



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
April 6, 2011**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Adoption of Ordinance 1363 C.S.
DATE: March 29, 2011

RECOMMENDATION:

Adopt Ordinance 1363 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.

BACKGROUND:

At the City Council meeting of March 16, the above ordinance was introduced and a public hearing was held in accordance with California Government Code. The ordinance is now before you for adoption and will become effective after 30 days.

FISCAL IMPACT:

None.

ACTION:

Motion to adopt Ordinance 1363 C.S. amending Chapter 3.36 of the Martinez Municipal Code.

Attachment: Ordinance

A handwritten signature in black ink, appearing to read "Philip Viree". The signature is written in a cursive style.

APPROVED BY: City Manager

ORDINANCE NO. 1363 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 6th day of April, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ