

Item 10a - Proposed CUCCAC Procedure for List of Qualified Contractors Policy

Background:

Agencies are required to create and maintain a list of qualified bidders pursuant to Public Contract Code (PCC) 22034(a).

PCC 22034(a) states:

(a) The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission.

The criteria are outlined in the CUCCAC Cost Accounting Policies and Procedures Manual on page 7. It notes that November of each year, each public agency which has elected to become subject to the Uniform Public Construction Cost Accounting Act shall mail a written notice to all construction trade journals inviting licensed contractors for inclusion in the agency's list of qualified bidders for the following calendar year.

Problem:

The issue is that the procedures outlined cover agencies that have been in the Act and are simply maintaining their lists. What are the procedures for an agency that has recently become subject to the Act, but does not have sufficient time to create their list of qualified bidders as outlined by the manual?

- i. What if an agency joins in November/December? What if an agency joins in March? Would they not have to update until that November?
- ii. What if an agency recently joins the Act and needs to put a project out for bid before they have the time to put together a list of qualified bidders? Could a procedure be developed to allow exceptions for this to be made on a case by case basis?

Proposed Options:

- i. Allow the agency up to 90 days upon becoming subject to the Act to create their initial list of qualified bidders. After the initial list has been completed, the agency shall follow the procedures outlined on page 7 of the manual.
- ii. If such case is an emergency, as outlined in PCC 22035, the agency shall follow the procedures set forth in that code section. If such case is not an emergency, the agency shall follow the procedures set forth in the Cost Accounting Policies and Procedures Manual.

Conclusion:

The Commission should decide if these proposed solutions are agreed upon with the majority of the members. If there are alternative solutions, please let me know so that I may add it to the list for final discussion at the June 20th, 2013 meeting.