

California Uniform Construction Cost Accounting Commission

Meeting Agenda

Friday, September 15, 2023

10:00AM – 2:00PM

[Click here to join the meeting](#)

Teleconference Number (Audio Only)
916-318-8201 (United States (Sacramento))
Phone Conference ID: 728 223 56#

Locations

California State Controller's Office
300 Capitol Mall
6th Floor, Terrace Room 635
Sacramento, CA 95814

Live Oak Infrastructure
3450 Broad Street
San Luis Obispo, CA 93401

Compton Unified School District
417 Alondra Blvd
Compton, CA 90220

Earth Construction & Mining
11542 Knott Street, Suite 10
Garden Grove, CA 92841

Name	Position	Representing
John Nunan <i>Chair</i>	Consultant	<i>General Contractors</i>
Leeann Errotabere <i>Vice Chair</i>	Director of Purchasing	Clovis Unified School District <i>School Districts</i>
Nathaniel Holt <i>Secretary</i>	Chief Facilities Officer & Bond Program Manager	Compton Unified School District <i>School Districts</i>
Eddie Bernacchi	President	National Electrical Contractors Association – Politico Group <i>Subcontractors</i>
Will Clemens	General Manager	Oceano Community Services District <i>Special Districts</i>
Johannes Hovertsz	Director of Transportation and Public Works	County of Sonoma <i>Counties</i>
Mike James	Assistant City Manager & Public Works Direct	City of El Cajon <i>Cities</i>
Chuck Poss	President	Earth Construction and Mining <i>Subcontractors</i>
Hertz Ramirez	Business Manager	Laborers' International Union of North America <i>Labor</i>
Chad D. Rinde	Director of Finance	County of Sacramento <i>Counties</i>
Jeremy Smith	Deputy Legislative Director	State Building and Construction Trade Council <i>Labor</i>
Mary Teichert	Chief Operating Officer	Teichert Construction <i>Contractors State License Board</i>
Jennifer Wakeman	Assistant Administrative Services Director / Financial Services Manager	City of Lafayette <i>Cities</i>
Peter Worhunsky	President & CEO	Live Oak Infrastructure Group <i>General Contractors</i>

State Controller's Office Staff

Name	Position	Representing
Ethan Jaffe	Staff Counsel	State Controller's Office (SCO) <i>Legal Office</i>
Jia Liu	Supervisor	SCO <i>Local Government Policy Section</i>
Luis Gonzalez	Policy Analyst	SCO <i>Local Government Policy Section</i>
Gene Hughes	Policy Analyst	SCO <i>Local Government Policy Section</i>

Meeting Agenda

1. Call to Order

2. Introductions

3. Approval of the Minutes (Refer to attachment 3A)

A. Minutes for meeting held May 12, 2023

4. Commission Updates (Refer to attachments 4A, 4B, and 4C)

A. Participating agencies

I. New

B. Funding update

C. Inquiry update

5. Public Comments

6. Staff Comments/Requests

A. SCO Staff Update

B. Ethics Courses & Form 700

C. Appointment & Reappointment Updates

7. Reports of Officers

A. Chair

B. Vice Chair

C. Secretary

8. Committee Reports

A. CUCCAC Manual

I. Proposed changes – Legislative updates

II. Proposed changes – Non-Legislative updates

9. Commissioner Comments/Requests

10. Old Business

A. Proposed Changes to CUPCCAA

11. New Business

12. Next Meeting

13. Adjournment

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Phone Conference ID: 728 223 56#

Participating Remotely

Name	Position	Representing
Nathaniel C. Holt	Chief Facilities Officer & Bond Program Director	Compton Unified School District <i>School Districts</i>
Peter Worhunsky	President & CEO	Live Oak Infrastructure Group <i>General Contractors</i>
Chuck Poss	President	Earth Construction and Mining Subcontractors

If you would like further information regarding this meeting or require special accommodations for attending this meeting, please contact:

State Controller's Office
Local Government Policy Section
LocalGovPolicy@sco.ca.gov

California Uniform Construction Cost Accounting Commission

Minutes of Friday, May 12, 2023

The following minutes are not official and are subject to change until approved by the California Uniform Construction Cost Accounting Commission (Commission) at a subsequent public meeting.

1. Call to Order

Chair John Nunan called the meeting to order at 10:00 a.m.

Commissioners present: Eddie Bernacchi, Will Clemens, Mike James, Johannes Hoevertsz, Nathaniel Holt, John Nunan, Chad D. Rinde

Commissioners present via Teleconference: Chuck Poss, Hertz Ramirez, Jeremy Smith, Jennifer Wakeman, Peter Worhunsky

Excused Absences: Leeann Errotabere and Mary Teichert

State Controller's Office Staff present: Jia Liu, Daniel Basso, and Luis Gonzalez

Members of the Public present: None

2. Introductions

Daniel Basso from the State Controller's Office (SCO) conducted roll call.

3. Approval of the Minutes

A. Meeting held on January 13, 2023

There were no comments from the Commission or the public.

Commissioner Bernacchi motioned to approve the meeting minutes of January 13, 2023 without any changes. Commissioner Holt seconded the motion.

The motion passed unanimously 12-0 on a roll call vote.

4. Commission Updates

A. Participating Agencies

Daniel Basso, SCO staff, presented an update on participating agencies, noting that SCO had received 14 resolutions from agencies that opted into the California Uniform Public Construction Cost Accounting Act (Act) since the previous meeting. The 14 new participating agencies include one city, two special districts, and 11 school districts. The number of agencies participating in the Act, including newly opted-in agencies, currently totals 1,536. He also noted that in the weeks

since the meeting documents were finalized, SCO had received one agency opting out of the Act, as well as one additional agency opting in.

There were no further questions or public comments.

B. Funding Update

Mr. Basso reported that SCO received one grant since the last meeting at the time of the preparation of the meeting documents. The California Construction Advancement Program donated a total of \$625.00 for the fourth quarter of 2022. There were four total travel claims from commissioners totaling \$1,309.10. A total of \$17,301.08 is available for unrestricted funds and travel reimbursement for the Commission to use.

Commissioner Bernacchi asked Mr. Basso if there are templates that commissioners can utilize in order to try to solicit more funds for the Commission. Mr. Basso will distribute those templates to the rest of the Commission following the meeting.

C. Inquiry Update

Mr. Basso presented a report on inquiries received since the last meeting. He stated that SCO received 13 inquiries following the meeting held on January 13.

Commissioner Bernacchi commented on an inquiry regarding bid splitting, stating the importance of consistency with how the Commission handles bid splitting in its decisions and interpretations.

5. Public Comments

Chair Nunan asked if there were any comments from the public.

There were no comments from the public at this time.

6. Staff Comments/Requests

A. SCO Staff Update

Mr. Basso opened by stating that the SCO Local Government Policy Unit has a new analyst, Luis Gonzalez. Then, Mr. Basso thanked the Commissioners for filling out their Form 700s. He also mentioned that he will be sending out reminders for commissioners to complete their ethics course requirements.

Mr. Basso also noted that reappointments to the Commission are experiencing some delays, and thanked the Commission for their patience in this process.

7. Report of the Officers

A. Chair

Chair Nunan commented that he appreciated the commissioners who were able to attend the in-person meeting and he hopes that more commissioners are able

to attend the next in-person meeting as they have funds to cover the commissioners' travel expenses.

B. Vice-Chair

Vice-Chair not present to give report

C. Secretary

Commissioner Holt mentioned that he is currently working on a variety of projects, including the Compton High School Project. He also mentioned that he has been doing outreach trying to get more students to go into trade schools, as those jobs are in constant demand.

8. Committee Reports

A. Cost Accounting Policies and Procedures Manual

I. Proposed changes – Legislative updates

Nothing to report

II. Proposed changes – Non-Legislative updates

Nothing to report

9. Commissioner Comments/Requests

Commissioner Clemens mentioned that he will be presenting to the California Special Districts Association at the annual conference in August to generate more interest from special districts to opt-in to the Act.

10. Old Business

Nothing to report

11. New Business

A. Accounting Review – Conejo Valley Unified School District

Michelle Pickens, Executive Director of the Construction Industry Force Account Council (CIFAC), introduced the Thousand Oaks High School Marquee Replacement Project. Ms. Pickens reported that the district had acted as the construction manager for the project and had split the project into nine different contracts. She stated that each contract was valued under the \$60,000 project limit and were all negotiated. Ms. Pickens then reported the district purchased various project materials and performed a portion of the work. She stated that CIFAC believes that due to the total value of the project, Conejo Valley Unified School District was in violation of Public Contract Code (PCC) 22034.

Chair Nunan turned the meeting over to the appointed working group for the case. Commissioner Poss introduced himself and Commissioner Ramirez as the

appointed working group for the Conejo Valley Unified School District. Commissioner Poss noted he had received a summary of the project costs from the district and that all costs had been listed under the same heading. He reported the summary had multiple different contractors who had been paid for work on the project, a list of materials purchased, and a small amount of labor performed by the district's own employees. He noted that the summary totaled the project costs to over \$180,000. Commissioner Poss reported that he and Commissioner Ramirez had concluded that whether this was an intentional case of bid splitting or not, this case would be considered bid splitting under the PCC. He noted the total cost of the project was over \$100,000 and that there was no indication of an informal bid process.

Chair Nunan turned the meeting over for response from Conejo Valley Unified School District. Tim McCabe, Director of Planning and Construction at Conejo Valley Unified School District, said his understanding of the code was that any project under \$60,000 could be informally bid or directly negotiated, or a purchase order could be created. He said the district had engaged in a multi-prime construction of the project, where they had reached out directly to the subcontractors of each discipline, and negotiation a contract with them. He said he was having trouble understanding how this was a case of bid-splitting and asked the Commission for an explanation.

Chair Nunan said that the project being discussed should be considered a single project. He explained that all of the separate components of a project go should be considered as a single project. He explained that the PCC does not allow the district to act as a construction manager on a single project and have multiple prime contractors. He explained that the district took the place of a general contractor that should have been allowed to bid the project as a single project. Chair Nunan explained that what should have occurred under the rules was an informal bidding process and an attempt to solicit general contractor bids.

Dr. Hayek, Chief Business Official for Conejo Valley Unified School District, asked if the district would be prohibited from doing the project in-house if he had invited bids for the project and the resulting bids totaled over \$200,000, and the district believed they could perform the work for a lower amount. Chair Nunan explained that there is a process under PCC 22038 which requires the district to get 80 percent approval of their governance board to work outside of the principles of the Act.

Commissioner Ramirez thanked Dr. Hayek for being so responsive to the inquiries of the working group. He stated he did not believe the project was performed intentionally as a bid split but noted that it was an obvious case of bid splitting and was in violation of the PCC. Commissioner Clemens gave guidance to Conejo Valley Unified School District regarding PCC 22034. Commissioner Holt gave guidance to the school district regarding multi-prime projects.

Commissioner Clemens motioned to find the Conejo Valley Unified School District to be in violation of PCC 22034. Commissioner Smith seconded the motion.

The motion passed 11-0 with one abstention.

Dr. Hayek asked if there is an appeal process for the Commission's decision. Chair Nunan stated the Commission is the deciding body, and that the Commission's decision is final.

B. Accounting Review – Turlock Unified School District

Ms. Pickens introduced the Turlock High School R Wing 1-10 Flooring Project. She reported the school district used a cooperative purchasing contract through Sourcewell to remove and replace flooring in 10 rooms. She reported the project was split into 10 separate projects, all performed at the same time and location, were of the same scope of work, and performed by the same contractor. She noted that the individual rooms totaled over \$6,600 each and the entire project totaled \$66,500.

Ms. Pickens gave a brief introduction of Sourcewell. She explains Sourcewell is a Minnesota local government agency and service cooperative created under the laws of Minnesota. Sourcewell facilitates a competitive solicitation process and contract award process for the benefit of their members nationwide. She notes that the Sourcewell solicitation process complies with Minnesota law. She reports that the contract was awarded to Tarquet Alliance and that the advertisement was placed in June 2019 in various newspapers, the Sourcewell website, and other procurement journals. She notes there were no advertisements specific to California. She stated Tarquet Alliance subcontracted the work to a subcontractor located in Modesto, CA. She reported that CIFAC believes the Turlock Unified School District did not advertise this project in compliance with the PCC, and that Turlock Unified School District was in violation of the PCC.

Ms. Pickens noted that CIFAC had previously requested an opinion from the Commission on whether or not a third party agency must comply with the requirements of the Act when they are handling the procurement process. She noted that they had received a reply that third party agencies are required to follow the requirements of the Act.

Chair Nunan turned the meeting over to the appointed working group for the case. Commissioner Holt stated that in the working group's opinion, this was a straightforward case and that the district was in violation of PCC 22034. Commissioner Holt noted that districts may use a cooperative agreement outside the state of California if they go through the proper channels of the agency's legal council and board of governance. He noted that the advertising requirements of the Act apply to the cooperative agreement if the agreement was approved by the agency's governing board. He reported that the working group reached out to the district to ask if they had board approval of their cooperative agreement. The reporting group received a letter stating the district did not solicit a single contractor for all 10 buildings for several reasons. First, each of the classrooms are separate non-connecting classrooms. Second, the district was unaware of how many classrooms the district could have carpeted and replaced related to timing and funding availability for all scope of maintenance to be completed over the summer months. The letter from the district continued to state that the district requested quotes for 10 separate classrooms and that the district made a

determination to move forward with only six classrooms. Upon further review of available funding, the district made a purchase order for an additional four classrooms. Commissioner Holt specified that the district did not advertise or get board approval for the advertising to use a cooperative agreement. He concludes this puts the district in violation of the PCC.

Commissioner Clemens motioned to find the Turlock Unified School District to be in violation of PCC 22034. Commissioner Rinde seconded the motion.

The motion passed 11-0 with one abstention.

C. Accounting Review – Vacaville Unified School District

Ms. Pickens introduced the Dally Center MPR Building Exterior Paint and Chapel Project aka Dally Center Paint Project #2. She explained Vacaville Unified School District had hired Athens Painting to perform work at the Shelley Dalley Center in August 2022. During the project, the district requested a quote from Athens Painting for two additional buildings, which became the separate Dally Center Paint Project #2. She reported the quote was submitted in the amount of \$68,100 and the work was completed at \$72,300. CIFAC believed the district was in violation of the PCC as the project exceeded the bid threshold and was not competitively bid.

Commissioner James, part of the working group, reported his conclusion that there was no issue with the first project but due to the value of the second project, the district should have followed the informal bidding process. He stated, on behalf of the working group, Vacaville Unified School District was found in violation of the PCC. Dan Banowetz, Director of Facilities for Vacaville Unified School District, admitted his employee did not follow procedures correctly.

Chair Nunan motioned to find the Vacaville Unified School District to be in violation of PCC 22034. Commissioner Ramirez seconded the motion.

The motion passed 11-0 with one abstention.

D. Increasing the Current Bid Threshold Amounts Discussion

Commissioner Bernacchi reported that Commissioner Rinde, Commissioner Smith, and Commissioner Errotabere, and himself sat on a sub-committee tasked with looking into increasing the thresholds pursuant to the requirements in the Act. He shared a document (Item 11D) which contains four items to be updated if the Committee would like to proceed with a legislative update of the code. The first item is a change to PCC section 22002 (c)(3) to add the word “electric” in front of the phrase “utility system” in order to add clarity that the Act covers electric utility systems and not other systems. The second item introduces PCC section 22042 subsections (d) and (e) to provide clarity that if bid-splitting occurs or if the informal bid limit is violated, the Commission can find the agency in violation and subject the agency to the three-strike rule. The third item updates PCC section 22042.5 to clarify the Commission can review violations under section 22037 and provide a determination.

The fourth item focused on the actual raising of the current threshold amounts, found in PCC section 22032.

Commissioner Bernacchi mentioned a discussion he had with organized labor representatives in which it was agreed to increase the bid thresholds for force account, negotiated contract, or purchase order from \$60,000 to \$70,000, and the informal bidding threshold from \$200,000 to \$220,000. This would result in formal bidding for any project over \$220,000. Commissioner Bernacchi asked the Commission members to inquire if their respective organization will be in support of the proposed changes if introduced in legislation. A formal plan to introduce the proposed legislation was discussed among the commissioners, and will be an agenda item at the next meeting.

12. Next Meeting

During the meeting, the Commission settled on September 15, 2023 for the next meeting.

The Commission agreed to schedule the next meeting for:

Friday, September 15, 2023
10:00 a.m. – 12:00 p.m.
California State Controller's Office
300 Capitol Mall
6th Floor, Terrace Room
Sacramento, CA 95814

13. Adjournment

Chair Nunan moved to adjourn the meeting at 11:39 a.m., all in favor with zero opposing to adjourn.

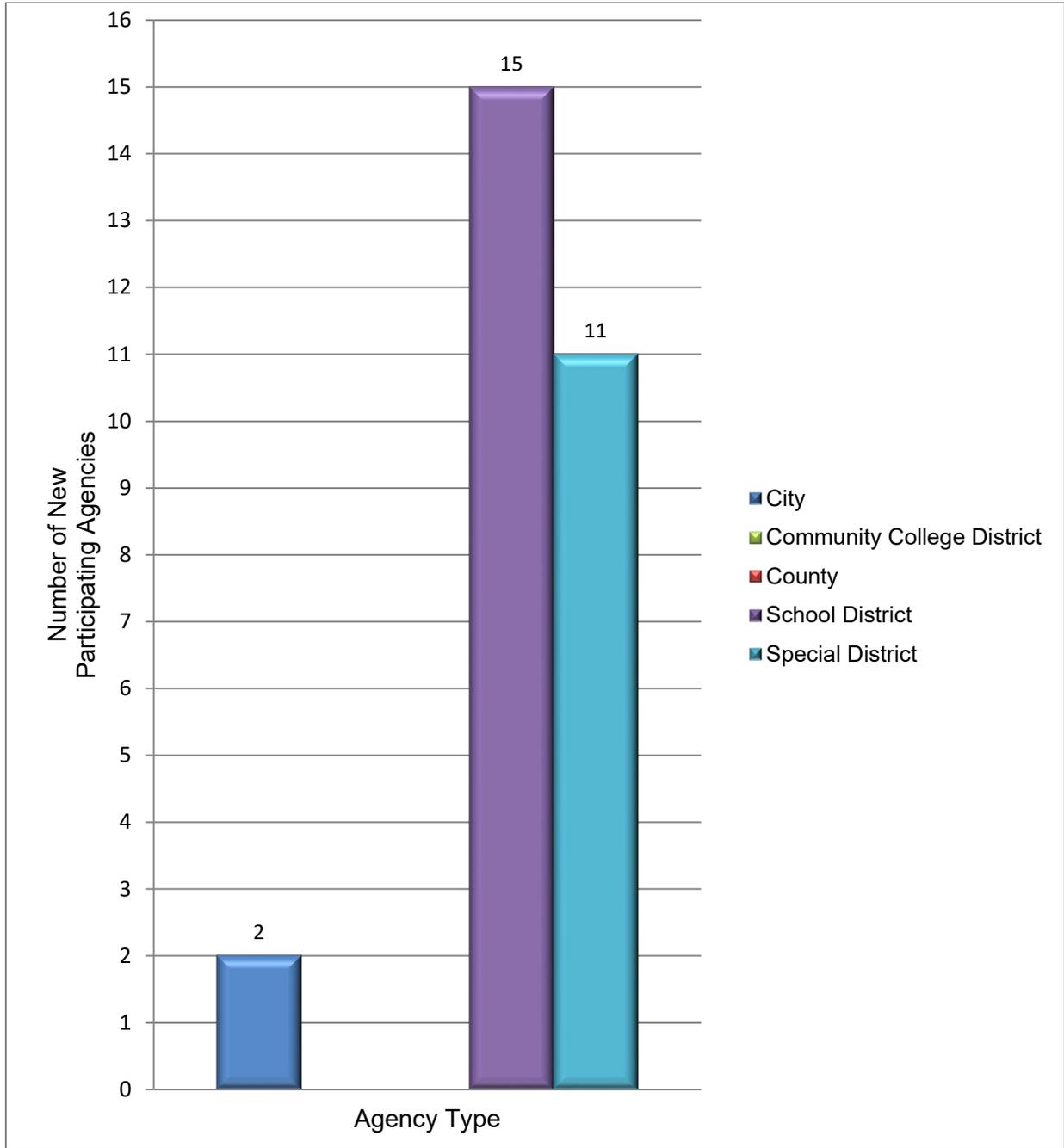
If you would like more information regarding this meeting, please contact:

State Controller's Office
Local Government Programs and Services Divisions
Local Government Policy Section
LocalGovPolicy@sco.ca.gov

Report on new participating agencies

The State Controller’s Office has received 28 resolutions from agencies that have opted into the California Uniform Public Construction Cost Accounting Act (CUPCCAA), bringing the number of agencies participating in the Act to 1563.

New Participating Agencies



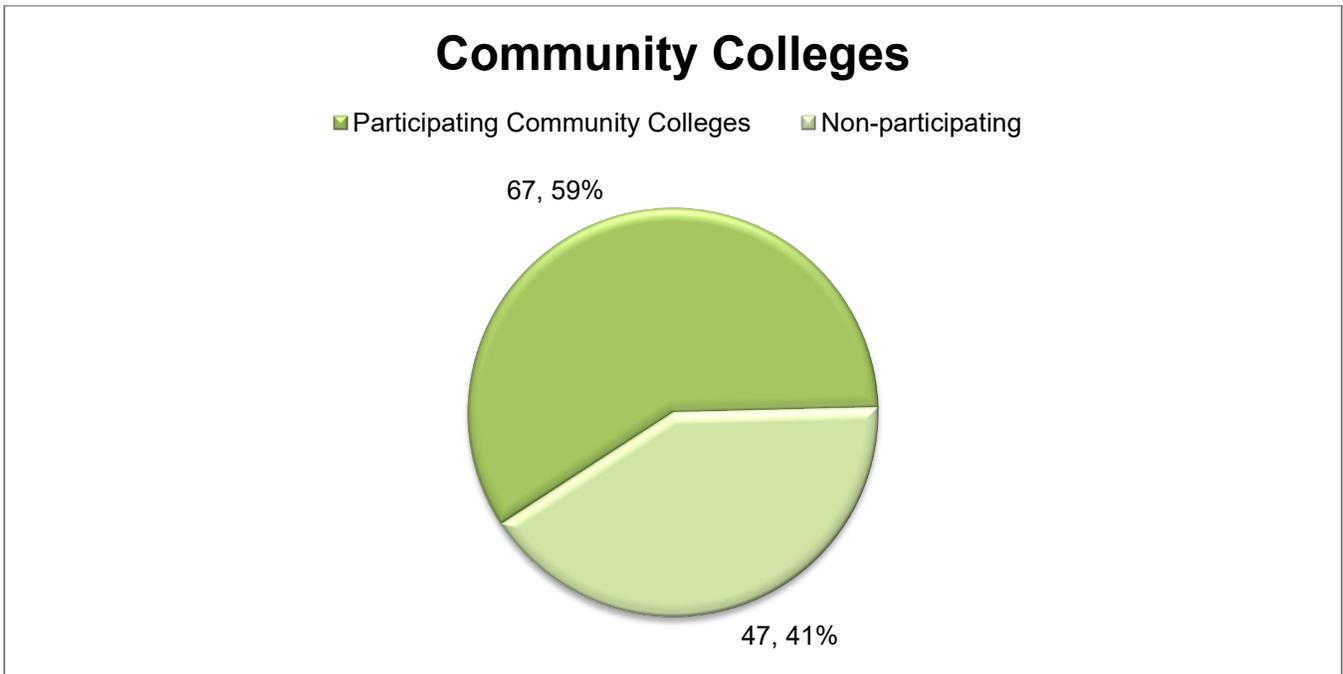
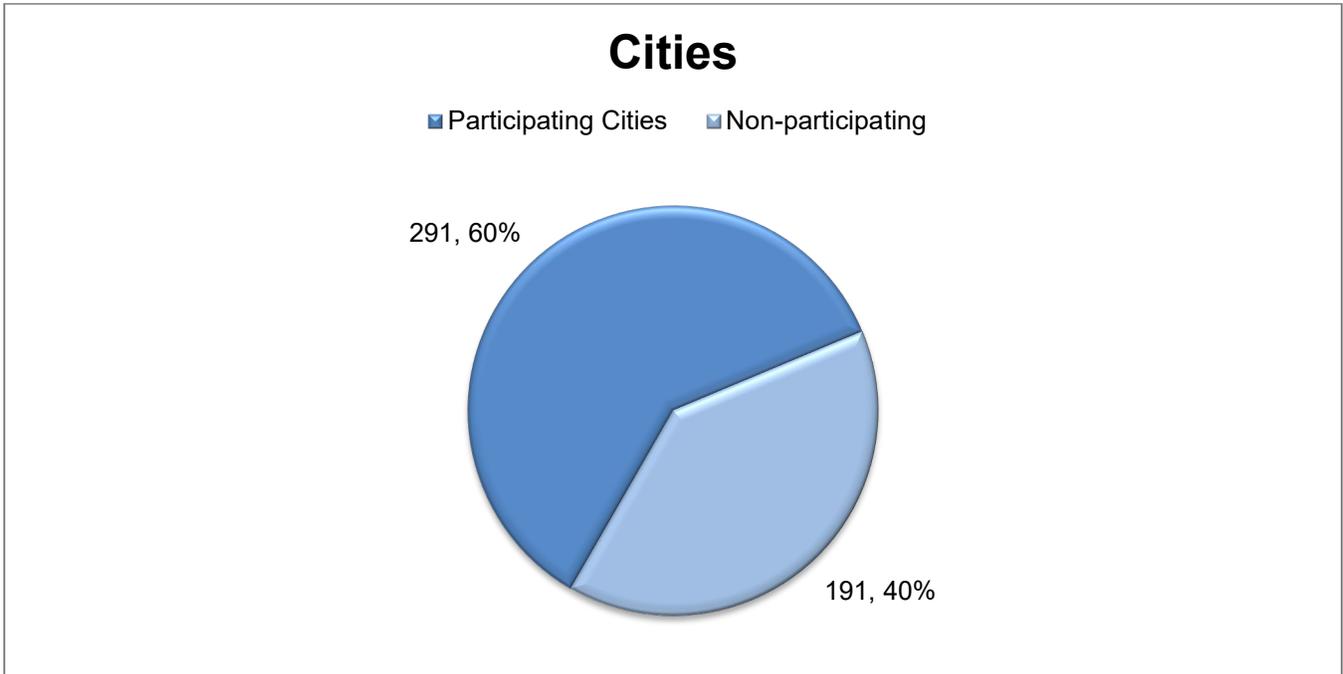
Participating Agencies Update
For the period April 29, 2023 – August 31, 2023

Item 4A

	Agency	Date Opted In	Agency Type
1	Weed Union Elementary School District	6/10/2021	School District
2	Pajaro Regional Flood Management Agency	3/8/2023	Special District
3	Scotia Union School District	3/9/2023	School District
4	Brittan Elementary School District	3/14/2023	School District
5	Wiseburn Unified School District	3/23/2023	School District
6	Beaumont Library District	4/27/2023	Special District
7	Chico Area Recreation & Park District	4/27/2023	Special District
8	Santa Cruz Metropolitan Transit District	4/28/2023	Special District
9	Sonoma Clean Power Authority	5/4/2023	Special District
10	Buttonwillow Union School District	5/8/2023	School District
11	Fresno County Fire Protection District	5/17/2023	Special District
12	San Mateo Resource Conservation District	5/18/2023	Special District
13	Gonzales Unified School District	5/23/2023	School District
14	Fullerton Joint Union High School District	6/6/2023	School District
15	Central Fire District of Santa Cruz County	6/8/2023	Special District
16	Orick Elementary School District	6/8/2023	School District
17	Traver Joint Elementary School District	6/13/2023	School District
18	Reed Union School District	6/13/2023	School District
19	El Nido Elementary School District	6/13/2023	School District
20	City of Newark	6/22/2023	City
21	Antelope Valley Transit Authority	6/27/2023	Special District
22	Blue Lake Union Elementary School District	6/29/2023	School District
23	City of La Habra Heights	7/10/2023	City
24	Apple Valley Fire Protection District	7/18/2023	Special District
25	Butte Valley Unified School District	7/19/2023	School District
26	Belmont-Redwood Shores School District	8/17/2023	School District
27	Petaluma City School District	8/22/2023	School District
28	Placentia Library District	8/24/2023	Special District

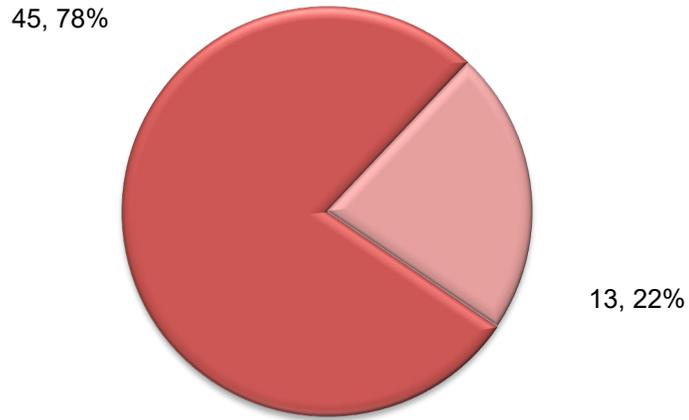
Withdrawn from the Act
For the Period April 29, 2023 – September 1, 2023

	Agency	Date Opted Out	Agency Type
1	Turlock Unified School District	6/6/2023	School District



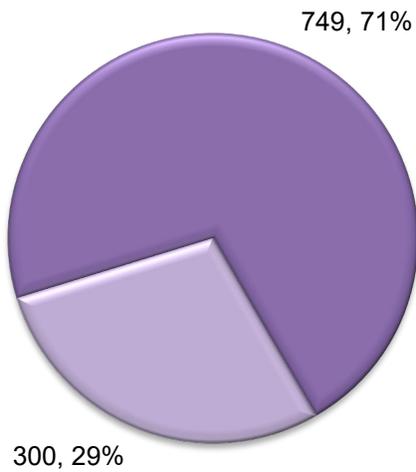
Counties

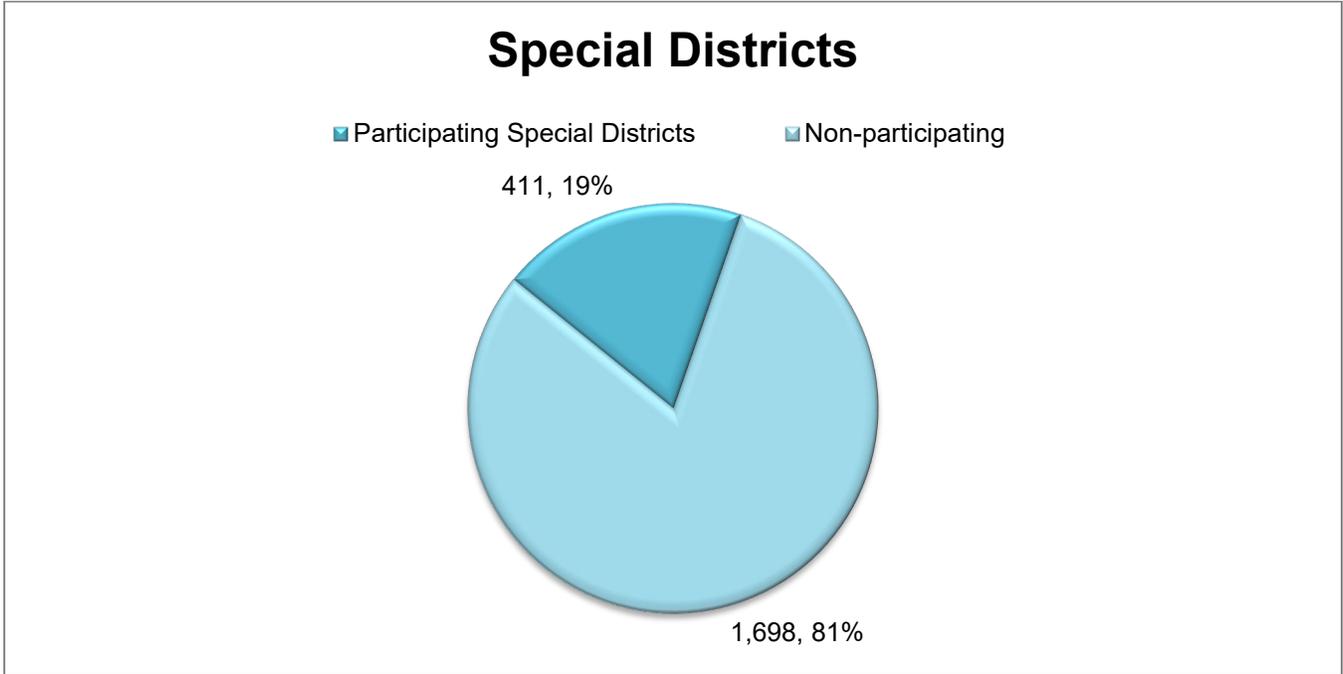
■ Participating Counties ■ Non-participating



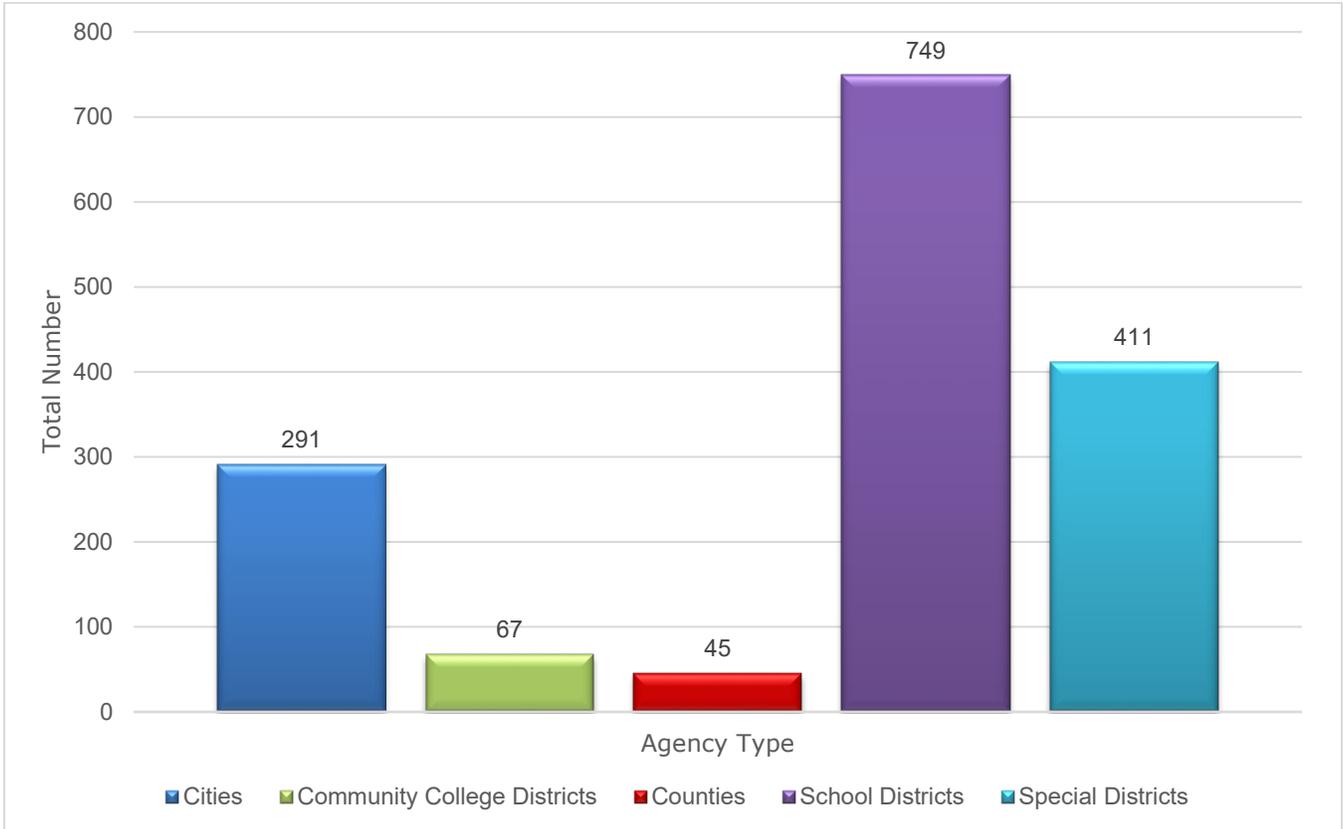
School Districts

■ Participating School Districts ■ Non-participating





Total Participating Agencies (1,563)



Commission Funding Update for the Period April 29, 2023 – August 31, 2023

Beginning balance 4/29/23	\$	17,301.08
Grant – CCAP 5/2/23*	\$	625.00
Grant – CCAP 7/27/23**	\$	625.00
Grant – CA Leg Conference 8/22/23***	\$	1,500.00
	\$	20,051.08
Travel claims since April 28, 2022		
Commissioner 1 – 5/12/23 Meeting in Sacramento	\$	667.80
Commissioner 2 – 5/12/23 Meeting in Sacramento	\$	618.83
Commissioner 3 – 5/12/23 Meeting in Sacramento	\$	549.79
Commissioner 3 – 1/13/23 Meeting in Sacramento	\$	444.06
Commissioner 3 – 9/9/22 Meeting in Sacramento	\$	395.02
Total travel claims	\$	<u>2,675.50</u>
Total funds	\$	<u>17,375.58</u>

* California Construction Advancement Program 1st quarter grant

** California Construction Advancement Program 2st quarter grant

*** California Legislative Conference of the Plumbing, Heating & Piping Industry grant

CUCCAC Inquiries
April 29, 2023 – August 31, 2023

Organization	Subject	Status
Special District	Enacting the CUPCCAA	Closed
Business	CUPCCAA Maintenance Projects	Closed
School District	Public bid Openings Requirement	Closed
Business	Charter Cities and CUPCCAA	Closed
City	Informal Bidding vs. using City Staff	Closed
City	CUPCCAA Training	Closed
Business	Becoming CUPCCAA Recognized	Closed
Business	Joining the CUPCCAA	Closed
Special District	CUPCCAA Accounting Training	Closed
City	CUPCCAA and negotiated contracts	Closed
City	Participating Agency Status	Closed
School District	Purchase Order for Painting Contractor	Closed
Business	Ordinance/Resolution to Opt-in to UPCCAA	Closed
School District	Maintenance Work	Closed
County	Update to Existing Ordinance	Closed
School District	Cover Letter	Closed
Business	Vendor Application Process	Closed
City	Receiving and Opening Informal Competitive Bids	Closed
School District	Board Resolution to include Maintenance	Closed
City	CUCCAC Contact	Closed
Business	Approved Vendor List	Closed

Organization	Subject	Status
School District	CUPPCCA policy question	Closed
County	Training or Contact person for CUPCCAA	Closed
County	Newspaper Advertising for Formal Bids	Closed
School District	Maintenance Contracts	Closed
School District	Eligibility for CUPCCAA	Closed
Special District	CUPCCAA - Bid Splitting Question	Closed
City	Informal Bid Limits	Closed
Special District	Public Project Definition	Closed
School District	Filing Resolution	Closed

Enacting the CUPCCAA

Q: Our board has passed a resolution for the adoption and implementation of the California Uniform Public Construction Cost Accounting Act

At what point does the resolution go into effect, once we submit the resolution to you or do we need to wait for confirmation? We would like to operate under this act as soon as possible.

A: The resolution goes into effect once an agency submits its resolution to the State Controller's Office (SCO), preferably at this email address (LocalGovPolicy@sco.ca.gov). Once the SCO receives an agency's resolution, SCO will send an email confirming receipt with a welcome letter and additional links to information relevant to the California Uniform Public Construction Cost Accounting Act.

CUPCCAA Maintenance Projects

Q: I was hoping to get some clarification pertaining to CUPCCAA requirements on cost thresholds. When an LEA or school wants to enter into a contract for preventative maintenance with us (a mechanical contractor) and the maintenance value is less than \$60k per year, does this fall under CUPCCAA if they want to agree to say 3 years? For instance. Each billing cycle of one year is \$50k, but then 3 years total \$150k. Are we to look at this as a one year of \$50k, or 3 of \$150k?

A: CUPCCAA only applies to public projects. A public project is defined in Public Contract Code section 22002(c)(1) as "Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility."

Additionally, PCC section 22002(d) states the following regarding maintenance projects:

(d) “Public project” does not include maintenance work. For purposes of this section, “maintenance work” includes all of the following:

- (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
- (2) Minor repainting.
- (3) Resurfacing of streets and highways at less than one inch.
- (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- (5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

Therefore, any project that is classified as maintenance would not be subject to CUPCCAA.

Public bid Openings Requirement

Q1: I’ve been asked to get clarification if a public bid opening is required for CUPCCAA informal bids or is it only required for formal bids? Thank you.

A1: Public Contract Code (PCC) section 22034(a)(1) states the following:

(1)The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

Additionally, PCC section 22034(b) gives additional guidance regarding notices of informal bid projects, stating that “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.”□

PCC section 22037 contains the language regarding formal bids, which contains more distinctions between the formal and informal bidding process.

More information related to CUPCCAA, including the Cost Accounting Policies and Procedures Manual, can be found on the SCO website. This manual contains all Public Code Contract sections relevant to the Uniform Public Construction Cost Accounting Act

Q2: Thank you for the information; however, I do not see anything regarding once the informal bids are received – are they required to be read aloud and publicly?

A2: There is no Public Contract Code section that specifies what an agency does with informal bids once received. Based on that information, it is likely up to each agency’s own informal bidding procedures as to the proper procedure for moving forward with informal bids. Your agency’s legal representative may be better equipped to answer this question, as it is likely outside of the California Uniform Construction Cost Accounting Commission’s scope of authority.

Charter Cities and CUPCCAA

Q: I have two (2) questions regarding California charter cities that have elected to be subject to the California Uniform Public Construction Cost Accounting Act ("UPCCAA").

First, is a charter city allowed to make a minor change to the definition of maintenance work even if it has elected to be subject to UPCCAA? If this is allowed, please see the following question.

Second, if a charter city has adopted UPCCAA for public projects and maintenance work, and is allowed to make a minor revision to the definition of maintenance work, then does the State Controller need to receive an updated resolution from the charter city reflecting that change?

A: Chair Nunan responded to the inquirer's questions via phone call

Informal Bidding vs. using City Staff

Q: We recently held a formal bid process to award a contract to purchase materials/equipment for a conveyor system. Estimated cost of purchase is about \$72,000 as currently bid.

We were planning to install the equipment with our own staff. Our internal staff costs will be somewhere around an additional \$13,000 (again rough numbers).

Are we able to install this with our own services according to the uniform construction cost accounting act, or should these costs be considered part of the project cost and bid with the materials/equipment purchase from the manufacturer?

If we must bid the installation costs, can we bid it separately since the materials have already been bid? Or would that be considered splitting costs?

A: This is kind of a unique situation. There is no question that the installation costs are part of the overall project cost and need to be informally bid. I think it is up to the City whether to bid the installation separately or as a package with the equipment as long as they follow the rules for informal bidding.

I would recommend that the City request an additive alternate from each of the equipment bidders to provide the installation. They could also request bids from others for installation only.

If they don't receive bids for the installation or the bids they do receive are excessively high, they can still consider doing the work with their own forces per Section 22038 of the Public Contract Code.

CUPCCAA Training

Q: We have had a significant changeover with staff and would like to ask some questions about CUPCCAA. Do you have a contact that can help us understand the requirements and provide a training?

A: The list of Commissioners on the California Uniform Construction Cost Accounting Commission (CUCCAC), which oversees CUPCCAA, can be found on the SCO website. Commissioners James and Wakeman are the cities representatives, and would likely be able to

assist with a training session.

Additionally, the Construction Industry Force Account Council (CIFAC) is a nonprofit organization that specializes in Public Contract Code compliance and education. I believe that they have some training materials, and would likely be willing to assist in order to ensure compliance with CUPCCAA. Please note that CIFAC is not directly affiliated with CUCCAC nor the State Controller's Office, and this is not a direct endorsement of their services.

Becoming CUPCCAA Recognized

Q: I am trying to help a company that I work with become recognized by CUPCCAA. I can't find where to submit an application. It is for resurfacing tennis courts at high schools in California.

A: A list of agencies that have opted into the California Uniform Public Construction Cost Accounting Act (the Act) can be found on the State Controller's Office website. Here is a link to the PDF of the list: https://www.sco.ca.gov/Files-ARD-Local/participating_agencies_-_general.pdf

Information regarding how a vendor can get on a public agency's list of registered vendors can be found in section 1.04.01 of the Cost Accounting Policies and Procedures Manual. Chapter 1 of the Manual provides an introduction and basic concepts of the Act for both public agencies and vendors. The link for the manual can be found here: https://www.sco.ca.gov/Files-ARD-Local/cuccac_manual_2021_edition.pdf

Additional resources related to the Act can be found on the State Controller's Office website, including an FAQ document and relevant legislation. The link to the State Controller's Office website can be found here: https://www.sco.ca.gov/ard_cuccac.html

Joining the CUPCCAA

Q: [Agency] is asking me to join CUPCCAA so we could do a contract to resurface their tennis courts.

A: Information regarding how a vendor can get on a public agency's list of registered vendors can be found in section 1.04.01 of the Cost Accounting Policies and Procedures Manual. Chapter 1 of the Manual provides an introduction and basic concepts of CUPCCAA for both public agencies and vendors. The link for the manual can be found here: https://www.sco.ca.gov/Files-ARD-Local/cuccac_manual_2021_edition.pdf

Vendors/contractors do not need to notify the State Controller's Office regarding their work with CUPCCAA. The only notification the State Controller's Office requires for CUPCCAA is from the public agency who wishes to enact CUPCCAA's procedures. A list of agencies that have opted into CUPCCAA can be found on the State Controller's Office website. Here is a link to the PDF of the list: https://www.sco.ca.gov/Files-ARD-Local/participating_agencies_-_general.pdf. Please ensure that the agency is opted into CUPCCAA per the State Controller's Office's records.

Additional resources related to the Act can be found on the State Controller's Office website, including an FAQ document and relevant legislation. The link to the State Controller's Office website can be found here: https://www.sco.ca.gov/ard_cuccac.html

CUPCCAA Accounting Training

Q: I have been asked to prepare a Zoom presentation on CUPCCAA for a Fire Protection District in northern California. They would specifically like training on the accounting side of CUPCCAA. Is this something the Commission or State Controller offers?

Additionally, any referrals to other individuals you know would be appreciated.

A: The list of Commissioners on the California Uniform Construction Cost Accounting Commission (CUCCAC), which oversees CUPCCAA, can be found on the SCO website. Commissioner Clemens is the special district representative, and would likely be able to assist with a training session.

Additionally, the Construction Industry Force Account Council (CIFAC) is a nonprofit organization that specializes in Public Contract Code compliance and education. I believe that they have some training materials, and would likely be willing to assist in order to ensure compliance with CUPCCAA. Please note that CIFAC is not directly affiliated with CUCCAC nor the State Controller's Office, and this is not a direct endorsement of their services.

CUPCCAA and negotiated contracts

Q: I recently joined the [City], which participates in the California Uniform Public Construction Cost Account program. The City's purchasing department has the following question, and I'm hoping you can provide some guidance.

The Public Contract Code, Section 22032(a) permits public projects of \$60,000 or less to be performed by "negotiated contract" or "purchase order." The question is whether by "negotiated contract or purchase order," city staff can solicit quotes from contractors and then negotiate a contract with the contractor deemed most suitable for the job (as opposed to having to award to the lowest quote/bid contractor).

The informal bidding procedures under the Act, require that contracts be awarded to the lowest responsible bidder (PCC Sec. 22038); however, it appears that this requirement only applies to informally bid contracts greater than \$60,000 and less than \$200,000, which are let under Section 22032(b) of the Code.

A: If the contract is below the \$60,000 threshold, the City is free to negotiate in the manner that they choose. The City may also have its own procurement policies that require soliciting multiple bids as long as the project is below the \$60,000 threshold.

Participating Agency Status

Q: I would like to know if the [City] has elected to become subject to the Act. I have searched our past resolutions but was not able to find any such a resolution. I am relatively new to my role here in the [City] and wonder if you have any record indicating that we notified SCO for the election.

A: The [City] is not on the SCO's list of participating agencies. The list of participating agencies can be found on the SCO website, and is updated at the beginning of each month. More resources regarding CUPCCAA can be found on the CUCCAC webpage.

Purchase Order for Painting Contractor

Q: I'm reaching out to you today to see if you can provide me information regarding public funds jobs. Here is my scenario, please let me know if you can help me. Thank you

We would like to prepare a purchase order for a painting contractor to do various paint jobs at various locations throughout the year. How do we go about setting up the purchase order without making this a formal contract?

A: If the painting projects are at separate locations and do not exceed \$60,000 at any single school there should be no CUPCCAA involvement. It sounds like these will occur as needed and that there is no district-wide painting project where the projects are concurrent.

CUPCCAA is silent on contracting method. A purchase order is still a contract but might be easier to use in this situation. I would defer to the school district's procurement policies. Whether a contract or a purchase order is used, there should be a separate one for each project so that there is no confusion about the \$60,000 limit

Ordinance/Resolution to Opt-in to UPCCAA

Q: The Controller's website here lists the cities that are opted-in to the CUPCCAA for public works construction contracts. Is there a database for copies of those various cities' ordinances and resolutions? Will there be one? Or is a CPRA request required to see copies of the ordinances or resolutions?

A: There is currently no public database for copies of the public agencies' ordinances and resolutions, and there is no plan to implement one.

Since each agency passes their respective ordinance and resolution through its governing board, these resolutions are available to the public. Therefore, the State Controller's Office would be able to provide copies of these ordinances and resolutions upon request. If you would like a copy of a specific agency's ordinance/resolution opting into the UPCCAA, please reply to this email address (LocalGovPolicy@sco.ca.gov)

Maintenance Work

Q: I am writing regarding CUPCCAA for School Districts. Under CUPCCAA, if we have a paving project for a PARKING LOT that is ONLY a slurry project, and less than 1", does it require an informal bid if it is over \$60k? Or is that considered "maintenance work" as per Public Contract Code 22002(d)(3)

A: Slurry sealing of a parking lot would be classified as maintenance under the PCC. Not only is it applied in a coat of less than 1" thickness but it is also recognized as an effective way of improving the life span of asphalt paving.

Thus, slurry seal services would not fall under the purview of CUPCCAA

Update to Existing Ordinance

[The County] has previously adopted the California Uniform Public Construction Cost Accounting Act via Ordinance 757. The County is looking to update the existing Ordinance and to present it to the County Board of Supervisors before the end of the year.

Q1: Reference: Cost Accounting Policies and Procedures Manual 2021 Edition, Section 1.01, Instruction for Adoption and Implementation of the Uniform Public Construction Cost Accounting Act, bullet 2. This section mentions when a local agency is going to adopt the Act. If the County is going to update the Ordinance, does the County need to notify the State Controller for updating the Ordinance?

A1: The County is required to notify the Controller of their intent to become subject to or withdraw from the Act by providing a copy of the approved resolution. The State Controller's Office would appreciate a copy of the approved updated ordinance, should the County decide to update their informal bidding ordinance.

Q2: Reference: Cost Accounting Policies and Procedures Manual 2021 Edition, Sample Ordinance, Notice Inviting Informal Bids, Bullet 2, This section only mentions "mailed" does this section allow mailed, faxed or emailed?

A2: The informal bidding procedures set forth in Public Contract Code (PCC) Section 22034 allows for the notice to contractors to be mailed, faxed, or emailed.

Q3: Reference: Cost Accounting Policies and Procedures Manual 2021 Edition, Sample Ordinance, Award of Contracts: Will the following verbiage be in compliance with the Act? "As approved by the Board, a designee or designees may be appointed to award contracts in lieu of, or in addition to, the authority vested in the Purchasing Agent pursuant to this Section."

A3: PCC Code Section 22034(c) regarding informal bidding ordinances states, "The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person."

The County may delegate the authority to award contracts to appropriate County representatives as they deem appropriate.

Cover Letter

Q: Our school district has a signed board resolution ready to submit to CUPCCAA. The CUPCCAA website asks for a cover letter to go with the submission. Is there a template for the letter? If not, what elements are required for the letter?

A: The only requirement for the letter is that it notifies the Controller of your intent to opt-in to CUPCCAA. This may be a formal letter to the Controller provided as a pdf or mailed accompanying the copy of the signed resolution. This may also be in the body of an email providing us with notification of your intent to opt-in to the Act and the signed copy of the resolution.

Vendor Application Process

Q: My Company is interested in becoming an approved vendor with CUPCCAA. I have looked for the application process but have not been able to locate it. Can you please direct me to someone who can help me, or provide the information?

A: Each agency that participates in CUPCCAA maintains its own list of contractors. The California Uniform Public Construction Cost Accounting Commission's webpage has a list of agencies that are participating in the California Uniform Public Construction Cost Accounting Act (CUPCCAA). Please contact each agency directly to let them know you would like to be on their list of contractors. For a list of participating agencies, please see the "Participating Agency Lists" header at the following link: https://www.sco.ca.gov/ard_cuccac.html

More Information regarding how a vendor can get on a public agency's list of registered vendors can be found in section 1.04.01 of the Cost Accounting Policies and Procedures Manual. Chapter 1 of the Manual provides an introduction and basic concepts of the Act for both public agencies and vendors.

The link for the manual can be found here:

https://www.sco.ca.gov/Files-ARD-Local/cuccac_manual_2021_edition.pdf

Receiving and Opening Informal Competitive Bids

Q: Is a public bid opening required for the informal bidding process? It appears that some agencies do not require a public opening for informal bidding. Some interpretations of the law suggest that email bid solicitations are permitted, indicating that a formal public bid opening may not be required, and bids can be received via email as well.

A: Public Contract Code (PCC) Section 22034 states that each public agency that has opted into the Act, "...shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects...", which includes a notice to contractors.

The provisions of PCC 22034 also states that the notice to contractors shall be in accordance with one of the following options or both.

(1) The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

(2) The public agency may elect to mail, fax, or email a notice inviting informal bids to all construction trade journals specified in Section 22036.

Additional information can be found in the Cost Accounting Policies and Procedures Manual under Sections 1.04 and 1.04.01.

Board Resolution to include Maintenance

Q: [School District] has opt in for the CUPCCAA and we already provided the Board Resolution. If we want to include maintenance, do we need to provide another Board Resolution stating that we want to include Maintenance to the CUPCCAA or is maintenance already included?

A: The School District would not need another Board Resolution to use the alternative bidding procedures when contracting for maintenance.

The cost accounting procedures are applicable only for agencies that perform public project work as defined in Public Contract Code (PCC) 22002(c).

As maintenance does not constitute a “public project” under the Act, the cost accounting procedures do not apply.

However, as outlined in PCC 22003, a participating agency may also use the alternative bidding procedures when contracting for maintenance or other work that does not fall within the definition of a “public project” if it so chooses

CUCCAC Contact

Q: I was hopeful that you might be able to provide me a contact number for someone that I can speak with regarding CUCCA? At your convenience, please pass that information along or reach out to me at my phone number below. Thanks.

A: The list of Commissioners on the California Uniform Construction Cost Accounting Commission (CUCCAC), which oversees CUPCCAA, can be found on the SCO website. Commissioner James and Commissioner Wakeman are the cities representatives, and would likely be able to schedule a call with you.

You may also address any questions to our inbox at LocalGovPolicy@sco.ca.gov and we will provide assistance or forward your questions and contact information to the commission for additional guidance.

Approved Vendor List

Q: Please let me know if there is an approved vendors list aligned to the California Uniform Public Construction Cost Accounting Act. If so, please provide guidance. If not, please share how vendors participate.

A: Each agency that participates in CUPCCAA maintains its own list of contractors. The California Uniform Public Construction Cost Accounting Commission’s webpage has a list of agencies that are participating in the California Uniform Public Construction Cost Accounting Act (CUPCCAA). A vendor may contact each agency directly to let them know you would like to be on their list of contractors. For a list of participating agencies, please see the “Participating Agency Lists” header at the following link: https://www.sco.ca.gov/ard_cuccac.html

More Information regarding how a vendor can get on a public agency’s list of registered vendors can be found in section 1.04.01 of the Cost Accounting Policies and Procedures Manual. Chapter 1 of the Manual provides an introduction and basic concepts of the Act for both public agencies and vendors. The link for the manual can be found here: https://www.sco.ca.gov/Files-ARD-Local/cuccac_manual_2021_edition.pdf

CUPPCCA policy question

Q: Quick question to clarify - Do mandatory fire alarm / sprinkler tests, inspections and service contracts qualify for CUPPCCA with school districts?

A: The tests and inspections required for various fire sprinkler, fire alarm and elevator systems are considered maintenance and would not be classified as "public projects". Thus, these would not be subject to CUPCCAA and any dollar thresholds.

PCC section 22002(d) states the following regarding maintenance projects:

(d) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

- (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
- (2) Minor repainting.
- (3) Resurfacing of streets and highways at less than one inch.
- (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- (5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher

Training or Contact person for CUPCCAA

Q: If the County is thinking about adopting the CUPCCAA, besides the manual is there additional training or consultants that you could recommend? Or a person at your office, that we could address any questions to?

A: Thank you for contacting the State Controller's Office. Please see the response below to your inquiry:

The list of Commissioners on the California Uniform Construction Cost Accounting Commission (CUCCAC), which oversees CUPCCAA, can be found on the SCO website. Commissioner Hoevertsz is the counties representative, and would likely be able to assist with a training session.

Additionally, the Construction Industry Force Account Council (CIFAC) is a nonprofit organization that specializes in Public Contract Code compliance and education. I believe that they have some training materials, and would likely be willing to assist in order to ensure compliance with CUPCCAA. Please note that CIFAC is not directly affiliated with CUCCAC nor the State Controller's Office, and this is not a direct endorsement of their services.

You may also address any questions to our inbox at LocalGovPolicy@sco.ca.gov and we will provide assistance or forward your questions to the commission for additional guidance.

Newspaper Advertising for Formal Bids

Q1: Hello, I have a question regarding the Advertising in Local Newspapers for formal bidding. Who would I speak with regarding this?

A1: You have reached the correct mailbox for any questions regarding CUPCCAA.

Public Contract Code 22037 has more information concerning the advertisement of formal bids in local newspapers and the construction trade journals.

Additional information can also be found in the Cost Accounting Policies and Procedures Manual under section 1.05. The manual is located on the State Controller's Office website at http://sco.ca.gov/ard_cuccac.html

Q2: I just wanted to make sure this was still required because as you probably know a "newspaper" does not reach the amount of contractors that solicitation portals (public purchase, etc), trade journals, contractors exchanges and bid houses do and it can be very expensive. I don't know if it will be discussed for changes anytime soon or what the merit behind keeping the requirement is? Any information you have is appreciated.

I am probably just not aware of the bigger picture where newspaper advertising is effective so I wanted to ask

A2: Pursuant to Public Contract Code 22037, advertising in newspapers is required for formal bids.

Changes to the Act are discussed at the California Uniform Construction Cost Accounting Commission (CUCCAC) meetings. Details regarding the commission and the public meetings can be found on our website at: https://www.sco.ca.gov/ard_cuccac.html

CUCCAC Chair, John Nunan, may be able to address any questions or concerns you have regarding newspaper advertising. Contact information for the commission members can be found on the following page: https://www.sco.ca.gov/ard_cuccac_members.htm

Maintenance Contracts

Q: Are there any contracts you are aware of that we can use to perform maintenance projects?

A: Unfortunately, the State Controller's Office does not have any sample templates for CUPCCAA or maintenance contracts. The guidance issued by the California Uniform Construction Cost Accounting Commission (CUCCAC) does not include sample contracts, only sample resolutions for agencies to opt into CUPCCAA.

Additionally, the Construction Industry Force Account Council (CIFAC) may be able to assist you. CIFAC is a non-profit coalition of construction industry associations who promote state and local agency compliance with the Public Contract Code. CIFAC often works with agencies who have recently adopted CUPCCAA, and they may be willing to provide some additional resources towards assisting with your inquiry. Please note that the State Controller's Office and CUCCAC are not affiliated with CIFAC, and this email is not an official recommendation of their services.

Eligibility for CUPCCAA

Q: I was hoping if you can confirm that the [School District] has been a participating CUPCCA agency since 2011, and that there has been no pause in our eligibility to participate?

A: [School District] is on our list of participating CUPCCAA agencies and has been opted into the act since 2011. The School District remains subject to the Act until it withdraws from the Act by filing with the State Controller's Office an approved resolution of the agency's election to withdraw that was made during a public meeting of the agency's governing body.

Bid Splitting Question

Q: We have 5 structures across our District in need of either a new roof or a roof repair. Are we allowed to use the same contractor for all of the work without competitive bidding since no single location will exceed \$60,000 in work, or do we have to go through the competitive process because the cost of all the work will exceed \$60,000?

A: In response to your inquiry about what constitutes the avoidance of "bid-splitting" in a construction program with multiple projects, I offer the following reasoning.

- Each individual project should be at a separate location (site).
- Each individual project should have a separate construction contract/purchase order.
- Construction of the projects should be on separate individual timelines/schedules.
- If the bid proposal amount of any of these projects is \$ 60,000 or less, no informal bidding process is required for that project.

Informal Bid Limits

Q: In the Q&A posted on the website (shown below), indicates that amounts under \$60,000 do not require informal bidding.

Does a contractor have to be on an agency's contactor list in order to perform projects less than \$60,000?

No, any public project less than the \$60,000 informal bidding threshold can be performed by employees of the public agency, by negotiated contract, or by purchase order. An agency's list of contractors is only required to be alerted of projects that surpass the informal bidding threshold.

When you read the act it states that Public projects of \$200,000 or less may be let to contract by the informal procedures set forth in the Act as detailed in the 3 bullet points below.

- Public projects of \$60,000 or less may be performed by negotiated contract or by purchase order [PCC22032(a)]
- Public projects of \$200,000 or less may be let to contract by the informal procedures set forth in the Act [PCC22032(b)]
- Public projects of more than \$200,000 shall be let to contract by formal bidding procedures [PCC22032(c)]

The question is does bullet point 2 always apply? If we have a public project (example. Replacing Flooring in a Building for \$40,000), can we use a purchase order with a vendor who is on our CUPCCAA list? Our adopted informal bidding procedure states that but I just want to be sure I was understanding if the bullet points above are inclusive or if bullet point two is really more supposed to ready projects more than \$60,000 and less than \$200,000.

A: The informal bidding procedures are not required for Public projects of \$60,000 or less. If the contract is below the \$60,000 threshold, the City is free to use a purchase order with a vendor including vendors on their CUPCCAA list. The City may also have its own procurement policies in place for projects below the \$60,000 threshold.

Public Project Definition

Q: Would a water or Sewer line replacement be considered a project? It seems to me that replacement of water main would not be a Project based on Public Contract Code section 22002(c). Can you let me know or send me to someone that can tell me?

A: Water or sewer line replacement may or may not be a “public project”. For example, if there is a water or sewer line break and you replace that section of pipe, that would definitely fall under maintenance and not be a “public project”. However, if you are replacing a long section of pipe to increase the capacity, that would be a “public project”.

Filing Resolution

Q: [School District] recently approved a resolution to opt in to the California Uniform Construction Cost Accounting Commission's CUPCCAA program.

The next step is to file a record with the Sate Controllers office. Is there a form we need to use? How do we proceed to file the required documents with the State Controller’s office?

A: To file the documents with the State Controller’s Office, please email your agency's resolutions/ordinance and cover letter to LocalGovPolicy@sco.ca.gov. Be sure to retain the original wet signature or digitally signed document for audit purposes.

Proposed Changes To The California Uniform Public Construction Cost Accounting Act (CUPCCAA)

Public Contract Code Section 22002

(a) "Public agency," for purposes of this chapter, means a city, county, city and county, including chartered cities and chartered counties, any special district, and any other agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Public agency" also includes a nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency.

(b) "Representatives of the construction industry" for purposes of this chapter, means a general contractor, subcontractor, or labor representative with experience in the field of public works construction.

(c) "Public project" means any of the following:

(1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.

(2) Painting or repainting of any publicly owned, leased, or operated facility.

(3) In the case of a publicly owned *electric* utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

(d) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

(1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.

(2) Minor repainting.

(3) Resurfacing of streets and highways at less than one inch.

(4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

(5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

(e) For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

Public Contract Code Section 22042

The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

(a) Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.

(b) Exceeded the force account limits.

(c) Has been improperly classified as maintenance.

(d) Has been split or separated into smaller work orders or projects, in violation of Section 22033.

(e) Has been informally bid but exceeded the limits set forth in Section 22032 (b).

Public Contract Code Section 22042.5

The commission shall review practices of any participating public agency where an interested party presents evidence that the public agency is not in compliance with Section 22034 or Section 22037.

Public Contract Code Section 22032

(a) Public projects of ~~sixty thousand dollars (\$60,000)~~ seventy thousand dollars (\$70,000) 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 ~~two hundred thousand dollars (\$200,000)~~ two hundred twenty thousand dollars (\$220,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than ~~two hundred thousand dollars (\$200,000)~~ two hundred twenty thousand dollars (\$220,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

Public Contract Code Section 22034

Each public agency that elects to become subject to the uniform construction accounting procedures set forth in Article 2 (commencing with Section 22010) shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects pursuant to subdivision (b) of Section 22032. The ordinance shall include all of the following:

(a) Notice to contractors shall be provided in accordance with either paragraph (1) or (2), or both.

(1) The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

(2) The public agency may elect to mail, fax, or email a notice inviting informal bids to all construction trade journals specified in Section 22036.

(b) 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.

(c) The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person.

(d) If all bids received are in excess of ~~two hundred thousand dollars (\$200,000)~~ two hundred twenty thousand dollars (\$220,000), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, at ~~two hundred twelve thousand five hundred dollars (\$212,500)~~ two hundred thirty-five thousand dollars (\$235,000) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.