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Esperanza Colio Warren

COUNTY COUNSEL:
Gregory Priamos

CLERK OF THE BOARD:
Vanessa Delgado

**Agenda Item
Regular Meeting of the
Board of Supervisors
Tuesday, September 23,
2025**

Item Number: 2.2

MEETING DATE: 09/23/2025

DEPARTMENT: COUNTY COUNSEL

AGENDA ITEM PREPARER: Barbara Thompson

DEPT HEAD/DIRECTOR: Gregory Priamos

SUBJECT:

COUNTY COUNSEL - G. PRIAMOS

1. Approve updated Purchasing Policy regarding Public Works Capital Projects and making other changes; and
2. Accept Introduction, Waive Further Reading of an Ordinance entitled "An Ordinance of the Board of Supervisors of the County of San Benito Amending Article 1 of Chapter 15.09, and Section 15.09.053 of Article 2 of Chapter 15.09 of the San Benito County Code to Reflect Current County Policy; and
3. Continue Ordinance to October 14, 2025 at 9:00 a.m. for adoption.

SBC FILE NUMBER: 160
ORDINANCE NO.: 1086

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

The Purchasing Policy was last updated on January 14, 2025. A separate proposed amendment to the Purchasing Policy (as to grant applications only) also is presented for the Board's consideration on today's agenda. In addition, the purchasing policy is brought before the Board to be updated to be consistent with State law regarding public works projects under the California Uniform Public Construction Cost Accounting Act (CUPCCAA) and other minor updates, as set forth below.

1. Update California Uniform Public Construction Cost Accounting Act Provisions

CUPCCAA allows for a streamlined bidding process for public works projects. The County has formally opted into this process for public works projects. Since this program was adopted in the County's

ordinance and purchasing policy, the limits have increased:

	Old Dollar Limit	New Dollar Limit
Negotiated Contract	\$60,000 or less	\$75,000 or less
Informal Bidding	\$200,000 or less	\$220,000 or less
Formal Bidding	More than \$200,000	More than \$220,000

The revised purchasing policy reflects these increased limits.

2. Other Changes:

The revised purchasing policy suggests other minor changes in the following areas:

- a) Advertisement on County's website is discretionary rather than mandatory, as not all procurement efforts need advertisement on the County website or need to wait an additional five or ten days for this process. This arose recently in an automobile purchase when extensive phone calls to Toyota dealers (approximately 10 throughout the Bay Area) resulted in several quotes and posting it on the County's website was not likely to achieve any additional savings.
- b) Clarify/Reiterate the Board's responsibility to approve all purchases above \$50,000, even for capital projects. (This has been County policy/practice, so this does not change actual practice in the County.)
- c) Allow verbal quotes to be memorialized and counted as a written quote in certain circumstances. This arose recently when soliciting written quotes for a new vehicle. Some dealers will only provide verbal quotes, but not written quotes, unless they are the selected vendor.
- d) Require existing "evergreen" contracts to be brought before the CAO prior to December 31, 2026 for review. There are several contracts in the County which have been in existence for a long period of time as they do not have an end date. The Auditor's Office has inquired as to County policy regarding these contracts. This update clarifies that these long-standing contracts will need to be reviewed by the CAO's office.
- e) Changed Section 12.2 to reflect Board direction of May 20, 2025, specifically the clarification below about delegated authority to Department Heads up to \$250:

**** These purchases must be pre-approved by the CAO, or his/her designee. The CAO may delegate authority up to \$250.00 to Department Heads on a case-by-case basis. All purchases above \$250 must be approved by the CAO or a designee within the CAO's Office. (Board Direction, May 20, 2025.)**

Update of County Ordinance:

The County's ordinance regarding public works projects is updated to reflect the change to CUPCCAA as the County's purchasing method for capital projects and existing County policy.

When CUPCCAA was adopted by the County (allowing an alternative purchasing process for capital projects), the ordinance provisions related to CUPCCAA were added as an Article 2 to Chapter 15.09, but the existing code provisions (referencing the code sections applicable to small counties) were left unchanged as Article I. As the County is required to process all projects through CUPCCAA, it is recommended that Article I now be amended to eliminate all unnecessary code sections, leaving those that remain applicable. In general, this is general maintenance of the code, except as explained further below.

This ordinance eliminates sections that related to the Public Contracts Code prior to the adoption of CUPCCAA. The current San Benito County Code is below, with notations of the changes made to each section.

The most significant change will be in Section 15.09.004, which increases the thresholds when plans and specifications must be formally adopted by the Board of Supervisors from \$10,000 to \$220,000. While the Board's adoption of plans and specifications may provide design immunity, not all projects require formal plans and specifications. For example, maintenance projects would not often have plans and specifications. Likewise, smaller construction projects may not have plans and specifications.

- 15.09.004 PUBLIC PROJECT - PLANS AND SPECIFICATIONS .

The Board of Supervisors of the county shall adopt plans, specifications and working details for all public work projects the expenditure for which exceeds the limits set forth in the Public Contracts Code Section 22032(c), currently \$220,000, prior to initiation of the bidding process. The provisions of this section shall not apply to those public projects identified in Sections 22035 (Emergencies) and 22041 (Exemptions) of the Public Contract Code.

Any person, pursuant to Public Contract Code Section 22040, may examine the plans, specifications, or working details, or all of these, adopted by the county for any project.

While not legally required for smaller projects, the County encourages adoption of Plans and Specifications for projects of any size when appropriate. Staff should therefore consider preparing and seeking approval of plans and specifications even when not legally required, particularly for projects involving design or construction elements that may expose the County to potential liability.

§ 15.09.001 PURPOSE. - **ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED**

The purpose of this chapter is to adopt the provisions of the Cal. Public Contract Code beginning at § 20100 as it relates to public projects engaged in by the county.

§ 15.09.002 PUBLIC WORKS ROLE AND RESPONSIBILITY. **NOW INCORPORATED AS SECTION 15.09.001**

The Public Works Department is the lead agency for all public projects and all county building repair and/or maintenance. The bid documents and solicitations will be administered and developed by the department, consistent with requirements of state law, and reviewed and approved by County Counsel.

§ 15.09.003 PUBLIC PROJECT DEFINED - **ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED**

(A) **PUBLIC PROJECT** means:

- (1) A project for the erection, improvement, and repair of public buildings and works.
- (2) Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow, except maintenance, repair or reconstruction work.
- (3) Supplies and materials used in maintenance, repair or reconstruction work in or about streams,

bays, waterfronts, embankments; or other maintenance, repair or reconstruction for protection against overflow.

(B) The provisions of this chapter shall not change existing law regarding inclusion or exclusion of labor or materials used for completion of the project.

(C) Except for the erection, improvement and repair of public buildings, the construction of dams, reservoirs, power plants and electrical transmission lines of 230,000 volts and higher, nothing in this chapter shall apply to a publicly owned water, power or waste disposal system.

§ 15.09.004 EXPENDITURES NOT INCLUDED IN PUBLIC PROJECTS. - ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED

Expenditures for public projects shall not include the cost of:

(A) Equipment, supplies and materials acquired by a public agency to enable the timely completion of a public project as defined in Cal. Public Contract Code § 20150.2(c) let to a contractor.

(B) Plans, specifications, engineering and advertising required for public projects.

§ 15.09.005 INFORMAL AND FORMAL BIDDING - ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED

(A) The Cal. Public Contract Code § 20150.5 provides that each county shall adopt an ordinance providing for formal and informal bidding procedures consistent with Cal. Public Contract Code §§ 20150.1 through 20150.14

(B) Public projects between \$4,000 and \$10,000 shall be let to contract by informal or formal bidding procedures.

(C) Public projects of \$10,000 and more shall be let to contract by formal bidding procedures.

§ 15.09.006 INFORMAL BIDDING PROCEDURES - ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED

Informal bidding procedures shall publish notice and may supplement mailed notices to contractors. The notice shall describe in general terms the project to be done and state a closing date for submission of informal bids. Publication of notice shall be in a newspaper of general circulation printed and published within the county. Notice shall be published in accordance with Cal. Gov't Code § 6061 and shall be completed at least 24 hours before the time scheduled for opening of bids. In addition, the county may also publish a notice inviting bids in a trade publication.

§ 15.09.007 FORMAL BIDDING PROCEDURES - ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED

Formal bidding procedures shall state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done. The first publication or posting of the notice shall be at least ten days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the county. In addition, the county may also publish a notice inviting bids in a trade publication.

§ 15.09.008 REJECTION OF BIDS - **ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED**

In its discretion, the county may reject any bids presented. If after the first invitation for bids, all bids are rejected after reevaluating its cost estimates of the project, the county shall abandon the project or shall readvertise for bids in the manner prescribed by this chapter. If, after readvertising, the county rejects all bids presented, the county may proceed with the project by use of county personnel or may readvertise. If two or more bids are the same and the lowest, the county may accept the one it chooses. If no bids are received, the county may have the project done without further complying with this chapter.

§ 15.09.009 COST ESTIMATE RE-EVALUATION - **ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED**

Notwithstanding the provisions of § 15.09.008, if, after the first invitation for bids, all bids are rejected, the county may, after reevaluating its cost estimates of the project, pass a resolution by a four-fifths vote of its Board of Supervisors declaring that the project can be performed more economically by county personnel, or that in its opinion a contract to perform the project can be negotiated at a lower price than that in any of the bids, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this chapter.

§ 15.09.010 PUBLIC PROJECT - PLANS AND SPECIFICATIONS - **NOW INCORPORATED AS SECTION 15.09.004**

The Board of Supervisors of the county shall adopt plans, specifications and working details for all public projects the expenditure for which exceeds \$10,000.

New Language: Changes the amount to \$220,000 and revises wording to encourage adoption of plans and specifications when appropriate. This language, in part, mirrors Imperial County and Alpine County.

§ 15.09.004 PUBLIC PROJECT - PLANS AND SPECIFICATIONS .

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§ 15.09.011 AWARDS. - **ELIMINATED, RELATED TO PUBLIC CONTRACT CODE PROVISIONS NO LONGER USED**

Awards will be made to the lowest responsive, responsible bidder in conformance with award criteria set forth in Cal. Gov't Code § 25501, Cal. Public Contract Code §§ 20120 *et seq.* and Cal. Labor Code §§ 1720, *et seq.*

§ 15.09.012 SPLITTING WORK PROHIBITED. - **NOW INCORPORATED AS SECTION 15.09.002**

It is unlawful to split or separate into smaller work orders or projects any public project for the purpose of evading the provisions of this chapter requiring public projects to be done by contract after bidding. Every person who willfully violates this section is guilty of a misdemeanor.

§ 15.09.013 PURCHASING AND CONTRACTING POLICY MANUAL. - **NOW INCORPORATED AS SECTION 15.09.003, with minor revisions.**

Board adoption of this chapter shall be accompanied by the adoption of a County Purchasing and Contracting Policy Manual identifying specific procedures in regards to public projects, to implement the provisions of this chapter. From time to time, it may be amended and updated as deemed appropriate by the Board of Supervisors.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

1. Approve updated Purchasing Policy regarding Public Works Capital Projects and making other changes; and
2. Accept Introduction, Waive Further Reading of an Ordinance entitled "An Ordinance of the Board of Supervisors of the County of San Benito Amending Article 1 of Chapter 15.09, and Section 15.09.053 of Article 2 of Chapter 15.09 of the San Benito County Code to Reflect Current County Policy; and
3. Continue ordinance to October 14, 2025 at 9:00 a.m. for adoption.

ATTACHMENTS:

[Board Agenda Fact Sheet - COCO - PW Capital Projects Policy Ordinance - Updated Public Works Purchases Purchasing Policy redline - PW Capital Projects](#)
[May 20 2025 Board Action About Purchasing Policy](#)