



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
March 16, 2011**

TO: Mayor and City Council

FROM: Michael Chandler, Senior Management Analyst
Tim Tucker, City Engineer

SUBJECT: Introduce Ordinance amending Chapter 3.36 of the Martinez Municipal Code in regards to the Bidding of Public Construction Contracts

DATE: March 9, 2011

RECOMMENDATION:

Introduce ordinance amending Title 3, Revenue and Finance, Chapter 3.36, Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act of the Martinez Municipal Code to incorporate the revised monetary limits adopted by the California Legislature in regards to the bidding of public construction contracts.

BACKGROUND:

The City Council first adopted the provisions of the Uniform Public Construction Cost Accounting Act (the "Act"), codified as Public Contract Code Section 22000, et seq., to regulate the manner in which public construction contracts are bid and awarded in the City of Martinez, in 1987 via Resolution No. 11-87. This resolution was later rescinded and replaced in 1990 with Resolution No. 39-90. Chapter 3.36 of the Martinez Municipal Code entitled, "Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act" incorporates the provisions of the Act, including the monetary limits applicable to informal bidding of public construction projects. These limits are subject to change once every five years by recommendation of the California Uniform Construction Cost Accounting Commission (the "Commission") and action of the Legislature.

The current limits specified in Chapter 3.36 of the Municipal Code are outdated and have not kept pace with the monetary adjustments recommended by the Commission and approved by the Legislature over the years. For example, the current legal threshold for informally bidding a public project is \$125,000 and less; however, the Chapter 3.36 of the City's Municipal Code states this limit as \$100,000 and less. The proposed ordinance would amend the City's Municipal Code to reflect the current legal thresholds, and provide an allowance for automatic adjustments of the monetary limits without further Council action to amend the Municipal Code whenever the limits are revised by the Legislature in the future.

By adopting this ordinance, the City will ensure it remains current with the change in limits for informally bidding public projects as set forth by the Commission and the Legislature, while continuing to adhere to the strict practices established in the Public Contracts Code for the bidding of such projects.

FISCAL IMPACT:

None.

ACTION:

Introduce ordinance to amend Chapter 3.36 of the Martinez Municipal Code to incorporate the revised monetary limits adopted by the California Legislature in regards to the bidding of public construction contracts.

Attachment: Ordinance

A handwritten signature in black ink, appearing to read "Philip Vance". The signature is written in a cursive style with a large initial "P".

APPROVED BY: City Manager

ORDINANCE NO. C.S.

AMENDING TITLE 3 REVENUE AND FINANCE, CHAPTER 3.36, INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT OF THE MARTINEZ MUNICIPAL CODE TO INCORPORATE THE REVISED MONETARY LIMITS ADOPTED BY THE CALIFORNIA LEGISLATURE IN REGARDS TO THE BIDDING OF PUBLIC CONSTRUCTION CONTRACTS

WHEREAS, the City Council has adopted the Uniform Public Construction Cost Accounting Act (the "Act"), codified as Public Contract Code Section 22002, et seq., to regulate the manner in which public construction contracts are bid and awarded in the City of Martinez; and

WHEREAS, Chapter 3.36 of the Martinez Municipal Code incorporates the Act's provisions relating to the bidding and award of public construction contracts in Martinez; and

WHEREAS, Public Contracts Code Section 22020 provides that once every five years, the California Uniform Construction Cost Accounting Commission (the "Commission") shall adjust the monetary limits applicable to the public bidding and award of public construction contracts subject to the Act; and

WHEREAS, the Commission has exercised its authority under Public Contracts Code Section 22020 to adjust the monetary limits of the Act relating to the public bidding and award of public construction contracts and the California Legislature has amended the Act to incorporate those adjusted monetary limits; and

WHEREAS, in response to the Commission's and the Legislature's recent action, the City Council does hereby desire to amend Chapter 3.36 of the Municipal Code so that Chapter 3.36 conforms to the recent actions of the Commission and the Legislature; and

WHEREAS, the City Council further desires to amend Chapter 3.36 to provide that the monetary limits in Chapter 3.36 shall be adjusted automatically by future actions of the Commission or the Legislature establishing new monetary limits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 3.36.010 of the Martinez Municipal Code is amended as follows:

3.36.010 Informal Bid Procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act, of ~~\$100,000.00~~ **\$125,000.00** or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Section 2. Section 3.36.050 of the Martinez Municipal Code is amended as follows:

3.36.050 All Bids Greater Than ~~\$100,000.00~~ **\$125,000.00**

If all bids received are in excess of ~~\$100,000.00~~ **\$125,000.00**, the City Council may, by passage of a resolution by a 4/5 vote, award the contract, at ~~\$110,000.00~~ **\$137,500.00** or less, to the lowest responsible bidder, if it determines the cost estimate of the City was reasonable.

Section 3. Section 3.36.060 is hereby added to the Martinez Municipal Code to read as follows:

3.36.060 Automatic Adjustment of Monetary Limits

In accordance with Public Contract Code Section 22020, the monetary limits specified in this chapter shall adjust automatically and without further amendment by the City Council upon notification from the California State Controller of such amended monetary limit. Such adjustment shall be effective on the date specified in the Controller's notification. The monetary limits specified above shall also adjust automatically and without further amendment by the City Council whenever the Legislature amends Public Contract Code Sections 22032 and 22034 by adjusting the monetary limits contained therein.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 5. Effective Date.

This ordinance shall become effective 30 days after the date of adoption.

Section 6. Posting.

The City Clerk shall cause this ordinance to be published at least once, with the names of those city council members voting for or against the ordinance, in a newspaper of general circulation published and circulated in the City of Martinez

APPROVED: _____
Rob Schroder, Mayor

ATTEST: _____
Deputy City Clerk

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I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 16th day of March, 2011, and adopted at a Regular Meeting of said City Council held on the _____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ