

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 13.4
(ID # 13875)

MEETING DATE:

FROM: Regional Parks and Open Space District:

Tuesday, January 12, 2021

SUBJECT: REGIONAL PARK & OPEN-SPACE DISTRICT: Adoption of Ordinance No. 2020-20455, an Ordinance of the Riverside County Regional Park and Open-Space District to become subject to the California Uniform Public Construction Cost Accounting Act procedures as set forth in Public Contract Code Sections 22030-22045;; Adoption of Resolution No. 2020-020 Adopting the Procedures of the Uniform Public Construction Cost Accounting Act;; Adoption of Resolution No. 2020-014 Delegating of Authority for General Manager to Execute Certain Construction Change Orders Pursuant to Public Contract Code Section 20455; All Districts; [\$0]

RECOMMENDED MOTION: That the Board of Directors:

1. Adopt Ordinance No. 2020-20455, an Ordinance of the Riverside County Regional Park and Open-Space District to become subject to the California Uniform Public Construction Cost Accounting Act procedures as set forth in Public Contract Code Sections 22030-22045; and
2. Direct the Clerk of the Board to publish Ordinance No. 2020-20455 Pursuant to Government Code Section 25124, and
3. Adopt Resolution No. 2020-020 Adopting the Procedures of the Uniform Public Construction Cost Accounting Act; and
4. Adopt Resolution 2020-014 Delegation of Authority for General Manager to Execute Certain Construction Change Orders Pursuant to Public Contract Code Section 20455;
5. Direct the Clerk of the Board to notify the State Controller forthwith of these elections; and
6. Direct the Clerk of the Board to return one (1) copy each of Ordinance 2020-20455, Resolution No. 2020-014, and Resolution 2020-020 to RivCoParks.

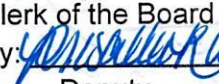
ACTION: Policy


Kyla R. Brown, General Manager 12/23/2020

MINUTES OF THE BOARD OF DIRECTORS

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 2020-20455 is adopted as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 28, 2020
xc: Parks, State Controller, COB

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: None			Budget Adjustment:	No
			For Fiscal Year:	20/21

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The California Uniform Public Construction Cost Accounting Act (CUPCCAA) allows governmental agencies to use informal bidding procedures under certain circumstances once adopted. The Riverside County Regional Park and Open-Space District (RivCoParks) has the authority to adopt this simplified bidding procedure by ordinance. The adoption of these ordinances also provides for the delegation of change order authority within specific cost parameters.

Ordinance No. 2020-20455, an Ordinance of the Riverside County Regional Park and Open-Space District to provide informal bidding procedures under CUPCCAA, would allow RivCoParks to adopt the informal bidding procedures as required by Article 3 of the Act (commencing with Section 22030). This Ordinance is required by Public Contract Code §22034 and will benefit RivCoParks by allowing it to operate more efficiently and effectively when contracting for public works projects.

Pursuant to Public Resource Code §5539.5, RivCoParks may, at the discretion of the Board of Directors, use any or all provisions of the Improvement Act of 1911 (Division 7 (commencing with §5000), Streets and Highways Code) in order to carry out any purpose of RivCoParks. The Board of Directors may also, pursuant to §5101 of the Improvement Act of 1911 and as required by public interest or convenience, order the whole or any portion of any one or more of the streets, places, public ways, or property, easements, or rights-of-way to be improved by or have constructed therein, over, or thereon either singly or in any combination thereof, any of the public works projects listed by §5101(a)-(p).

Pursuant to §20455 of the Public Contract Code, after construction has begun, the legislative body, or the superintendent of streets if authorized by the legislative body, may order changes in the work without the necessity of a hearing. The order shall be in writing, and the amount of any change ordered shall not exceed five thousand dollars (\$5,000) when the total amount of the original contract does not exceed fifty thousand dollars (\$50,000), nor 10 percent of the amount of any original contract that exceeds fifty thousand dollars (\$50,000), but does not exceed two hundred fifty thousand dollars (\$250,000).

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For contracts whose original cost exceeds two hundred fifty thousand dollars (\$250,000), the extra cost for any change or addition to the work so ordered shall not exceed twenty-five thousand dollars (\$25,000), plus 5 percent of the amount of the original contract in excess of two hundred fifty thousand dollars (\$250,000). In no event shall any such change or alteration exceed one hundred fifty thousand dollars (\$150,000).

It is requested and recommended that the Board of Directors, as the legislative body of RivCoParks, delegate to the General Manager the duties of the superintendent of streets and following change order authority:

Original Contract Amount

\$50,000 or less

\$50,000 to \$250,000

Above \$250,000

Delegated Change Order Authority Limits

\$5,000

10% of the original amount

\$25,000 plus 5% of the amount of the original contract cost in excess of \$250,000, for a total not to exceed \$150,000

All change orders processed under this delegated authority shall be approved as to form by County Counsel.

Pursuant to this authority, the General Manager shall approve only written change orders that are: (1) in strict accordance with the contract procedures, and (2) for work that is an integral part of the contract work and cannot be accomplished feasibly or economically by separate contract.

These delegated change order authorities limits shall be cumulative; that is they may not be exceeded in cumulative total for a specific project. In addition, cumulative change orders for a project will not be approved if they will cause the total costs to exceed the approved project budget. Change orders that exceed this delegated authority will be submitted to the Board for approval.

The procedure would be the same as Riverside County Transportation and Land Management Agency (TLMA) authority from Riverside County Resolution No. 2011-015 and pursuant to California Streets and Highways Code Section 2006.1. These grant the Director of Transportation change order authority, in the interest of processing change orders expeditiously.

Public Contract Code Section 22030 requires that Resolution 2020-014 be adopted and that the State Controller be notified of RivCoParks' use of the California Uniform Public Construction Cost Accounting Act. The Resolution outlines RivCoParks' intent to utilize

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the informal bidding procedures and directs the Clerk of the Board to notify the State Controller of this action.

Impact on Citizens and Businesses

Ordinance No. 2020-20455 will benefit the citizens by increasing the efficiency and effectiveness of the RivCoParks' public works contract bidding procedures and contract awards, thereby reducing the cost of the bidding process.

Attachment

Riverside County Regional Park and Open-Space District Ordinance No. 2020-20455
Riverside County Regional Park and Open-Space District Resolution No. 2020-014
Riverside County Regional Park and Open-Space District Resolution No. 2020-020


Douglas Cordonez Jr.


1/4/2021


Gregory F. Priarios, Director County Counsel 12/24/2020

1 Board of Directors

Riverside County Regional Park
and Open-Space District

2
3 RESOLUTION NO. 2020-014

4 DELEGATION OF AUTHORITY FOR GENERAL MANAGER TO EXECUTE CERTAIN
5 CONSTRUCTION CHANGE ORDERS PURSUANT TO PUBLIC CONTRACT CODE
6 SECTION 20455

7 **WHEREAS**, the Riverside County Regional Park and Open-Space District
8 ("RivCoParks") at times has the need to enter into construction project change orders with a
9 person, organization or corporation, public or private to facilitate and carry out the purposes of the
10 District; and

11 **WHEREAS**, the General Manager of the Riverside County Parks and Open-Space District
12 may order construction changes in work without a hearing if authorized by its Board of Directors
13 pursuant to Public Contract Code Section 20455; and

14 **WHEREAS**, it has been determined by this Board that delegating the authority to execute
15 construction project change orders would expedite the processing of such documents and reduce
16 costs in connection therewith; and

17 **WHEREAS**, the RivCoParks desires to delegate the authority to the General Manager, or
18 his designee, to negotiate, process and execute construction change order within the limits of
19 Public Contract Code Section 20455; now;

20 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the
21 Board of Directors of the Riverside County Regional Park and Open-Space District, in regular
22 session assembled on January 12, 2021 at 9:30 am, in the meeting room of the Board of Directors,
23 located on the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside,
24 California, as follows:

25 Section 1: That the Board hereby delegates to the General Manager the authority to
26 negotiate, process, and approve construction change orders after construction has begun, subject
27 to limitations set forth in California Public Contract Code Section 20455 as it may be amended
28 from time to time and has further described below:

- a. As of the effective date of this Resolution, any construction change orders entered into

FORM APPROVED COUNTY COUNSEL
BY KRISTINE BELL-VALDEZ DATE 1/12/2021

1 for the RivCoParks shall not exceed five thousand dollars (\$5,000) when the total
2 amount of the original contract does not exceed fifty thousand dollars (\$50,000), nor
3 10 percent of the amount of any original contract that exceeds fifty thousand dollars
4 (\$50,000), but does not exceed two hundred fifty thousand dollars (\$250,000). In the
5 event that the limitations are emended in Section 20455 those amounts or limitations
6 shall apply without further action by the Board.

7 b. As of the effective date of this Resolution, any contracts whose original cost exceeds
8 two hundred fifty thousand dollars (\$250,000), the extra cost for any change or addition
9 to the work so ordered shall not exceed twenty-five thousand dollars (\$25,000),
10 plus 5 percent of the amount of the original contract costs in excess of two hundred
11 fifty thousand dollars (\$250,000). In no event shall any such change or alteration
12 exceed one hundred fifty thousand dollars (\$150,000).

13 c. These delegated change order authority limits shall be cumulative and may not be
14 exceeded in cumulative total for a specific project. In addition, cumulative change
15 orders for a project will not be approved if they will cause the total costs to exceed
16 the approved project budget. Change orders that exceed this delegated authority will
17 be submitted to the Board for approval.

18 d. In the event that the limitations are emended in Section 20455 those amounts or
19 limitations shall apply without further action by the Board.

20 e. All such change orders have been approved as to form or prepared by County Counsel.

21 Section 2. Pursuant to this delegated authority, the General Manager shall approve only
22 written change orders that are: (1) in strict accordance with the contract procedures, and (2) for
23 work that is an integral part of the contract work and cannot be accomplished feasibly or
24 economically by separate contract.

25 Section 3. That the General Manager, or his designee, shall prepare and submit a
26 quarterly report of all such agreements to the Board.

27 Section 4: This resolution shall take effect immediately upon its adoption.
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1 Board of Directors

Riverside County Regional
Park and Open-Space District

2 RESOLUTION NO. 2020-020
3 ADOPTING THE PROCEDURES OF THE UNIFORM
4 PUBLIC CONSTRUCTION COST ACCOUNTING ACT

5 WHEREAS, the Riverside County Regional Park and Open-Space District ("RivCoParks") at
6 times has the need to enter into contracts to perform Public Projects necessary to the full exercise of its
7 powers; and

8 WHEREAS, the Uniform Public Construction Cost Accounting Act (the "Act", Public Contract
9 Code Section 22000 et seq.) establishes a uniform cost accounting standard for construction work
10 performed or contracted by local public agencies, including special districts; and

11 WHEREAS, the Commission established under the Act has developed uniform construction cost
12 accounting procedures for implementation by local agencies, in the performance of or in the contracting
13 for construction of public projects; and

14 WHEREAS, RivCoParks, by electing to become subject to the uniform construction cost
15 accounting procedures set forth in Article 2 (commencing with section 22010) of the Act, may utilize the
16 informal bidding procedures set forth in Article 3 (commencing with Section 22030); now, therefore,

17 BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Riverside
18 County Regional Park and Open-Space District, in regular session assembled on January 12, 2021, that
19 RivCoParks shall, under Public Contract Code Section 22030, become subject to the uniform construction
20 cost accounting procedures set forth in Article 2 (commencing with section 22010) of the Act and to the
21 Commission's policies and procedures manual and cost accounting review procedures, as they may each
22 from time to time be amended, and directs that the Clerk of the Board of Directors for RivCoParks notify
23 the State Controller forthwith of this election.

24 This Resolution shall take effect upon its adoption.

FORM APPROVED COUNTY COUNSEL
BY KRISTINE BELL-VALDEZ DATE 12/23/2020

28 KBV: SMG:ts
11/20/2020
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2 RESOLUTION NO. 2020 - 020

3 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RIVERSIDE COUNTY REGIONAL
4 PARK AND OPEN-SPACE DISTRICT ADOPTING THE PROCEDURES OF THE UNIFORM
5 PUBLIC CONSTRUCTION COST ACCOUNTING ACT

6 ADOPTED by Riverside County Board of Supervisors on January 12, 2021.

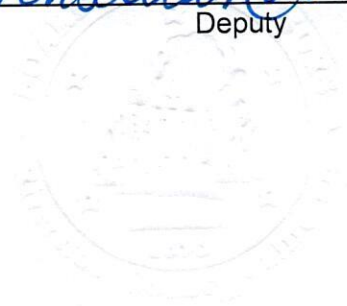
7 ROLL CALL:

8 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
9 Nays: None
Absent: None

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12 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
13 Supervisors on the date therein set forth.

14 KECIA R. HARPER, Clerk of said Board

15 By: 
16 Deputy



1 Section 6. NOTICE INVITING BIDS. Where a public project is to be performed which is
2 subject to this Ordinance, a notice inviting informal bids shall be mailed, faxed, or emailed to either, or
3 both, of the following:

4 a. All contractors on a list for the category of work being bid. If, however, the product or
5 service is proprietary in nature such that it can be obtained only from a certain
6 contractor or contractors, the notice inviting informal bids may be sent exclusively to
7 such contractor or contractors.

8 b. All construction trade journals as specified by the Uniform Public Construction Cost
9 Accounting Commission in accordance with 22036 of the Act.

10 Additional contractors and/or construction trade journals may be notified at the discretion of the
11 RivCoParks. All mailings of notice pursuant to this Section 5 shall be completed not less than ten (10)
12 calendar days before the bids are due, and the notice shall describe the project in general terms, how to
13 obtain more details, and the time and place for submission of bids.

14 Section 7. AWARD OF CONTRACTS. The RivCoParks General Manager is hereby
15 authorized to award informal contracts pursuant to the Act and this Ordinance.

16 If all bids received are in excess of Two Hundred Thousand Dollars (\$200,000) (or as modified by
17 the Act), the Board of Directors may, by adoption of a resolution by a four-fifths vote, award the contract,
18 at Two Hundred Twelve Thousand Five Hundred Dollars (\$212,500) (or as modified by the Act) or less,
19 to the lowest responsible bidder, if it determines the cost estimate of the RivCoParks General Manager
20 was reasonable. (CA Pub. Cont. § 22034.)

21 Section 8. SEVERABILITY. If any provision, clause, sentence or paragraph of this
22 ordinance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance
23 which can be given effect without the invalid provision or application, and to this end, the provisions of
24 this ordinance are hereby declared to be severable.

25 Section 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force thirty (30)
26 days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a
27 summary of it, shall be published once, with the names of the members of the Board of Directors voting
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1 for and against the same in the Riverside Press Enterprise, a newspaper of general circulation published in
2 the County of Riverside.

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5 BOARD OF DIRECTORS OF THE RIVERSIDE
6 COUNTY REGIONAL PARK AND OPEN-SPACE
7 DISTRICT:


8 By: 
Chairman

9 ATTEST:
10 CLERK OF THE BOARD:

11 By: 
Deputy

12
13 (SEAL)

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15 APPROVED AS TO FORM:
16 December 23, 2020

17 By: 
18 Kristine Bell-Valdez
19 Supervising Deputy County Counsel
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on January 12, 2021, the foregoing ordinance consisting of 9 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: January 12, 2021

KECIA R. HARPER
Clerk of the Board
BY: *[Signature]*
Deputy

SEAL