Yes
10	South San Francisco	San Mateo	63,632	9.14	\$ 45,000	\$ 175,000	Yes
11	Napa	Napa	76,915	17.84	\$ 45,000	\$ 175,000	Yes
12	Fremont	Alameda	214,089	77.46	\$ 30,000	\$ 125,000	Yes
13	Alameda County	Alameda	1,510,271	821	\$ 25,000	\$ 125,000	Yes
14	San Rafael	Marin	57,713	22.42	\$ 30,000	\$ 125,000	Yes
15	Dublin	Alameda	46,036	14.91	\$ 45,000	\$ 100,000	Yes
16	Mountain View	Santa Clara	74,066	12	\$ 30,000	\$ 100,000	Yes
17	Alameda	Alameda	73,812	10.61	\$ 25,000	\$ 75,000	Yes



CUPCAA: California Uniform Public Construction Cost Accounting Act

Construction Contract Award Timetable

Current

VS.

Proposed

Current City Informal Bid Process



**8 ½ Months
Before Start of Construction**

Current PCC & CUPCCA



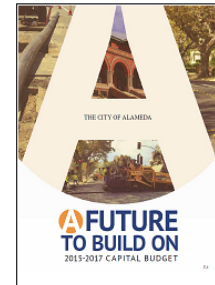
**4 ½ Months
Before Start of Construction**

No Changes to:


2-67 - PREVAILING WAGES.

- a. Contracts for public works projects, as defined in section 1720 et seq. of the California Labor Code shall be subject to prevailing wage law (Labor Code § 1770 et seq.), including projects that are solely funded by the City of Alameda. Any notice inviting bids for such public works projects shall include notification of the provisions of this section.
- b. The provisions of subdivision (a) shall not apply to projects involving the lease of existing buildings at the former Naval Air Station Alameda, commonly referred to as Alameda Point, where the lessee is making improvements valued at no more than one hundred thousand dollars (\$100,000.00).
- c. The provisions of subdivision (a) shall not apply to projects which have existing leases at Alameda Point with effective dates prior to August 2, 2012.

Alameda City Council has full control of Budget Allocations for all Capital Improvement Projects



Current Alameda Municipal Code Regarding Approval of Public Works Plans & Specifications Section 2-59.2 of the Alameda Municipal Code

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The nation's leading legal publisher.

2-59.2 - Submission of Terms to Council. **10-6-2009**

Whenever any public works contract with the City of Alameda must be approved or authorized by the City Council, the head of the department or other employee of the City entering into such contract shall submit to the City Council for its approval the plans and specifications for the work, services and materials to be furnished the City under such contract.

(Ord. 3001 N.S. § 1)

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CITY OF ALAMEDA ORDINANCE NO. ³⁰⁰¹ **10-7-2009**
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING SECTION 59 AT ARTICLE IV TO CHAPTER II PERTAINING TO CONTRACTS IN WRITING

WHEREAS, at the consolidated election of November 4, 2008, Alameda voters amended the City Charter by passage of Measure R; and

WHEREAS, Measure R added Article XXII, Section 13 to the City Charter, which requires a written contract when the consideration involved in the transaction is reasonably valued at more than an amount specified by ordinance; and

WHEREAS, related requirements would aid in the proper administration of contracts; and

Section 1. The Alameda Municipal Code is hereby amended by adding a new Article IV to Chapter II, which shall read as follows:

2-59.2. Submission of Terms to Council.

Whenever any public works contract with the City of Alameda must be approved or authorized by the City Council, the head of the department or other employee of the City entering into such contract shall submit to the City Council for its approval the plans and specifications for the work, services and materials to be furnished the City under such contract.

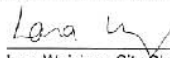
AYES: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson – 5

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 7th day of October, 2009

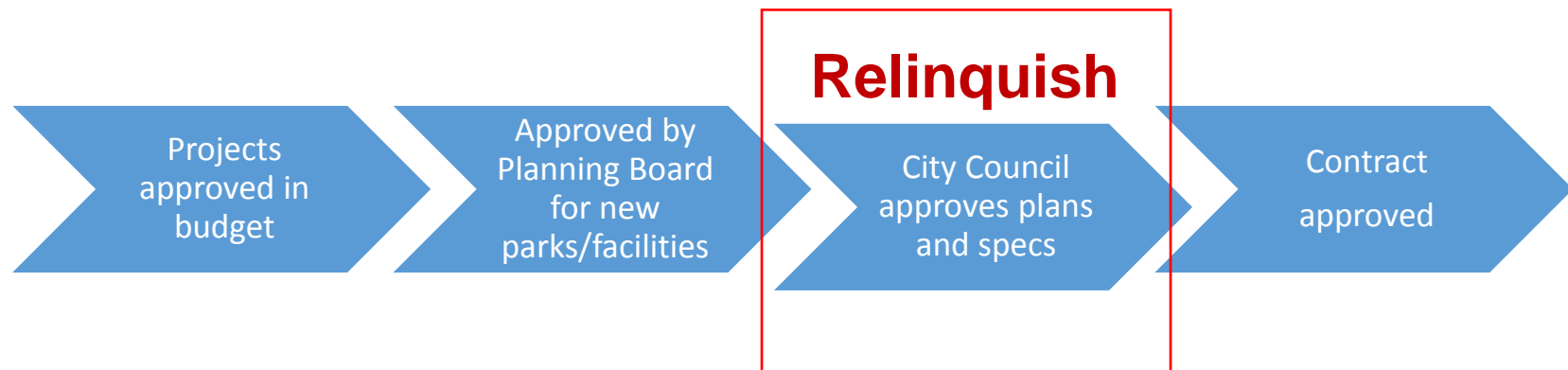

Lara Weisiger, City Clerk
City of Alameda

Designating City Engineer to Approve Plans and Specifications

Common Projects Affected, All on Consent Calendar



Number of City Council Approvals Before Work Begins



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