

The background of the slide is a light blue-tinted photograph of architectural blueprints. A silver pen and a ruler are visible in the lower-left quadrant, resting on the blueprints. The blueprints themselves show various lines, grids, and technical drawings.

California Uniform Public Construction Cost Accounting Act

August 2016

What is UPCCAA?

- California Uniform Public Construction Cost Accounting Act – UPCCAA or CUPCCAA
- Big picture – allows the District more flexibility when awarding small contracts for public projects, repair and maintenance
- Changes the Formal bid limit from \$15,000 to \$175,000 for public projects and the Formal bid limit from the bid threshold to \$175,000 for repairs and maintenance
- Use of own workforce up to \$45,000 (force account)
- FHDA adopted UPCCAA to include maintenance, and repair work

What is a “Public Project?”

- “Public Project” per PCC §§ 22002(c) –
These are not Repairs or Maintenance
 - (1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
 - (2) Painting or repainting of any publicly owned, leased, or operated facility.

Repair

- Cases interpreting What is a “Repair”
 - The word ‘repair’ in its ordinary sense relates to the preservation of property in its original condition, and does not carry the connotation that a new thing should be made or a distinct entity created. (2) Minor repainting.’ (Whalen v. Ruiz (1953) 40 Cal.2d 294, 300-301, 253 P.2d. 457.)
 - “to repair means to mend an old thing, not to make a new thing; to restore to a sound state something which has become partially dilapidated, not to create something which has no existence.” (Id., 40 Cal.2d at p. 300, 253 P.2d 457)

Maintenance

- Maintenance (per PCC §§ 22002(d))
 - (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - (2) Minor repainting.
 - (3) Resurfacing of streets and highways at less than one inch.
 - (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

Force Account

“Force Account” refers to work performed on ***public projects*** using internal resources, including but not limited to labor, equipment, materials, supplies, and subcontracts of the public agency. Project costs for force account work include the following:

- Direct Costs:
 - Labor including all benefit costs
 - Equipment charged on an hourly rate including depreciation, insurance, maint./repair, fuel and oil, tires and grease, etc.
 - Cost of materials and supplies with a total unit value of \$25 or more including discounts, tax, and shipping.
- Indirect Costs:
 - Other labor including inspection, clerical, and supervision.
 - Other expenses including utilities, telephone, temporary fencing, etc.
- Overhead Costs:
 - Either the agency’s actual calculated overhead rate or 30% of direct costs.

Why are we doing this?

- Increases Formal bid limits
 - From \$15k to \$175k for public projects
 - From bid threshold to \$175k for repair and maintenance
- Saves time and money
- Fast track smaller projects
- Emergency process is streamlined
- Fair to small and local businesses
 - Localized competition for work under \$45k
- Less money spent on architects and more on projects
- For the students

Legal Requirements

\$45,001 - \$175,000

- Called the “Informal bid”
- Maintain a qualified contractors list
- Notice Inviting Bids to all listed contractors 10 days before bid due date
- Still need bonds for projects over \$25k, DIR registration, prevailing wage . . .
- Workforce not allowed

Over \$175,000

- Formal bid procedure remains the same
- Emergency process has changed – more streamlined
- Process for receiving no bids will change – ability to negotiate a contract

The Big Changes

- Delegated authority (\$0-\$175,000 UPCCAA)
 - Director of Purchasing Services
 - Senior Buyer, Special Projects
 - Vice Chancellor of Business Services
- Approved Banner Requisition is required prior to start of contract and execution of agreement
- BOT approval/ratification
- Limits are raised for Formal Bids
- New contract documents

Work flow

\$0-\$24,999 negotiated contract/ PO

- Use college employees if possible (up to \$15k)
- Contact vendors and receive quotes
- Have vendor sign Agreement
- Enter PR and attach contract
- **Once PO is issued, work may begin**

\$25,000-\$44,999 negotiated contract/PO

- Develop scope of work (SOW)
- Enter requisition for approximate dollar value and attach the SOW in Banner
- Purchasing will work with requestor to finalize SOW and other required documents
- Purchasing will send out RFQ and Agreement
- Purchasing will obtain bonds and certificate of insurance
- **Once PO is issued work may begin**

\$45,000-\$175,000 informal bidding

- Develop scope of work
- Enter requisition for approximate dollar value and attach the SOW/informal bid documents in Banner
- Purchasing will work with requestor to finalize SOW and other required documents
- Purchasing will send out an informal bid for work to all listed contractors
- Contract award will be to the lowest responsive, responsible bidder
- Purchasing will issue Agreement and obtain bonds and certificate of insurance
- **Once PO is issued work may begin**