

ORDINANCE NO. 2015-295

**AN ORDINANCE OF THE TOWN OF WINDSOR
AMENDING TITLE I, CHAPTER 6, ARTICLE 1, PURCHASING POLICIES AND
PROCEDURES BY REPLACING SECTION 1-6-130, "EXCEPTIONS; PUBLIC
PROJECTS" OF THE TOWN OF WINDSOR CODE WITH NEW LANGUAGE
RELATING TO BIDDING PROCEDURES FOR PUBLIC PROJECTS UNDER THE
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (SECTION 22000
ET SEQ. OF THE CALIFORNIA PUBLIC CONTRACT CODE)**

WHEREAS, the Town Council of the Town of Windsor (Council) desires to streamline the public project construction process in a manner that will reduce both time and resources in the performance of public works projects; and

WHEREAS, the California Uniform Public Construction Cost Accounting Act provides a means of achieving this goal and can assist the Town in achieving the best work at a fair price and in a timely manner.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. – Findings. The above recitals are hereby declared to be true and correct findings of the Town Council of the Town of Windsor.

SECTION 2. – Text of Amendment. Title I, Chapter 6, Article 1, Section 1-6-130 of the Town of Windsor Code is deleted and replaced with the following:

1-6-130 – Exceptions; Public Projects.

A. Definition and Applicability. This article is expressly made inapplicable to bids for public projects as defined by reference to the Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22002).

B. Intent - Compliance with state policy. It is intended by the ordinance codified in this section to maintain the Town's compliance with the Uniform Public Construction Cost Accounting Act (the "Act"), contained in the Public Contract Code, Section 22010 et seq., and to provide for the letting of all public project contracts in the Town subject to, and in accordance with, the Act as in effect at the date the project is bid. The Town shall comply in all respects with the public construction cost accounting policies and procedures as promulgated by the State Controller and shall cooperate with the California Uniform Construction Cost Accounting Commission in any review of the Town's accounting procedures conducted by the Commission.

C. Force account and informal bidding-when allowed; Formal bidding.

1. Public projects in the amount specified in California Public Contract Code (“PCC”) Section 22032(a) or less may be performed by Town employees by force account, by negotiated contract, or by purchase order.

2. Public projects in the amount specified in PCC Section 22032(b) or less may be let to contract by informal procedures as set forth in Article 3 of Chapter 2 of the PCC, commencing with Section 22030 thereof.

3. The Town shall maintain a list of qualified contractors shall be maintained as per PCC Section 22034(a).

4. Informal bid invitations shall comply with the requirements of PCC Section 22034 in effect on the date the project is bid.

D. Public projects of more than the amount specified in PCC Section 22032(c) shall be let to contract by formal bidding procedures as set forth in the PCC commencing with Section 22030, including, without limitation, Section 22037.

SECTION 3. – CEQA. The Town Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15378 in that adoption of the Ordinance is not a “project” within the meaning of CEQA.

SECTION 4. – Severability. If any part of this Ordinance or the application thereof to any person is held invalid, the remainder of the Ordinance and the application of such provisions to other persons shall not be affected thereby.

SECTION 5. – Effective Date and Publication.

This Ordinance shall take effect and be in force 30 days following its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance, or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the Town of Windsor.

PASSED, APPROVED, AND ADOPTED this 7th day of October 2015, by the following vote:

**AYES: COUNCILMEMBERS FOPPOLI, FUDGE, SALMON, AND
MAYOR OKREPKIE**

NOES: NONE

ABSTAIN: NONE

ABSENT: VICE MAYOR MILLAN



BRUCE OKREPKIE, MAYOR

ATTEST:



MARÍA DE LA O, TOWN CLERK