

CITY OF HERMOSA BEACH
ORDINANCE NO. 23-XXXX

**INTRODUCTION OF AN ORDINANCE ADDING CHAPTER 3.14 TO BECOME
SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING
ACT (UPCCAA OR ACT) FOR ALL PUBLIC PROJECTS, AMENDING
SECTION 3.12.140 TO INCREASE THE CITY MANAGER'S AUTHORITY TO
AWARD CONTRACT FOR MAINTENANCE SERVICES UP TO THE INFORMAL
BIDDING LIMIT AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1. Findings and Purpose

- A. On September 12, 2023, the City of Hermosa Beach ("City") elected to become subject to the Uniform Public Construction Cost Accounting Act ("Act").
- B. The Act requires participating agencies to adopt a bidding ordinance consistent with the bidding requirements under the Act.
- C. The City, in furtherance of more efficient and cost-effective maintenance of publicly owned or operated facilities, desires to increase the contractual authority of the City Manager for specific maintenance work such that these routine and reoccurring matters are handled expeditiously and in a cost effective manner.

SECTION 2. Chapter 3.14 is hereby added to the Hermosa Beach Municipal Code as attached hereto as Exhibit "A."

SECTION 3. Section 3.12.140 is hereby amended to read as attached hereto as Exhibit "B."

SECTION 4. The City Council finds the adoption of this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code

of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 6. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED on this 12th day of September, 2023.

Raymond Jackson

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney

Exhibit A

CHAPTER 3.14 – PURCHASING POLICES AND PROCEDURES

3.14.010 – Adoption of Bidding Procedures Under the Uniform Public Construction Cost Accounting Act.

A. Definitions. For the purposes of this enabling ordinance for the Uniform Public Construction Cost Accounting Act, the following words and phrases shall have the following meanings:

1. “Act” means the Uniform Public Construction Cost Accounting Act (California Public Contracts Code Section 22000 *et seq.*), as it may be amended from time to time. The requirements of the Act are deemed incorporated herein by reference as if fully set forth herein.
2. “City” means the City of Hermosa Beach.
3. “Commission” means the California Uniform Construction Cost Accounting Commission.
4. “Public Project” has the meaning assigned to it under Public Contract Code Section 22002, as it may be amended from time to time.

B. Public Project Contracting Procedures. The City shall follow the contracting procedures set forth in Article 3 of the Act (Public Contract Code Section 22030 *et seq.*).

C. Contractors List. The City Manager, or his or her designee, is not required to compile and maintain a list of qualified contractors identified according to categories of work.

D. Informal Bidding.

1. When a public project is to be performed which qualifies for informal bidding, notice of such project shall be given as follows except where the product or service is proprietary or such project is otherwise exempt from competitive bidding under applicable law:

- a. Notice shall be sent to all construction trade journals specified by the Commission for the receipt of such notice for Los Angeles County; and

- b. Additional notice to other contractors and/or trade journals may, in the discretion of the City of Hermosa Beach, be given.
 2. All mailing of notices to construction trade journals shall be completed not less than ten days before bids are due.
 3. The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.
 4. Informal bidding shall be performed in the manner required by the Act and other applicable law.
- E. Formal Bidding.
 1. When a public project is to be performed which qualifies for formal bidding, notice of such project shall be given as follows except where the product or service is proprietary or such project is otherwise exempt from competitive bidding under applicable law:
 - a. Notice shall be given to all construction trade journals specified by the Commission for the receipt of such notice for Los Angeles County and notice shall be published in a newspaper of general circulation printed and published or circulated in the City of Hermosa Beach; and
 - b. Additional notice to other contractors and/or trade journals may, in the discretion of the City of Hermosa Beach, be given.
 2. All notices to construction trade journals shall be completed not less than fifteen days before bids are due. All notices shall be published in a newspaper of general circulation not less than fourteen days before bids are due.
 3. The notice shall describe the project in general terms, how to obtain more detailed information about the project and shall state the time and place for submission of bids.
 4. Formal bidding shall be performed in the manner required by the Act and other applicable law.
- F. Award of Contracts. The City Manager is authorized to award contracts for maintenance projects and public projects up to the limit in Public Contracting Code Section 22032(a), as it now exists or may be subsequently

amended, provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. The City Council shall award all contracts in excess of the foregoing amount. Prior to commencing any work under this chapter, the Public Works Director and/or City Engineer shall approve plans and designs and grant design immunity for those public projects awarded under this chapter.

G. Rejection of Bids. The City Manager or the City Council, as the case may be, may, in the City Manager's or City Council's discretion, reject all bids and proceed as authorized by the Act.

H. Emergencies. Emergency work shall be contracted for in accordance with Public Contract Code Sections 22035 and 22050, or any successor statute, except where the product or service is proprietary or such project is otherwise exempt from competitive bidding under applicable law.

Exhibit B

3.12.140 Exempt purchases.

The provisions of this chapter shall not apply to the purchase by the City of:

- A. Public utilities services;
- B. Professional services;
- C. Contracts with public or quasi-public agency;
- D. Computers and peripheral equipment;
- E. Purchases made through a cooperative purchasing program utilizing purchasing agreements maintained by the [State](#), [County](#), or other public agencies;
- F. Purchases made in reliance on a bid solicitation by another public agency where the City [Council](#) finds that the procurement [process](#) utilized by the public agency:
 - 1. Is substantially similar to the provisions of this chapter;
 - 2. Occurred within a reasonably proximate time; and
 - 3. Achieved the objectives of this chapter.
- G. Maintenance work as defined in section 22002 of the Public Contract Code that does not exceed the monetary threshold applicable to force accounts, negotiated contracts, or purchase orders for public projects set forth in subd. (a) of section 22032 of the Public Contract Code (as of January 1, 2019, \$60,000), as such threshold may be amended from time to time. The City Manager is authorized to award contracts exempted hereunder provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged.
- H. Maintenance work as defined in section 22002 of the Public Contract Code that exceeds the monetary threshold applicable to force accounts, negotiated contracts, or purchase orders for public projects set forth in subd. (a) of section 22032 of the Public Contract Code (as of January 1, 2019, \$60,000), as such threshold may be amended from time to time, but does not exceed the monetary threshold applicable to formal bidding procedures for public projects set forth in subd. (c) of section 22032 of the Public Contract Code (as of January 1, 2019, \$200,000), as such threshold

may be amended from time to time, so long as such maintenance work is procured under a competitive solicitation process with an award made to the proposer providing the best value to the City, taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. The City Manager is authorized to award contracts exempted hereunder provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged.