

MONTICELLO PUBLIC CEMETERY DISTRICT

ORDINANCE NO. _____ (MPCD)

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
MONTICELLO PUBLIC CEMETERY DISTRICT TO PROVIDE
INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC
CONSTRUCTION COST ACCOUNTING ACT (SECTION 22000, ET SEQ.
OF THE PUBLIC CONTRACT CODE)**

WHEREAS, Public Contract Code section 22000 et seq., the Uniform Public Construction Cost Accounting Act, establishes a uniform cost accounting standard and provides for greater contracting powers to be provided to the District Manager; and

WHEREAS, the California Uniform Construction Cost Accounting Commission established under this Uniform Public Contract Cost Accounting Act has developed uniform public construction cost accounting procedures for implementation by local agencies in the performance of or in the contracting for construction of public projects; and

WHEREAS, the Monticello Public Cemetery District (“District”) intends to subject itself to the Uniform Public Construction Cost Accounting Procedures by resolution and desires to now adopt the necessary informal bidding procedures by ordinance.

NOW THEREFORE, the Board of Trustees of the Monticello Public Cemetery District ordains as follows:

SECTION 1. Informal Bidding Procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in Public Contract Code section 22032, as may be amended from time to time, may be let to contract by informal procedures as set forth in Public Contract Code section 22030, *et seq.*

SECTION 2. Lists of Contractors.

The District Manager is authorized to develop and maintain lists of contractors in accordance with the provisions of Public Contract Code section 22034 and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (“Commission” for purposes of this ordinance only). Where it is appropriate to provide for pre-qualification, the District Manager may develop and maintain appropriate pre-qualification packets for different levels and/or categories of work.

SECTION 3. Notice Inviting Informal Bids.

Where a public project is to be performed which is subject to the provisions of this ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2 of this ordinance, and/or to all construction trade journals as specified by the Commission in accordance with

Public Contract Code section 22036. Additional contractors and/or construction trade journals may be notified at the discretion of the District Manager, provided however:

A. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

B. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

All notices to contractors and construction trade journals pursuant to this section shall be completed not less than ten calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

SECTION 4. Award of Contracts.

The District Manager is authorized to award informal contracts in the amount not to exceed the amount set forth in Public Contract Code section 22032, subd. (b), as amended from time to time. The Monticello Public Cemetery District Board of Trustees may, by adoption of a resolution by four-fifths vote, award a contract, at the amount set forth in Public Contract Code section 22034, subd. (f), as amended from time to time, to the lowest responsible bidder, if it determines the cost estimate of the District Manager was reasonable. The District Manager is further authorized to award contracts without the necessity of informal bidding pursuant to the amounts and mechanisms set forth under Public Contract Code section 22032, subd. (a), as may be amended from time to time.

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Monticello Public Cemetery District Board of Trustees hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

The foregoing ordinance was introduced and read at a special meeting of the Monticello Public Cemetery District Board of Trustees, held on September 28, 2021 and adopted at a regular meeting of the Monticello Public Cemetery District Board of Trustees, held on the 5th of October, 2021, by the following vote:

AYES:	TRUSTEES	_____
NOES:	TRUSTEES	_____
ABSTAIN:	TRUSTEES	_____
ABSENT:	TRUSTEES	_____

 ALFREDO PEDROZA, Chair
 Monticello Public Cemetery District
 Board of Trustees

APPROVED AS TO FORM Office of District Counsel By: <u>John L. Myers (e-sign)</u> Date: <u>September 15 2021</u>	APPROVED BY THE BOARD OF TRUSTEES OF THE MONTICELLO PUBLIC CEMETERY DISTRICT Date: _____ Processed By: _____ _____ Deputy Clerk of the Board	ATTEST: GREG MORGAN Secretary of the District Board By: _____
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET, ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY for
 NEHA HOSKINS, CLERK OF THE BOARD