

ACCOUNTING PROCEDURES REVIEW

- I. Pursuant to the provisions of Public Contract Code Section 22042, the Commission has adopted the following Accounting Procedures Review, where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:
 - A. It is to be performed by a public agency after rejection of all bids, claiming the work can be done less expensively by the public agency.
 - B. It exceeded the force account limit.
 - C. It has been improperly classified as maintenance.
- II. As used in the Accounting Procedures Review, "interested party" shall mean: a licensed contractor eligible to bid on the public project involved in the review; a labor organization whose members would be eligible to perform work on the public project if it were performed by contract; an association of licensed contractors and/or labor organizations; or a taxpayer of the public agency involved in the review.
- III. Request for Accounting Procedures Review
 - A. In those circumstances as set forth in section 1(A) above, a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, postmarked no later than five business days from the date the public agency has rejected all bids.
 - B. In those circumstances set forth in section 1(B) or 1(C), a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, postmarked no later than five business days from the date an interested party formally complains in writing to the public agency.
 - C. The address for purpose of notice herein is the: CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION, Office of the State Controller, Division of Accounting and Reporting, Local Government Policies Section, P.O. Box 942850, Sacramento, CA 94250.
 - D. Such written notice shall include the following information:
 1. The name, address, phone number of interested party as defined in (II) above, and person to be contacted presenting evidence.
 2. An indication that work undertaken by the public agency falls within one of the following categories:

- a. It is to be performed by a public agency after rejection of all bids, claiming the work can be done less expensively by the public agency.
 - b. It exceeded the force account limits.
 - c. It has been improperly classified as maintenance.
3. The name, address, and phone number of the Public Agency involved.

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4. The project name, location, or other project identification number.
 5. The bid date and rejection date, if applicable.
 6. The low bid dollar amount, if applicable.
 7. The agency estimate, if available.
 8. Other documentation supporting the request. If requestor is unable to obtain information from the participating agency, the request should so note that fact in their request and include an explanation of the circumstances. It should be noted that the statutory time limit to complete the account review begins as of the day the request is received receipt. Incomplete review requests may affect the ability of the Commission to render a timely decision.
- E. At the time it transmits its request to the Commission for review, the interested party shall mail a copy of the request by first class mail, postage prepaid, to the public agency involved.

IV. Immediately upon receipt of a request for an account procedures review, the Chairman shall assign it to a work group consisting of two or more of the Commissioners.

- A. The work group may contact either the interested party or the public agency involved for additional information and it may request a statement of the public agency's position with respect to the claim being set forth.

- B. The auditor or consultant shall present written findings and a decision recommendation within twenty calendar days of the date the request for review was received by the Commission.

- C. If the work group deems it is necessary, it may utilize the State Controller's audit division or a consultant deemed qualified for the purpose of this investigation. The auditor or consultant will conduct a thorough investigation of the facts surrounding the claim. This investigation may include any field work deemed necessary by the auditor or consultant. The auditor or consultant shall interview the public agency involved and submit a complete statement of the public agency's position as a part of the findings.

- V. The Commission shall review the findings of the work group and the report of the auditor or consultant, if utilized, and render its final decision within thirty (30) calendar days of the date on which the request was received by the Commission. A copy of the decision shall be mailed by first class mail, postage prepaid, to each Commission member, the interested party, and the public agency involved.

- VI. Decisions on accounting procedures reviews shall be collected and maintained at the offices of the Commission and shall be available for public inspection during regular working hours. Such decisions may be cited and relied upon by interested parties and public agencies in subsequent reviews.

- VII. Pursuant to Public Contract Code Section 22044.5 (AB 2372 – Chapter 192 of the Statutes of 2006), if the Commission makes a finding(s) on three separate occasions within a 10-year period, the Commission shall notify the public agency of the finding(s) in writing by certified mail and the public agency shall not use the bidding procedures provided by the Act. For the purposes of these review procedures, one investigation resulting in at least one finding shall equate to one occasion.

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- II. As used in the Accounting Procedures Review, "interested party" shall mean: a licensed contractor eligible to bid on the public project involved in the review; a labor organization whose members would be eligible to perform work on the public project if it were performed by contract; an association of licensed contractors and/or labor organizations; or a taxpayer of the public agency involved in the review.
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ACCOUNTING PROCEDURES REVIEW (CONTINUED)

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6. The ~~L~~ low bid dollar amount, if applicable.
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8. Other documentation supporting the request. If requestor is unable to obtain information from the participating agency, the request should so note that fact in their request and include an explanation of the circumstances. It should be noted that the statutory time limit to complete the account review begins as of the day the request is received receipt. Incomplete review requests may affect the ability of the Commission to render a timely decision. Other supporting information, if available.

E. At the time it transmits its request to the Commission for review, the interested party shall mail a copy of the request by first class mail, postage prepaid, to the public agency involved.

~~IV. The Commission shall approve and designate in writing the consultants available to investigate requests for accounting procedures review. Such consultants shall be prequalified as follows:~~

~~A. They shall submit resumes of experience to the Commission for prequalification.~~

~~B. Each applicant shall have at least five years of experience with, and be knowledgeable of, public works construction and/or accounting under contracts let by public agencies.~~

~~C. They shall submit their schedule of fees required to perform such service.~~

IV. Immediately upon receipt of a request for an account procedures review, the Chairman shall assign it to Commission a work group consisting of to one two /or more of the prequalified consultants Commissioners. ~~for review.~~

- A. ~~The consultant -The work group may will interview~~ contact either the interested party or the public agency involved for -additional information and it may/or request as a part of the findings a complete a statement of the public agency's position with respect to the claim being set forth. by the interested party. review being conducted.
- B. ~~Upon the completion of the assessment, the commission will convene and decide~~
- C. ~~whether to dismiss an account review request claim that did not show merit or proceed with a further extensive review.~~ The auditor or consultant shall present written findings and a decision recommendation within twenty calendar days of the date the request for review was received by the Commission.

~~The consultant shall prepare written findings and a recommended decision within twenty (20) calendar days from the date the request for review was received by the Commission.~~

- ~~D~~ If the Commission work group deems it is necessary to conduct a further investigation,
- C. it may utilize the State Controller's audit division or a consultant deemed qualified for the purpose of this investigation. The auditor or consultant will conduct a thorough investigation ~~review~~ all of the facts surrounding the claim. This investigation may include any field work deemed necessary by the auditor or consultant. The auditor or consultant shall ~~information,~~ interview the public agency involved and submit a complete statement of the public agency's position as a part of the findings.
- V. ~~The Commission may appoint a subcommittee consisting of at least three (3) members to meet and review the findings of fact and recommended decision of the consultant.~~ The Commission shall review the findings of the work group and the report of the auditor or consultant, if utilized, and render its final decision within thirty (30) calendar days of the date on which the request was received by the Commission. A copy of the decision shall be mailed by first class mail, postage prepaid, to each Commission member, the interested party, and the public agency involved.
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