

ORDINANCE NO. 2022-1217

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING CHAPTER 3.06.020 OF THE MUNICIPAL CODE, RELATING TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT LIMITS

WHEREAS, the \$5,000 project value limit triggering a formal bidding process for public works construction projects can create inefficiencies and cause delays as the formal bidding process can be both cumbersome and time consuming, especially for small projects; and

WHEREAS, on August 2, 2017, the City adopted the provisions of the California Uniform Public Construction Cost Accounting Act (CUPCCAA), which allows the City to use the alternative bidding procedures set forth in CUPCCAA. The alternative bidding procedures provided under CUPCCAA are based on various bid limits that are adjusted from time to time by the California legislature; and

WHEREAS, effective January 1, 2019, AB 2249 increased the bid limits for using the informal bidding procedures provided by CUPCCAA as set forth in Section 22032 of the California Public Contract Code; and

WHEREAS, the City's current limits as stated in IBMC 3.06.020 may be increased based on the increased bid limits as set forth in Section 22032 of the Public Contract Code; and

WHEREAS, adoption of this ordinance will update the Municipal Code keeping the City up to date with new legislation. The revisions will allow the City to continuously use the CUPCCAA bid procedures and current bid limits as those bid limits are amended by the California legislature.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AS FOLLOWS:

SECTION 1: The above recitals are true and correct and incorporated herein as though set forth in full.

SECTION 2: Section 3.06.020 of the Imperial Beach Municipal Code is amended to read as follows (~~strikeout~~ indicates deleted text):

3.06.020 Informal bid procedures.

Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22030 et seq., of the Public Contract Code.

~~A. Public projects of \$45,000.00 or less may be performed by the City, by negotiated contract, or by purchase order.~~

~~B. Public projects of \$175,000.00 or less may be let to contract by the alternative procedures as set forth in the Act and in this chapter.~~

~~C. Public projects of more than \$175,000.00 shall, except as otherwise provided in the Act, be let to contract by formal bidding procedures.~~

~~D. If all bids received are in excess of \$175,000.00, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract, at \$187,500.00 or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.~~

SECTION 3. The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within fifteen (15) days following adoption indicating votes cast.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 17th day of August 2022;

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 21st day of September 2022, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

SERGE DEDINA, MAYOR

ATTEST:

JACQUELINE M. KELLY, MMC
CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON
CITY ATTORNEY