



Authorize Amendments to the Administrative Code Related to Public Contracting

Legal and Claims Committee

Item 8-6

March 10, 2020

Background

- Proposed action updates public contracting components of the Code
 - Conforms Code to current law and practice
 - Resolves various ambiguities within Code
 - Codifies protest procedures associated with:
 - Public works contracting
 - Purchasing & Professional/Technical Contracting

Amendment Categories

- Code amendments fall into four broad categories:
 - Protests related to public contracting
 - Emergency contracting provisions
 - Amendments to public contracts
 - Other miscellaneous amendments
- Amendments require reformatting of Code

Protests Related to Public Contracting

- Division 2 – Standing Committees
 - Executive Committee - professional and technical services
 - Engineering & Operations Committee – public works contracts
- Division 8 – Contracts
 - Adds new Section 8150 – Protests

Public Works Emergency Contracting Provisions

- Defines “emergency” in the context of public works contracting
- Clarifies GM’s authority in cases of emergency

Amendments to Public Contracts

- Clarifies amendment authority of the GM
 - Public Works - \$250k or 5% of initial contract amount, whichever is greater
 - Purchasing – no more than \$250k per contract
 - Professional & Technical Services - If total amount payable in a single year exceeds \$250k, requires Board approval

Miscellaneous Code Amendments

- Defines “purchasing contract”
- Clarifies differences in competitive procurements:
 - Purchasing and Professional & Technical Services Contracts exceeding \$75k – best value or lowest responsive, responsible bid
 - Public Works exceeding \$25k – lowest responsive, responsible bid
- Posting of public works solicitations

Miscellaneous Code Amendments (cont.)

- Renames “Prebid Procedures for Competitive Sealed Bidding” to “Public Works Contracting”
- Renames “Delegation of Hearing Power” to “Hearings on Substitution of Contractors”
- Best value procurements which are not the lowest price

Board Options

● Option #1

- Adopt the CEQA determination that the proposed action is not defined as a project under CEQA and approve amendments to the Code set forth in Attachment 2 to reflect the changes recommended by this letter

● Option #2

- Do not approve amendments to the Code set forth in Attachment 2 to reflect the changes recommended by this letter

Staff Recommendation

- Option #1

