

California Uniform Construction Cost Accounting Commission

Meeting Agenda

Monday, February 13, 2017

10:00AM – 2:00PM

Teleconference Number: (888) 278-0296

Participation Code: 221558

Locations

California State Controller's Office

300 Capitol Mall

6th Floor, Terrace Room

Sacramento, CA 95814

Papich Construction Co., Inc.

3349 W. Belmont Avenue

Fresno, CA 93721

(559) 565-5040

Attendance

California Uniform Construction Cost Accounting Commission		
<i>Name</i>	<i>Position</i>	<i>Representing</i>
Linda Clifford, Chair	Consultant	Contractors State License Board
Will Clemens, Vice Chair	Central Service Department, Director	County of San Luis Obispo – Counties
Guiselle Carreon, Secretary	Commercial Warrants and Accounts Payable Manager	San Diego County Office of Education- School Districts
Jeff Armstrong	Apprenticeship Director	Northern California Laborers' Union – Labor
Eddie Bernacchi	President	NECA-Politico Group – Subcontractors
Robert Campbell	Auditor-Controller	County of Contra Costa – Counties
David Cruce	Vice President of Business Development, Estimating and Materials	Papich Construction Co., Inc. - General Contractors
George Hicks	Director of Public Works	City of Fairfield – Cities
Steven L. Hartwig	Deputy Public Works Director	City of American Canyon - Cities
Michael R. Hester	President	McGuire and Hester – Subcontractors
Nathaniel Holt	Director of Purchasing and Capital Facilities	Pomona Unified School District-School Districts
Ken A. Kayser	Construction Consultant	General Contractors
Cesar Diaz	Legislative Director	State Building and Construction Trades Council AFL - CIO - Labor

California Uniform Construction Cost Accounting Commission
Meeting Agenda Monday, February 13, 2017

State Controller's Office		
<i>Name</i>	<i>Position</i>	<i>Representing</i>
David Brownfield	Staff Counsel	State Controller's Office
Hitomi Sekine	Bureau Chief	Local Government Policy Section
Anita Dagan	Manager	Local Government Policy Section
Jenny Jones	Supervisor	Local Government Policy Section
Debbie Torres	Fiscal Analyst	Local Government Policy Section
Josh Buchanan	Fiscal Analyst	Local Government Policy Section

Meeting Agenda

1. **Call to Order**
2. **Introductions**
3. **Approval of the Minutes (Refer to attachment Item 3A)**
 - A. Meeting on November 7, 2016
4. **Commission Update (Refer to attachment Item 4AI, 4AII, 4AIII, and 4BI)**
 - A. Participating Agencies
 - I. Update
 - II. 1000th agency opted into the Act
 - III. Public agency notification letter
 - B. Funding
 - I. Update
 - C. Inquiry Update
 - D. Commission Vacancy
5. **Public Comment**
6. **Staff Comments/Requests (Refer to attachment Item 6A)**
 - A. Amended Bylaws
 - B. Form 700
 - C. Ethics
7. **Reports of Officers**
 - A. Chair
 - B. Vice Chair
 - C. Secretary

8. Committee Reports (Refer to attachment Item 8AIIa, 8IIb, 8IIc, and 8III)

- A. Frequently Asked Questions (FAQs)
 - I. Volunteer Labor
 - II. Welcome letter revision-PCC 22034
 - a. School Districts
 - b. Cities, Counties, Special Districts and Community Colleges
 - c. Revision of FAQ #26 language
 - III. Donation letter update
- B. Legislative Update
 - I. Identify future legislative changes if needed.
- C. CUCCAC Manual Update
 - I. Current status of manual
 - II. Proposed changes - non-legislative
 - III. Proposed changes - legislative

9. Commissioner Comments/Requests

10. Old Business

- A. Volunteer work/California Conservation Corp.

11. New Business

- A. Change order limits
- B. Los Angeles Unified School District best value procurement process
- C. Los Angeles Unified School District specific exceptions and potential conflicts with the Act.

12. Next Meeting

13. Adjournment

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

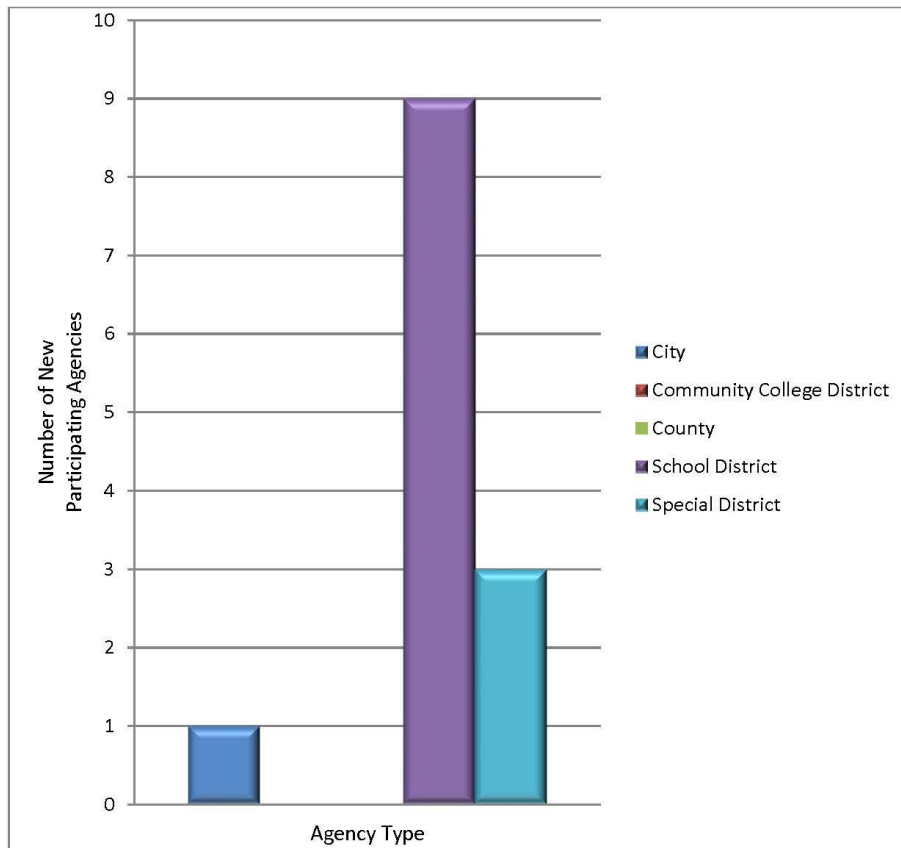
State Controller's Office
Local Government Policy Section
localgovpolicy@sco.ca.gov

Commission Update
For the period October 18, 2016-February 2, 2017

4A I. Report on new participating agencies

The State Controller’s Office has received eleven (11) new agencies along with two (2) additional resolutions who have already opted into the CUPCCAA, bringing the number of agencies “officially” verified as participating in the Act to 1032. Reconciliation of participating agencies by SCO is continually ongoing.

New Participating Agencies



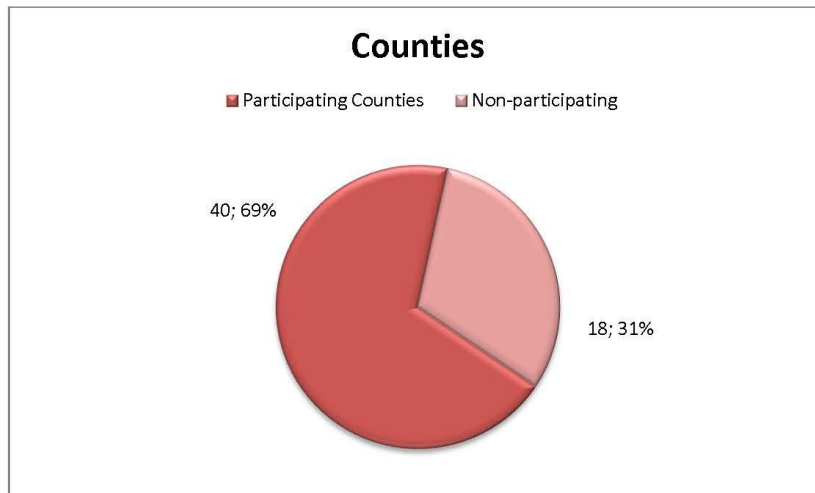
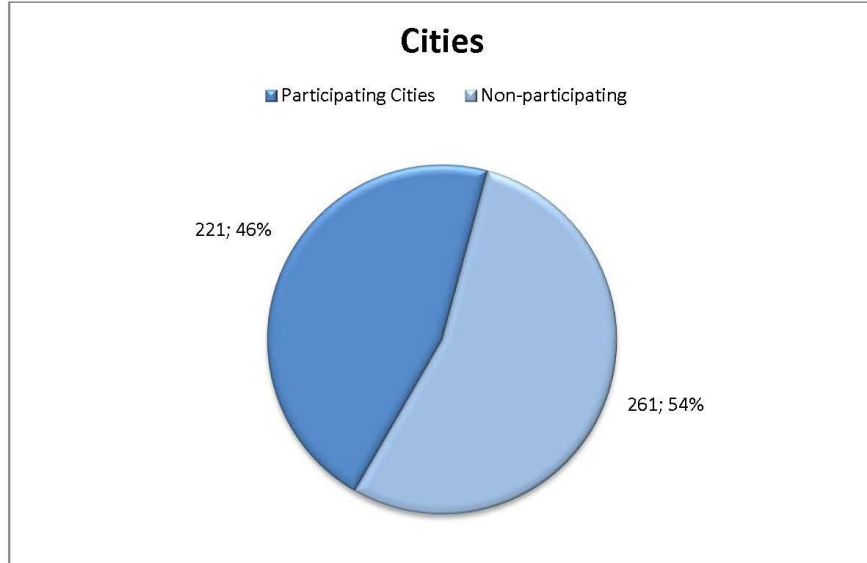
Commission Update
For the period October 18, 2016-February 2, 2017

	Agency	Date Opted In	Agency Type
1	Otay Water District	10/1/2016	Special District
2	Kingsburg Elementary Charter School District	10/13/2016	School District
3	Hueneme Elementary School District	10/24/2016	School District
4	Oceano Community Services District	11/9/2016	Special District
5	Jefferson Elementary School District	11/9/2016	School District
6	Hope School District	11/14/2016	School District
7	City of El Cerrito	11/15/2016	City
8	Vista Del Mar Union School District	11/16/2016	School District
9	Desert Center Unified School District	12/13/2016	School District
10	Sacramento Area Flood Control Agency	12/15/2016	Special District
11	Val Verde Unified School District	1/10/2017	School District

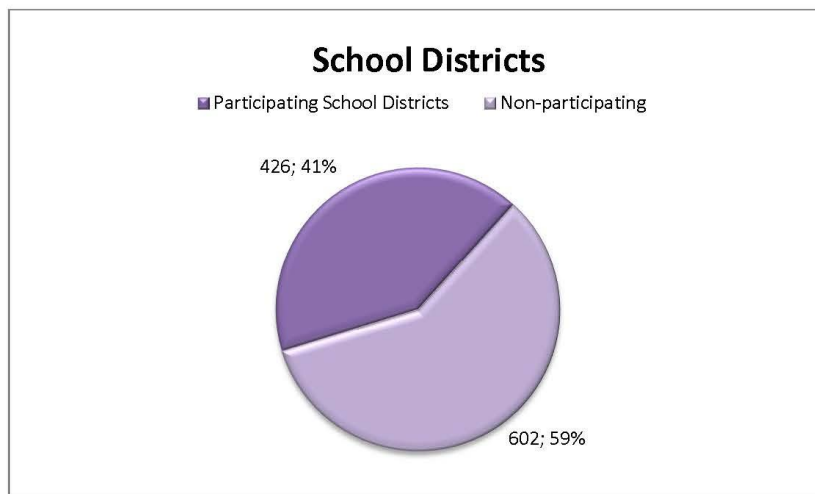
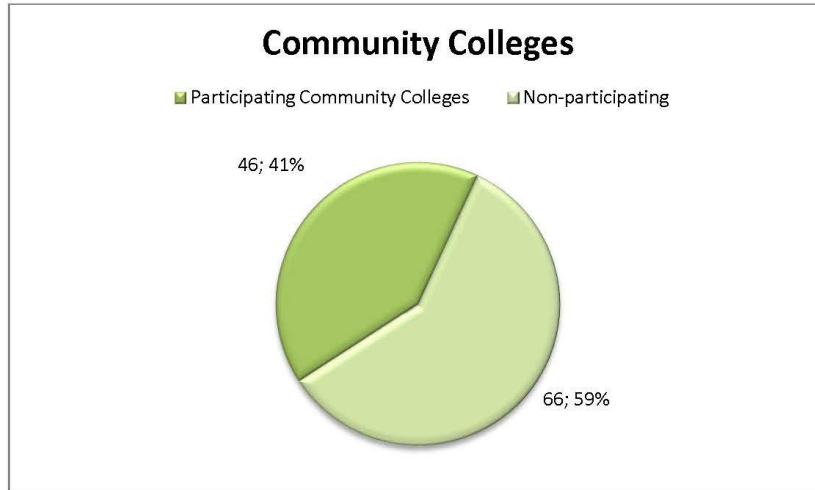
Additionally, the State Controller's Office has recently received resolutions from several agencies that had previously elected to opt into the Act. Those agencies have been added to the CUCCAC Database and are listed below:

	Agency	Date Opted In	Agency Type
1	Pleasant Valley School District	2/16/2012	School District
2	Old Adobe Union School District	12/12/2012	School District
3			

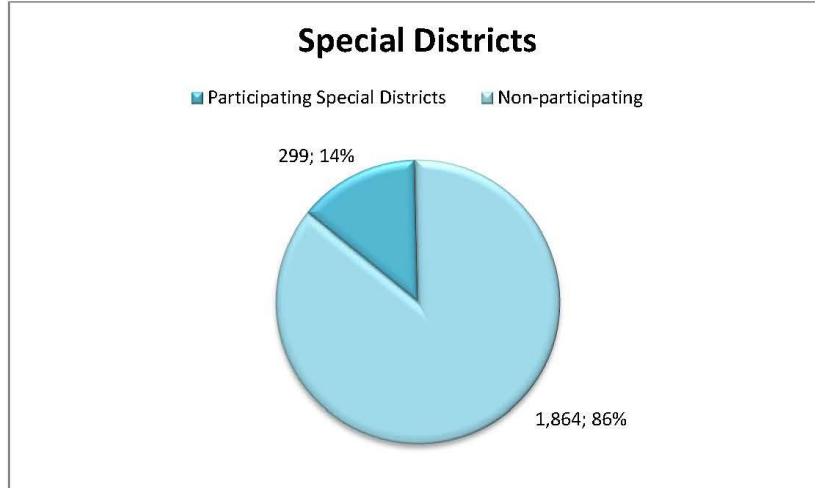
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For the period October 18, 2016-February 2, 2017



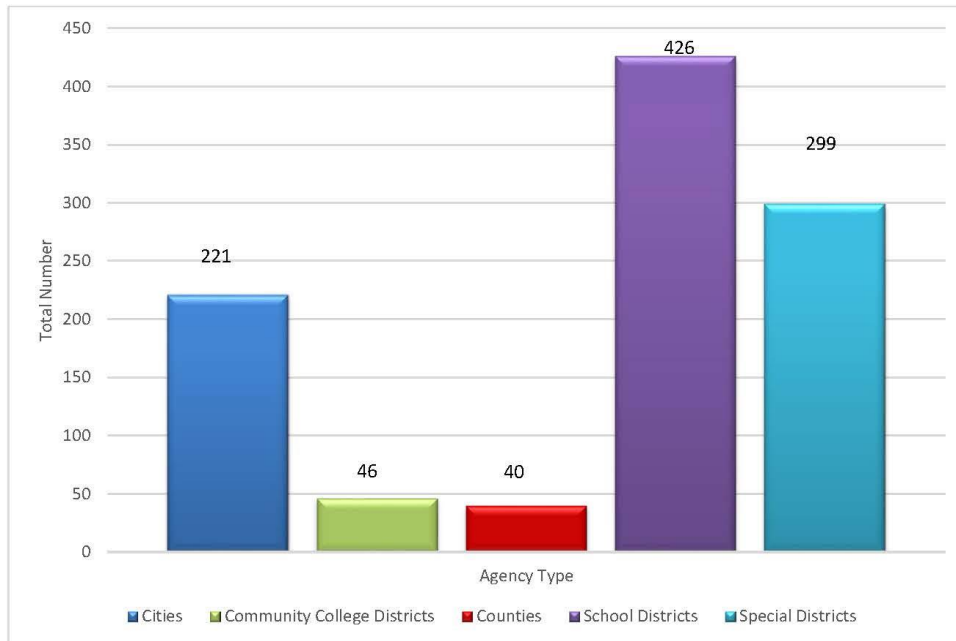
Commission Update
For the period October 18, 2016-February 2, 2017



Commission Update
For the period October 18, 2016-February 2, 2017



Total Participating Agencies (1032)



STATE OF CALIFORNIA**BETTY T. YEE, California State Controller****California Uniform Construction Cost Accounting Commission**

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Ken Kayser
Construction Consultant
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January 31, 2017

Richard Fitzpatrick
Superintendent
Corning Union Elementary School District
1590 South Street
Corning, CA 96021

RE: California Uniform Public Construction Cost Accounting Act (the Act)

Dear Mr. Fitzpatrick,

On behalf of the California Uniform Construction Cost Accounting Commission (CUCCAC) and the State Controller's Office, we want to congratulate you on being 1,000th public agency that has opted into the Act.

To better help you understand and utilize all aspects of the Act, please visit the State Controller's Office web site at http://www.sco.ca.gov/ard_cuccac.html. There you will find the Commission meeting agendas, minutes, FAQs, *Cost Accounting Policies and Procedures Manual* for your particular needs.

We welcome your questions and concerns, and look forward to serving you.

Sincerely,

Guiselle Carreon
Secretary-CUCCAC

California Uniform Construction Cost Accounting Commission

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Date:

To: All Public Agencies

Re: Notification of Changes to the Uniform Public Construction
Cost Accounting Act

To Whom It May Concern:

The purpose of this letter is to highlight the provisions and benefits of the Uniform Public Construction Cost Accounting Act (Act), which provides public agencies economic benefits and greater freedom to expedite public works projects. If your agency elects to utilize the Act, it will benefit from expanded force-account authority, increased bid limits and a more informal bidding procedure.

Established in 1983, the Act amended the Public Contract Code to provide more flexible, expedited bidding, and contract award procedures to participating public agencies. The Act is unique in that participation and utilization of its provisions are not mandatory. Any city, county, special district, school district or community college district can voluntarily elect to become a participant of the Act. After opting into the Act by resolution or ordinance of its governing body, participants may enjoy the advantage of more streamlined awards process, as well as a reduction in advertising requirements and other reporting paperwork. In return, signatory agencies agree to provide cost accounting information in the format prescribed in the *Cost Accounting Policies and Procedure Manual* and to adhere to the terms of the Act until the agency formally opts out. The Act has been popular and successfully utilized by many public agencies. Thirty-three years after its adoption, there are currently over 1,000 public agencies that have elected to utilize the Act. If your agency has not yet elected to participate in the Act, I hope that you will consider joining these other agencies by electing to do so.

In an effort to further improve the usefulness of the Act as a project delivery tool for participating public agencies, revisions have recently been made. These revisions include additional streamlining of the award process contained in the Act that favors public agencies.

The Act is governed by the California Uniform Construction Cost Accounting Commission (CUCCAC). The CUCCAC membership is comprised of representatives from both public agencies and the private construction industry.

California Uniform Construction Cost Accounting Commission

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Every five years, the CUCCAC reviews the bid limits in the Act for inflation and other factors to determine when increases should be made. The most recent increases allow projects costing \$45,000 or less to be performed by employees of a public agency or contracted out without competitive bidding; projects costing up to \$175,000 can be contracted by informal bidding procedures and awarded at the staff level, and projects over \$175,000 are to be contracted by formal bidding procedures.

For more details or information, please contact the Local Government Programs and Services Division at LocalGovPolicy@sco.ca.gov or visit our website at <http://www.sco.ca.gov/ard/local/cuccac>

Sincerely,

Lj Clifford

L. J. CLIFFORD, Chair

Commission Funding Update
For the period October 17, 2016-February 2, 2017

4B I. Funding update

The Commission has \$8,854.90 of unrestricted donations available for use.

	Conditional	Unconditional	Total
Beginning Balance 10/17/2016	\$ 0	\$ 8,854.90	\$ 8,854.90
Donations received		0.00	0.00
Ending Balance 2/2/2017	\$ 0	\$ 8,854.90	\$ 8,854.90

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION

Resignation, termination, and absences:**Resignations**

Resignation by an appointed Commission member shall be in writing and made to the California State Controller. The resignation is to be delivered to the Local Government Policy Section of the State Controller's Office which will accept the resignation for the Controller and forward a copy to the Commission Chair.

[Government Code section 1750]

Vacancies

An appointed Commissioner's office becomes vacant on the happening of any of the following events before the expiration of the term:

- a) The death of the Commissioner
- b) An adjudication pursuant to a quo warranto proceeding declaring that the Commissioner is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the Commissioner will not be able to perform the duties of his or her office for the remainder of his or her term.
- c) His or her resignation.
- d) His or her removal from office.
- e) His or her ceasing to be an inhabitant of the state.
- f) His or her conviction of a felony or of any offense involving a violation of his or her official duties.
- g) His or her refusal or neglect to file his or her required oath within the time prescribed.
- h) The decision of a competent tribunal declaring void his or her appointment.
- i) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
- j) [Government Code section 1770.]

If any of the above events or any other event listed in Government Code section 1770 occur, or if a Commissioner has two or more consecutive unexcused absences from commission meetings and has not participated in any manner in other commission activities between those meetings, the Chair (or the commission by a majority vote) may submit a recommendation to the Controller that office of the Commissioner in question be considered vacant. If the State Controller's Office determines that a commissioner's office is vacant, the Controller will appoint a new commissioner for the unexpired term of that office.

Absences

The Chair will determine whether an absence is excused or unexcused. Acceptable reasons for an excused absence include, but are not limited to: an individual or family illness or health condition,

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION

death in the family, pregnancy, birth or adoption of a child, extraordinary one-time travel problems in attending the meeting, or one-time conflict in meeting times for committee members that serve on more than one committee.

Any absence is expected to be reported as soon as it is feasible to do so. Anticipated absences should be reported at least ten (10) business days prior to the scheduled meeting date. In cases where absences cannot be anticipated, notification shall be made at least 24 hours prior to the next meeting at which the Commissioner will not be attending or as far in advance of said meeting as possible.

Addition to the FAQs:

1. When using volunteer labor to install equipment, does the procurement fall under the definition a public works project or an equipment purchase?

The Act defines the cost of a public project as including but not limited to costs for labor, equipment, materials, supplies, and subcontracts of the public agency. A public project by definition pursuant to PCC 22002 is the construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility. Installation of equipment that will be affixed to a facility would fall under this definition. Therefore, work involving volunteer labor would be subject to the bid limits specified in the Act.

California Uniform Construction Cost Accounting Commission



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Contractors State License Board
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Date

Name

Address

Address

Address

RE: Welcome New Participating Agency

Dear Mr. Surname:

The State Controller's Office (SCO) received the XXXXX Resolution No. 2016-2017-06, dated December 13, 2016, electing to become a participating member of the California Uniform Public Construction Cost Accounting Act (Act) pursuant to Public Contract Code (PCC) section 22030. The California Uniform Construction Cost Accounting Commission (Commission) is very pleased to welcome you as a new member.

The Commission, created by PCC 22010 in 1983, is the governing body for the Act. Comprised of fourteen members, the Commission works to ensure the equitable application of the Act. One member is appointed by the State Contractors' License Board and thirteen members are appointed by the Controller. Seven members represent public agencies: cities, counties, school districts, and special districts. Six members represent professional services: contractors, subcontractors, and laborers.

The Commission is responsible for developing uniform public construction cost accounting policies and procedures. Force account and bidding rules are periodically reviewed by working with the legislature, participating agencies, laborers, and contractors to adapt the Act to evolving industry standards. Compliance and cost accounting reviews are conducted by the Commission with independent accounting consultants as necessary. In addition, the Commission conducts meetings open to the public and maintains the Commission's webpage on the SCO web site.

As a participating member of the Act, there are many advantages, including expedited bid processes and increased bid limits. Agencies joining the Act mid-year or having a fiscal year other than a calendar year [and choose to maintain a list of registered contractors](#) should advertise [for their contractors' list](#) as soon as practical, then re-advertise in November each year as [currently required as](#)

State Controller's Office-Local Government Policy Section
P.O. Box 942850, Sacramento, CA 94250
Phone: (916) 327-8905 * Fax: (916) 327-3162
localgovpolicy@sco.ca.gov

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outlined on page 6 of the Cost Accounting Policies and Procedures Manual.

[GC1]

To better help you understand and utilize all aspects of the Act, please visit the SCO web site at http://www.sco.ca.gov/ard_cuccac.html. There you will find the Cost Accounting Policies and Procedures Manual, contact information for SCO staff and Commissioners, Commission meeting agendas and minutes, FAQ's, and other information including sample document templates to adapt to your particular needs. In the event you have questions or concerns regarding the Act, you are encouraged to contact one of the Commissioners.

On behalf of the Commission and SCO staff, I congratulate you on your election to participate in the Act. We welcome your questions and concerns, and look forward to serving you.

Sincerely,

Lj Clifford

L. J. CLIFFORD, Chair

California Uniform Construction Cost Accounting Commission



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December 21, 2016

Name
Address
Address
Address

RE: Welcome New Participating Agency

Dear Mr. Surname,

The State Controller's Office (SCO) received the XXXXX's Resolution No. 2016-85, dated November 15, 2016, electing to become a participating member of the California Uniform Public Construction Cost Accounting Act (Act) pursuant to Public Contract Code (PCC) section 22030. The California Uniform Construction Cost Accounting Commission (Commission) is very pleased to welcome you as a new member.

The Commission, created by PCC 22010 in 1983, is the governing body for the Act. Comprised of fourteen members, the Commission works to ensure the equitable application of the Act. One member is appointed by the State Contractors' License Board and thirteen members are appointed by the Controller. Seven members represent public agencies: cities, counties, school districts, and special districts. Six members represent professional services: contractors, subcontractors, and laborers.

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As a participating member of the Act, there are many advantages, including expedited bid processes and increased bid limits. To better help you understand and utilize all aspects of the Act, please visit the SCO web site at http://www.sco.ca.gov/ard_cuccac.html. There you will find the Cost Accounting Policies and Procedures Manual, contact information for SCO staff and Commissioners, Commission meeting agendas and minutes, FAQ's, and other information including sample document templates to adapt to your

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On behalf of the Commission and SCO staff, I congratulate you on your election to participate in the Act. We welcome your questions and concerns, and look forward to serving you.

Sincerely,

Lj Clifford

L. J. CLIFFORD, Chair

Current language for FAQ 26:

- Q. How does a public agency process change orders when the standard code conflicts with the Act?
- A. For contracts below \$45,000, the total cost of the contract may not exceed \$45,000. For informal contracts, under the Act, the limit is \$175,000. If the public agency is a school district, there may be additional limits and it is recommended the agency consult with their legal counsel for interpretation of change order limits.

Suggested change for FAQ 26:

- Q. How does a public agency process change orders when the standard code conflicts with the Act?
- A. For work that a public agency wants to do with its own forces, the total cost of the contract may not exceed \$45,000. All costs are counted including design, demolition, engineering, supplies, materials, labor, equipment and all other costs. Over \$45,000 and up to \$175,000, the public project can be bid informally following the procedures in the Act. Again, all costs must be included. If the public agency is a school district, there after often additional limits and restrictions and it is recommended that the agency consult with their legal counsel to make sure that these additional requirements are met.

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San Diego County Office of
Education
School Districts
Secretary-CUCCAC

Nathaniel Holt
Director of Purchasing and Capital
Facilities
Pomona Unified School District
School Districts

Robert R. Campbell
Auditor-Controller
County of Contra Costa
Counties

George Hicks
Director of Public Works
City of Fairfield
Cities

Steven L. Hartwig
Deputy Public Works Director
City of American Canyon
Cities

Jeff Armstrong
Apprenticeship Director
Northern CA Laborers' Union
Labor

Cesar Diaz
Legislative Director
State Building and Construction
Trades Council
Labor

Eddie Bernacchi
President
NECA, Politico Group
Subcontractors

Michael R. Hester
President
McGuire and Hester
Subcontractors

David Cruce
Vice President- Business
Development, Estimating, and
Materials
Papich Construction Inc.
General Contractors

Ken Kayser
Construction Consultant
General Contractors

Special Districts
Vacant

Date

Name

Address

Address

Address

**RE: REQUEST FOR SUPPORT FOR THE CALIFORNIA UNIFORM
CONSTRUCTION COST ACCOUNTING COMMISSION**

Dear XXXX,

As current members and officers of the California Uniform Construction Cost Accounting Commission (Commission), we are asking you to join us in supporting the Commission with a contribution of \$2,500. This contribution strengthens the Commission's ability to ensure the fair and equitable application of the California Uniform Public Construction Cost Accounting Act (Act) as intended when it was enacted in 1983 --- more than 30 years ago.

Our industry has already experienced many of the benefits of membership such as; the creation of the Cost Accounting Procedures Manual that provides user-friendly guidance to local governments on the use of the Public Contract Code and the requirements for public entities to solicit bids. In addition, while the public sector was able to increase the formal bidding threshold to \$175,000, the Commission was able to hold the lower limits for force account work at \$45,000 thus providing more opportunities for bidding.

As a member of our industry, you have access to a Commission whose composition is fairly balanced between private and public sector representatives who have extensive expertise in the public works construction industry.

The educational efforts of the Commission and the industry knowledge of the Commissioners serves to:

- accurately prescribe the Acts statutory requirements and provide timely cost accounting guidance;
- settle accounting disputes fairly and expeditiously, often avoiding court, lost time and expensive legal fees by both parties;
- formulate responses to frequently asked questions;
- respond promptly to participant inquiries concerning the practice of and the requirements of the Act; and
- assess and recommend to the State Controller force account limits and bidding thresholds appropriate to the industry.

State Controller's Office
Local Government Programs and Services Division
P.O. Box 942850, Sacramento, CA 94250
Phone: (916) 327-8905 * Fax: (916) 327-8905

California Uniform Construction Cost Accounting Commission

Linda Clifford
Contractors State License Board
Appointed
Chair-CUCCAC

Will Clemens
Central Service Department
Director
County of San Luis Obispo
Counties
Vice Chair-CUCCAC

Guiselle Carreon
Commercial Warrants and
Accounts Payable Manager
San Diego County Office of
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Commissioners have volunteered their time since the creation of the Act by the Legislature in 1983, and except for the initial start-up costs, there has been no source of funding to promote and facilitate the Act, the Commissions important work, audits and public meetings.

Members of the contracting community have provided valuable support over the years for audits, outreach training, and other efforts of the Commission in furtherance of the Act. Your supportive funding will enable the Commission to continue to provide important services and training to public entities.

Your contribution will be used to: conduct cost accounting reviews with independent accounting consultants as complaints are filed, update the Cost Accounting Manual, maintain a website for easy access to the rules, work with the legislature, and periodically review force account and bidding rules to ensure that they are relevant and keeping pace with today's industry demands.

Please help us by making your check payable to the "State of California" and note in the memo portion "for CUCCAC".

Please send your contribution to:

State Controller's Office
Local Government Programs and Services Division
Local Government Policies Section
P.O. Box 942850
Sacramento, CA 94250

Thank you in advance for your support of this important work.

Sincerely,

L. J. CLIFFORD, Chair

State Controller's Office
Local Government Programs and Services Division
P.O. Box 942850, Sacramento, CA 94250
Phone: (916) 327-8905 * Fax: (916) 327-8905