

ORDINANCE NO. 76

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, AUTHORIZING INFORMAL BIDDING PROCEDURES IN ACCORDANCE WITH THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

WHEREAS, the Local Agency Public Construction Act (California Public Contract Code sections 20100 to 20929) sets forth regulations, policies, and procedures for the solicitation and award of contracts for public projects; and

WHEREAS, the Local Agency Public Construction Act requires any public project valued at more than \$15,000 to be contracted for and let to the lowest responsible bidder utilizing a formal process including a publication of a notice inviting bids and the award of contract by the Board of Directors; and

WHEREAS, the Uniform Public Construction Cost Accounting Act (California Public Contract Code sections 22000 to 22045) ("Act") provides an alternative procurement method for certain public projects, which public entities may elect to become subject to; and

WHEREAS, the District now desires to adopt an informal bidding ordinance governing the selection of contractors to perform public projects pursuant to Section 22034 of the Act.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the Uniform Public Construction Cost Accounting Act, the Midway City Sanitary District shall utilize the following contracting procedures for public projects.

INFORMAL BIDDING – PUBLIC PROJECTS

I. Public project defined.

A. For purposes of this ordinance, the term "public project" shall have the same meaning as set forth in the Uniform Public Construction Cost Accounting Act (California Public Contract Code sections 22000 to 22045) ("Act"), as the same may be amended from time to time, which is defined in relevant part as follows:

1. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility; and,
2. Painting or repainting of any publicly owned, leased, or operated facility.

B. The term “public project” does not include maintenance work. “Maintenance work” includes that work described in subsection (d) of Public Contract Code section 22002, which includes, without limitation, all of the following:

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; and
5. Work performed to keep, operate, and maintain publicly owned water and waste disposal systems.

II. Contracting procedures, dollar amount limitations, and authority.

A. A public project of \$75,000 or less (or the current amount specified in Section 22032(a) of the California Public Contract Code, if different) may be performed by the employees of the District by force account, by negotiated contract, or by purchase order.

B. A public project of \$220,000 or less (or the current amount specified in Section 22032(b) of the California Public Contract Code, if different) may be let to contract by informal bidding procedures in accordance with California Public Contract Code section 22030 *et seq.*, and as set forth in this ordinance.

C. A public project of more than \$220,000 (or the current amount specified in Section 22032(b) of the California Public Contract Code if different) shall be let to contract by formal bidding procedure in accordance with California Public Contract Code section 20800 *et seq.*, and applicable policies and procedures established by the Midway City Sanitary District Board of Directors from time to time.

D. Subject to applicable procurement policies and procedures established by the Midway City Sanitary District Board of Directors from time to time, the General Manager is authorized to award and execute contracts for public projects let pursuant to the informal bidding procedures set forth in this ordinance, provided there exists an unencumbered appropriation in the approved budget against which such procurement may be charged.

III. Delegation of Authority Regarding Plans and Specifications.

The authority to prepare and adopt plans, specifications and working details necessary for projects subject to the informal bidding requirements pursuant to Section II is hereby delegated to the General Manager and District Engineer.

IV. Contractors list.

The General Manager or the General Manager's designee may develop and maintain a list of qualified contractors, identified according to categories of work in accordance with the minimum criteria determined by the California Uniform Construction Cost Accounting Commission ("Commission").

V. Notice inviting informal bids.

A. Where a public project is subject to the informal bidding procedures of this ordinance, a notice inviting informal bids shall be provided to contractors in accordance with either paragraph (1) and/or (2) below. If the District does not maintain a list of qualified contractors pursuant to Section III above, the notice inviting informal bids shall only be provided to contractors in accordance with paragraph (2) below.

1. A notice inviting informal bids may be mailed, faxed, or emailed not less than ten (10) calendar days before bids are due to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section III above.
2. A notice inviting informal bids may be mailed, faxed, or emailed not less than ten (10) calendar days before bids are due to all appropriate construction trade journals as specified by the Commission. Additional contractors and/or construction trade journals may be notified at the discretion of the General Manager or the General Manager's designee.

B. The notice inviting informal bids shall: (1) describe the project in general terms; (2) explain how to obtain more detailed information about the proposed public project; and (3) state the time, date and location for the submission of bids.

C. If the product or service required to be performed is, at the discretion of the General Manager, determined to be 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.

VI. Rejection and Award of Bids.

A. In its discretion, the District may reject any bids presented, if the District, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the District, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the District's intention to reject the bid and shall be mailed at least two business days prior to the hearing at which the agency intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the District shall have the option of either of the following:

1. Abandoning the project or readvertising for bids in the manner described by this Ordinance.
2. By passage of a resolution by a four-fifths vote of the Board of Directors declaring that the project can be performed more economically by the District's employees, having the project done by force account without further complying with this Ordinance.

B. If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses.

C. If no bids are received through the formal or informal procedure, the project may be performed by the District's employees by force account or negotiated contract without further complying with this Ordinance.

VII. Informal bids received in excess of \$220,000.


If all informal bids received are in excess of \$220,000 (or the current amount specified in Section 22034(d)) of the California Public Contract Code, if different), the Board of Directors may, by adoption of a resolution by a 4/5ths vote, award the contract, at \$235,000 or less (or the current amount specified in Section 22034(d) of the California Public Contract Code, if different) to the lowest responsible bidder, if the Board of Directors determines that the District's cost estimate was reasonable.

SECTION 2. If any provision of this Ordinance or the application to any person or circumstances is held invalid by court order, the remainder of the Ordinance or the application of such provision to other persons or other

circumstances shall not be affected.

SECTION 3. This Ordinance shall take effect immediately upon its adoption and after a summary shall have been published in a newspaper of general circulation as provided by law.

ADOPTED, SIGNED AND APPROVED this 2nd day of September, 2025.



Sergio Contreras, President

ATTEST:



Mark Nguyen, Secretary

MIDWAY CITY SANITARY DISTRICT

ORDINANCE NO. 76
SUMMARY FOR PUBLICATION

**AUTHORIZATION FOR ESTABLISHMENT OR MODIFICATION
OF FEES BY RESOLUTION**

EFFECTIVE ONE WEEK AFTER PUBLICATION

On September 2, 2025, the Board of Directors of the Midway City Sanitary District adopted Ordinance No. 76 authorizing informal bidding procedures in accordance with the Uniform Public Construction Cost Accounting Act.

Ordinance No. 76 establishes informal bidding procedures governing the selection of contractors to perform public projects pursuant to Public Contract Code section 22034. Public projects to which the Ordinance applies include construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility and painting and repainting of any publicly owned, leased, or operated facility, but do not include maintenance work. A public project of \$220,000 or less may be let to contract by informal bidding procedures in accordance with State law and the Ordinance. Further, the Ordinance provides that a public project of \$75,000 or less may be performed by the employees of the District by force account, by negotiated contract, or by purchase order. Ordinance No. 76 also delegates authority to prepare and adopt plans, specifications and working details necessary for projects subject to the informal bidding requirements of the Ordinance to the General Manager and District Engineer.

A certified copy of Ordinance No. 76 is posted in the office of the Clerk of the Board located at 14451 Cedarwood Street, Westminster, CA 92683.


For additional information, contact the District at (714) 893-3553.

I, Mark Nguyen, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that Ordinance No. 76 was duly adopted at a regular meeting of the Board of Directors of said District, held on the 2nd day of September, 2025, by the following vote of the members of the Board:

Ayes: S. Contreras, M. Nguyen, T. Diep, C. Nguyen, and A. Nguyen

Noes:

Absent:


Mark Nguyen, Secretary