




TOWN OF FAIRFAX

STAFF REPORT

November 7, 2018

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager 

SUBJECT: Second reading and adoption of an Ordinance Amending Chapter 3.36 ("Public Bidding") of the Fairfax Town Code to Increase Contract Award Limits per the Uniform Public Construction Cost Accounting Act; categorically exempt from CEQA

RECOMMENDATION

Waive second reading and read by title only and adopt "An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 3.36 ("Public Bidding") of the Fairfax Town Code to Increase Contract Award Limits per the Uniform Public Construction Cost Accounting Act."

DISCUSSION

At its October 3rd meeting, the Town Council introduced the proposed ordinance. Tonight is the second reading and adoption. If adopted, the ordinance would take effect in 30 days, with the actual changes to limits to take effect January 1, 2019, pursuant to State law.

As background, in 1995, the Town Council adopted an ordinance making the Town subject to the uniform construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act (UPCCAA), which governs the public bidding process and requirements. This ordinance increases the Town's limits to the new UPCCAA's contractual limits. The new UPCCAA limits are effective January 1, 2019 and are as follows:

- (A) Increases the limit from \$45,000 or less to \$60,000 or less for those public projects which may be performed by employees (i.e., force account) or by negotiated contract.
- (B) Increases the limit from \$100,000 or less to \$200,000 or less for those public projects that may be let to contract by informal bidding procedures.
- (C) Increases the limit from \$100,000 to more than \$200,000 for those public projects required to be let to contract by formal bidding procedures.

The ordinance does not change the current limits on staff's purchasing authority.

ATTACHMENT

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING CHAPTER 3.36 (“PUBLIC BIDDING”) OF THE FAIRFAX TOWN CODE
TO INCREASE CONTRACT AWARD LIMITS
PER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

WHEREAS, pursuant to Chapter 3.36 of Town Code, the Town of Fairfax has elected to become subject to the uniform construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act, Cal. Public Contract Code §§ 22000 *et seq.*; and

WHEREAS, the informal bid limits prescribed by Section 22032 of the California Public Contract Code will increase on January 1, 2019; and

WHEREAS, this Ordinance is intended to maintain consistency between Town Code Chapter 3.36 and the Uniform Public Construction Cost Accounting Act;

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Fairfax Town Code, Section 3.36.020, shall be revised to read as follows:

§ 3.36.010 ADOPTION OF CALIFORNIA UNIFORM CONSTRUCTION ACCOUNTING PROCEDURES.

The Town Council does elect to become subject to the uniform construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act, Cal. Public Contract Code §§ 22000 *et seq.*, except as otherwise provided herein. The terms referred to herein shall have the meanings ascribed to them in the Uniform Public Construction Cost Accounting Act.

“§ 3.36.020 AWARD OF CONTRACT.

(A) Public projects of \$60,000 or less may be performed by the employees of the town by force account or by negotiated contract or purchase order awarded by the Town Manager. The approval of contracts by the Town Manager is subject to the Town’s administrative purchasing policies adopted by Council Resolution 13-30.

(B) Public projects of \$200,000 or less may be let to contract by informal procedures as set forth in this chapter.

(C) Public projects of more than \$200,000 shall, except as otherwise provided in the Uniform Public Construction Cost Accounting Act, be let to contract by formal bidding procedures.

SECTION 2: Fairfax Town Code, Section 3.36.040, shall be revised to read as follows:

“§ 3.36.040 MAINTENANCE AND USE OF LIST OF QUALIFIED CONTRACTORS.

The Town Manager may maintain a list of qualified contractors identified according to categories of work. The list shall be developed and maintained in accordance with the criteria determined by the California Uniform Construction Cost Accounting Commission.”

SECTION 3: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4: CEQA. Pursuant to 14 California Code of Regulations § 15061(b)(3), this Ordinance is categorically exempt from the California Environmental Quality Act because the Town Council of the Town of Fairfax finds that there is no possibility that the implementation of this Ordinance will have significant effects on the environment.

SECTION 5: This Ordinance shall be effective January 1, 2019. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; 3. Bulletin Board, Fairfax Women’s Club building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 3rd day of October 2018, and duly adopted at the next regular meeting of the Town Council on the 7th day of November 2018, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Peter Lacques, Mayor

Attest:

Michele Gardner, Town Clerk _____
Date