California Uniform Construction Cost Accounting Commission

Cost Accounting Policies and Procedures Manual

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Controller John Chiang

California State Controller's Office

California Uniform Construction Cost Accounting Commission

Cost Accounting Policies and Procedures Manual

Preface

The Uniform Public Construction Cost Accounting Act (Act), enacted in 1983 under Public Contract Code Section 22000 et seq., allows local agencies to perform public project work of up to $ 45,000 with their own workforces if the agencies elect to follow the cost accounting procedures set forth in the *Cost Accounting Policies and Procedures Manual* by the California Uniform Construction Cost Accounting Commission.

Every five years, the California Uniform Construction Cost Accounting Commission reviews the informal bid limits for inflation and other factors to determine whether adjustments should be made. If an adjustment is made, the State Controller notifies the affected public agencies. The adjustment may become effective before it appears as a formal change in the Public Contract Code. The most recent informal bid limits can be found at **www.sco.ca.gov/ard/local/index.shtml**.

Any local agency can voluntarily elect to become a participating agency of the Act. Local agencies include cities, counties, redevelopment agencies, special districts, school districts, and community college districts. Participating agencies benefit from the raised force account limit and the informal bidding procedures. More projects are completed in a timely manner as a result of the streamlined awards process and the reduction in paperwork related to advertising and report filing.

~~The Act allows agencies to apply an overhead rate in a simplified or calculated method. Local agencies with a population of less than 75,000 may use the simplified method to apply an overhead rate of 20% of all direct costs. Local agencies with a population of 75,000 or more may use an overhead rate of 30% of all direct costs. If a local agency elects to calculate an overhead rate, it can use Appendices A and B in this manual as a reference, or it may calculate an overhead rate on its own, provided that it uses acceptable accounting procedures and includes all administrative costs.~~

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Table of Contents

Part I

Information for Adoption and Implementation of the California Uniform Public Construction Cost Accounting Act

Instructions for Adoption and Implementation of the Uniform Construction Cost Accounting Procedures by Local Agencies 3

Sample Election Resolution 4

Sample Informal Bidding Ordinance 5

Procedure for Establishment and Maintenance of List of ~~Qualified~~ Registered Contractors Per Section 22034 of the Public Contract Code 7

County-by-County List of Construction Trade Journals Which Shall Receive Written Notice of All Informal and Formal Construction Contracts Being Bid for Work (Per Section 22036 of the Public Contract Code) 8

List of Construction Trade Journals 10

Accounting Procedures Review 17

Uniform Public Construction Cost Accounting Act 19

Part II

Uniform Public Construction Cost Accounting Policies and Procedures

I. Introduction 31

Uniform Public Construction Cost Accounting Act 33

II. Uniform Public Construction Cost Accounting Policies and Procedures 37

CUCCAC Philosophy 39
Applicable Projects 39
Definitions 39
Public Agency Organization Structure 41
Classification of Costs 41
Direct Costs 41
Labor 42
Equipment 42
Permanent Materials and Supplies 42
Subcontracts 43
Nonpermanent Materials and Supplies/Miscellaneous Costs 43
Indirect Costs 43
Labor 43
Other Project Expenses 43

Overhead Costs 43
Simplified Overhead Rate 43
Calculated Overhead Rate 44
Project Identification 45
Project Tracking 45
Examples of Project Tracking Systems 45
Discussion of Example 45
Estimated vs. Actual Costs 48
Discussion of Example 48

III. Identification, Reporting and Computation of Personnel Costs 51

Tracking Personnel Time 53
Timekeeping System 53
Examples of Timekeeping Systems 53
Application of Timekeeping Systems 54
Public Project Unit 54
Other Organizational Units Performing Work on Public Projects 55
Recording Time to Public Projects 55

Computing Personnel Costs 58
Productive Hourly Rate 58
Annual Personnel Costs 58
Productive Hours 60
Unit Overhead Rate 60
Public Project Unit 60
Organizational Unit Performing Public Project Work 60
Government-Wide Overhead Rate 60
Discussion of Example 62

IV. Identification, Reporting and Costing of Materials, Supplies and Subcontracts 65

Tracking Materials and Supplies 67
Direct Purchases 67
Inventory 67
Costing Materials and Supplies 68
Direct Purchase 68
Inventory 68
Discussion of Example 68
Handling/Carrying Costs 69
Subcontracts 69

V. Identification, Reporting and Costing Equipment 73

Equipment Tracking System 75
Equipment Tracking System 75
Examples of Equipment Tracking Systems 75
Equipment Tracking of Agency Owned/Operated Equipment 75
Internal Rates 75
Equipment Rate Book Rates 76
Equipment Usage Rates 76
Internal Rates (Equipment Owned by Public Agency) 76
Equipment Rate Books (Equipment Owned by Public Agency) 81
Rental or Lease Rates 84
Discussion of Example 84

VI. Identification, Rate Development and Allocation of Overhead 87

Commission Adopted Simplified Overhead Rate 89

Appendixes

Appendix A

Cost Principles for State, Local, and Indian Tribal Governments
2 CFR Part 225
Please refer to www.ecfr.gpoaccess.gov

Browse: Title –Grants and Agreements, Volume 1, Chapter, II, Part 225 93

Appendix B

Overhead Determination and Allocation
Percentage of Direct Labor Costs Method

Identification, Rate Development and Allocation of Overhead 97
Unit Overhead 98
Cost Components 98
Tracking of Unit Overhead 98
Public Project Unit 99
Organizational Unit Performing Public Project Work 99
Rate Methodology 99
Public Project Unit 99
Organizational Unit Performing Public Project Work 99
Overhead Allocation 99
Government-Wide Overhead 102
Internally Developed Government-Wide Overhead Rates 102
Cost Components 102
Rate Development 102
Government-Wide Overhead Rate 102
Overhead Allocation 102

Appendix C

Commission Rulings

Commission Rulings 105
Monterey County Letter of 9/18/85 105
~~Accounting and Bidding Interpretations~~ Move to FAQ's (delete here) ~~105~~
Overhead Rates 106
The California Schools Accounting Manual 107
Funding/Donations 107
Non-Compliant Participating Agency 107

Listing of Exhibits

II-1	Project Ledger Card for Main Street School Remodeling	46
II-2	Project Ledger Card for Main Street School Remodeling with Estimate, Labor, Materials and Supplies and Equipment Posted	47
II-3	Estimate of Main Street School Remodeling	49
II-4	Project Ledger Card for Main Street School Remodeling with Estimate Posted	50
III-1	Public Project Unit Employee Weekly Time Report	56
III-2	Organizational Unit Which Performs Work on Public Project Unit - Employee Weekly Time Report	57
III-3	Productive Hourly Rate Calculation	59
III-4	Application of Overhead to a Productive Hourly Rate	61
III-5	Project Ledger Card for Main Street School Remodeling with Estimate and Labor Posted	63
IV-1	Project Ledger Card for Main Street School Remodeling with Estimate, Labor, Materials, Supplies and Subcontracts Posted	70
IV-2	Calculation of Handling/Carrying Overhead Rate	72
V-1	Equipment Weekly Timesheet for Main Street School Remodeling	77
V-2	Equipment Weekly Timesheet for Main Street School Remodeling	78
V-3	Equipment Depreciation Worksheet	80
V-4	Maintenance and Repair Equipment Ledger Card	82
V-5	Equipment Rate Development	83
V-6	Project Ledger Card for Main Street School Remodeling with Estimate, Labor, Materials, Supplies and Equipment Posted	85
VI-1	Public Agency Force Account Daily Extra Work Report – City Under 75,000	90
VI-2	Public Agency Force Account Project Cost Summary	91
B-1	Public Project Unit Overhead Rate Development	100
B-2	Organization Unit Performing Public Project Work - Overhead Rate Development	101

Part I

Information for Adoption and Implementation of the California Uniform Public Construction Cost Accounting Act

Instructions for Adoption and Implementation of the Uniform Construction Cost Accounting Procedures by Local Agencies

(1) The Governing Board must elect by resolution to become subject to the uniform construction cost accounting procedures promulgated by the Controller pursuant to Public Contract Code Section 22019. The resolution shall specify that the local agency will meet the requirements prescribed in the California Uniform Public Construction Cost Accounting Commission's *Cost Accounting Policies and Procedures Manual* and state the effective date the agency will implement the accounting and bidding procedures.

(2) The Local Agency must notify the Controller in writing of the election to become subject to the uniform construction cost accounting procedures. A copy of the resolution shall also be filed with the Controller. Send it to: Office of State Controller, Division of Accounting and Reporting, Local Government Policies Section, P.O. Box 942850, Sacramento, CA 94250.

(3) When a local agency elects to become subject to the uniform construction cost accounting procedures, the entire entity is considered subject to the Act and no departments will be exempt. However, Special Districts, which are governed by a board of supervisors or city council, are subject only if a separate election is made.

(4) An informal bidding ordinance or policy as required by the participating agency shall be enacted pursuant to Public Contract Code Section 22034.

(5) Once opting into the Act, participating agencies must always adhere to the terms of the Act until such time the agency formally opts out by resolution of its governing board. Having opted in, selective adherence to the terms of the Act is a violation.

(6) The governing board may discontinue the agency's participation under the uniform public construction cost accounting procedures by adopting a resolution stating this fact. A copy of the resolution shall be filed with the Controller.

(7) The Controller shall notify the Commission of all local agencies electing to become subject to the uniform public construction cost accounting procedures. In addition, the Commission shall also be notified of local agencies electing to discontinue participation under these procedures.

SAMPLE ELECTION RESOLUTION - MODEL

(This SAMPLE ELECTION RESOLUTION indicates election by a city council. However, the sample format can be used by any public agency governing body.)

RESOLUTION OF THE COUNCIL OF THE CITY OF _____
COUNTY OF _____, STATE OF CALIFORNIA IN THE MATTER OF:
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES
Resolution No. _____

I,_____, City Clerk of the City of _____, County of _____, State of California, do hereby certify that the following resolution, proposed by Councilmember _____, and seconded by Councilmember _____, was duly passed and adopted by the Council of the City of _____ at a regular meeting thereof assembled this _____ day of _____, ____, by the following vote, to wit:

AYES:Councilmember:
NOES:Councilmember:
ABSENT:Councilmember:

Seal

_____, City Clerk
City of _____

THE CITY COUNCIL OF THE CITY OF _____ DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, prior to the passage of Assembly Bill No. 1666, Chapter 1054, Statutes of 1983, which added Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

WHEREAS, Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act, establishes such a uniform cost accounting standard;

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

NOW, THEREFORE, the City Council of the City of _____, California, hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the City Clerk notify the State Controller forthwith of this election.

This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this ____ day of _____, _____.

_____ , Mayor

City of _____

ATTEST:

_____, City Clerk
City of _____

SAMPLE INFORMAL BIDDING ORDINANCE or POLICY (as stipulated by the participating agency)

*(This **SAMPLE** INFORMAL BIDDING ORDINANCE indicates action by a county board of supervisors. However, the sample format can be modified for use~~d~~ by any public agency's governing body.)*

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF _____

ADDING SECTION _____ TO THE ORDINANCE CODE OF THE COUNTY OF _____

TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (Section 22000, et seq. of the Public Contract Code)

The Board of Supervisors of the County of _____do ordain~~s~~ as follows:

SECTION 1

Section _____ is hereby added to the County Code of the County of_____ to provide as follows:

Section _____. Informal Bid Procedures. Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Section _____. Contractors List. A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

Section _____. Notice Inviting Informal Bids. Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids ~~shall~~ -may be faxed, e-mailed or mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section _____, and shall be sent by fax, email, or mail to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department/agency soliciting bids, provided however:

(1) If there is no list of registered~~qualified~~ contractors maintained by the County for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

(2) If the product or service is 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.

Section _____. Award of Contracts

The County Purchasing Agent and the Director of Public Works are each authorized to award informal contracts pursuant to this Section.

SECTION 2

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the _____, a newspaper of general circulation published in the County of _____.

PASSED, APPROVED and ADOPTED by the Board of Supervisors of the County of _____, State of California, this____ day of _____,_____, by the following vote:

AYES:

NOES:

ABSENT:

PROCEDURE FOR ESTABLISHMENT AND MAINTENANCE OF LIST OF ~~QUALIFIED~~ REGISTERED CONTRACTORS PER SECTION 22034 OF THE PUBLIC CONTRACT CODE

Section 22034 of the Public Contract Code specifies the requirements for mailing notices to contractors for work to be bid under the Act. As specified therein, an agency shall provide notices either a) by mailing notices to all construction trade journals specified in Section 22036, or b) by mailing notices to all contractors on the list established by the agency for the work being bid, or by both a) and b). In the event an agency elects to provide notice by mailing notices to all contractors on the list established by the agency for the work being bid, the agency shall utilize the following procedure to establish and maintain the list of registered~~qualified~~ contractors outlined in Section 22034 a).

1.~~1~~ During November each year, each Public Agency which has elected to become subject to the Uniform Public Construction Cost Accounting Act and intends to utilize the notice provisions outlined in section 22034 a) shall establish a new or update its existing list of registered~~qualified~~ contractors by mailing a written notice to all construction trade journals designated for that Agency under Section 22036, inviting all licensed contractors to submit the name of their firm to the Agency for inclusion on the Agency's list of qualified bidders for the following calendar year.
~~During November each year, each Public Agency which has elected to become subject to the Uniform Public Construction Cost Accounting Procedures shall mail a written notice to all construction trade journals designated for that Agency under Section 22036, inviting all licensed contractors to submit the name of their firm to the Agency for inclusion on the Agency's list of qualified bidders for the following calendar year.~~

2. The notice shall require that the contractor provide the name and address to which a Notice to Contractors or Proposal should be mailed, faxed, or emailed, a phone number at which the contractor may be reached, the type of work in which the contractor is interested and currently licensed to do (earthwork, pipelines, electrical, painting, general building, etc.) together with the class of contractor's license(s) held and contractor license number(s).

3. The Public Agency may create a new contractors list starting January 1st of each year. The Agency may include any contractor names it so desires on the list, but the list must include, at a minimum, all contractors who have properly provided the Agency with the information required under #2 above, either during the calendar year in which the list is valid or during November or December of the previous year.

   The Commission recommends that the Agency automatically include the names of all contractors who submitted one or more valid bids to the Agency during the preceding calendar year.

4. A contractor may have his firm added to an Agency's contractors list at any time by providing the required information.

COUNTY-BY-COUNTY LIST OF CONSTRUCTION TRADE JOURNALS WHICH SHALL RECEIVE WRITTEN NOTICE OF ALL INFORMAL AND FORMAL CONSTRUCTION CONTRACTS BEING BID FOR WORK (PER SECTION 22036 OF THE PUBLIC CONTRACT CODE)

Per Public Contract Code section 22037, notices inviting formal bids must be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency. In addition, the Commission has determined that all public agencies that adopt and contract under the Uniform Public Construction Cost Accounting Act shall be required to mail, e-mail, or fax, a notice to the following specified construction trade publications, of all formal construction contracts being bid and all invitations to join an agency's ~~qualified~~ registered bidders list (i.e. the informal bidding list) within the specified county (as provided in sections 22034 and 22037 of the Public Contract Code). The numbers following the name of each county refer to the corresponding numbered publications on the List of Construction Trade Journals beginning on page 10.

Users will note that the notification of the trade journals listed in Column B for their county is required. Additionally, the user will have to notify at least two (2) of the trade journals listed in Column C, unless there is only one listed, in which case notification of that trade journal is sufficient. The list of construction trade journals beginning on page 10 is more extensive. The Commission urges each public agency to select additional publications from its geographical area and include them on its list of publications to be notified. Sample information to be included in the mailed notice to trade journals is listed on page 9.

Note: Users are not required to mail a notice to a trade journal if the trade journal listed under their county is now charging for its services, or is out of business. Instead, the Commission requests that users find some other method of notifying potential contractors of published jobs and how to be added to their informal bidding lists (e.g. Internet – County's web page.)

Column A COUNTY NAME	Column B TRADE JOURNALS REQUIRED TO BE NOTIFIED	Column C NOTIFY TWO OF THE TRADE JOURNALS LISTED BELOW
ALAMEDA	2, 3	9, 15, 16, 17, 18, 19, 20
ALPINE	2, 3	12
AMADOR	2, 3	12, 14, 21
BUTTE	2, 3	6, 7, 12, 13
CALAVERAS	2, 3	12, 20, 21
COLUSA	2, 3	6, 7
CONTRA COSTA	2, 3	9, 16, 17, 18, 20
DEL NORTE	2, 3	4, 5, 6
EL DORADO	2, 3	11, 12, 13, 14, 17
FRESNO	2, 3	20, 22, 26, 27, 28
GLENN	2, 3	6, 7, 13
HUMBOLDT	2, 3	4, 5, 6
IMPERIAL	2, 3	32, 35
INYO	2, 3	28
KERN	2, 3	22, 27, 28, 29
KINGS	2, 3	22, 26, 27, 28
LAKE	2, 3	5, 6, 8, 9, 17
LASSEN	2, 3	4, 6, 12, 13
LOS ANGELES	2, 3	32, 35, 47
MADERA	2, 3	20, 22, 26
MARIN	2, 3	8, 9
MARIPOSA	2, 3	22
MENDOCINO	2, 3	5, 8, 9, 17
MERCED	2, 3	20, 21, 22

Column A COUNTY NAME	Column B TRADE JOURNALS REQUIRED TO BE NOTIFIED	Column C NOTIFY TWO OF THE TRADE JOURNALS LISTED BELOW
MODOC	2, 3	6
MONO	2, 3	12
MONTEREY	2, 3	19, 23, 24, 25, 29
NAPA	2, 3	8, 9, 10, 17
NEVADA	2, 3	11, 12, 13, 14
ORANGE	2, 3	32, 35, 46
PLACER	2, 3	11, 12, 13, 14, 17
PLUMAS	2, 3	6, 7, 12, 13
RIVERSIDE	2, 3	32, 35, 46
SACRAMENTO	2, 3	6, 11, 12, 13, 14, 17, 20
SAN BENITO	2, 3	23, 24, 25
SAN BERNARDINO	2, 3	32, 35, 46
SAN DIEGO	2, 3	32, 35, 46
SAN FRANCISCO	2, 3	9, 15, 16, 17, 18, 19
SAN JOAQUIN	2, 3	20, 21, 22
SAN LUIS OBISPO	2, 3	24, 25, 28, 29, 30, 35, 47
SAN MATEO	2, 3	9, 15, 16, 18, 19
SANTA BARBARA	2, 3	29, 30, 31, 35, 47
SANTA CLARA	2, 3	9, 15, 16, 17, 18, 19, 23
SANTA CRUZ	2, 3	19, 23, 24, 25
SHASTA	2, 3	5, 6
SIERRA	2, 3	12, 13
SISKIYOU	2, 3	6
SOLANO	2, 3	9, 10, 11, 17, 20
SONOMA	2, 3	8, 9, 17
STANISLAUS	2, 3	20, 21, 22
SUTTER	2, 3	7, 11, 12, 13
TEHAMA	2, 3	6, 13
TRINITY	2, 3	5, 6
TULARE	2, 3	26, 27, 28
TUOLUMNE	2, 3	12, 21
VENTURA	2, 3	28, 30, 31, 35, 47
YOLO	2, 3	9, 11, 14
YUBA	2, 3	7, 11, 12, 13

Sample Information for Mailed Notice

Following are the types of information that could be included in the mailed notice to the construction trade journals. This list should be used only as a guide.

Project title and contract # (if any)
Cost range
Location of site
Who is taking bids/date and time due
Owner's address and phone number
Architect's address and phone number
Brief description of work to be done
Where plans may be obtained/Deposit required/Whether or not refundable
Percentage of bid bond/Percentage of performance bond/Percentage of payment bond

LIST OF CONSTRUCTION TRADE JOURNALS

The following organizations have indicated to the Commission that they:

a) Publish a newsletter or trade journal, on a weekly or more frequent basis, that contains a section listing projects being bid; or, provide a telephone notice service to their members.
b) Do not charge for publishing or otherwise disseminating a Notice to Contractors.

These organizations have indicated to the Commission that they serve subscribers or members in the counties listed to the right of each organization.

Organizations that meet criteria (a) and (b) above may be added to the list, or changes or corrections can be made to the list by contacting:

Office of the State Controller
Division of Accounting and Reporting
Local Government Policies Section
P. O. Box 942850
Sacramento, CA 94250

	ORGANIZATION	AREAS OF MEMBERS OR SUBSCRIBERS BY COUNTY
1	Reed Construction Data Document Processing Center 30 Technology Parkway South, Suite 500 Norcross, GA 30092-2912 **Phone:** 800-876-4045 **Fax:** 800-303-8629	California
2	Construction Bidboard (eBidboard) Attn: James Moriarty -CEO 11522 El Camino Real San Diego, CA 92130 **Phone:** 800-479-5314 **Fax:** 619-688-0585 **e-mail:** planroom@ebidboard.com	California
3	McGraw-Hill Construction Dodge 4300 Beltway Place #180 Arlington, TX 76018	California

	ORGANIZATION	AREAS OF MEMBERS OR SUBSCRIBERS BY COUNTY
4	Del Norte Builders Exchange 711 H Street Crescent City, CA 95531 **Phone:** **Fax:** 707-465-5922 **e-mail:** delnortebex@aol.com	Del Norte, Humboldt, and Lassen
5	Humboldt Builders' Exchange, Inc. 624 C Street Eureka, CA 95501-0341 **Phone:** 707-442-3708 **Fax:** 707-442-6051 **e-mail:** exec@humbx.com	Del Norte, Humboldt, Lake, Mendocino, Shasta, and Trinity
6	Shasta Builders' Exchange 2990 Innsbrook Drive Redding, CA 96003-9303 **Phone:** 530-221-5556 **Fax:** 530-221-2140 **e-mail:** kent@shastabe.com	Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Modoc, Plumas, Sacramento, Shasta, Siskiyou, Tehama, and Trinity
7	Valley Contractors Exchange, Inc. 951 East Eighth Street Chico, CA 95928 **Phone:** 530-343-1981 **Fax:** 530-343-3503 **e-mail:** kate@vceonline.com	Butte, Colusa, Glenn, Plumas, Sutter, and Yuba
8	North Coast Builders Exchange 1030 Apollo Way Santa Rosa, CA 95407 **Phone:** 707-542-9502 **Fax:** 707-542-2027 **e-mail:** keith@ncbeonline.com	Lake, Marin, Mendocino, Napa, and Sonoma
9	Marin Builders Association 660 Las Gallinas Avenue San Rafael, CA 94903 **Phone:** 415-462-1220 **Fax:** 415-462-1225 **e-mail:** dave@marinba.org	Alameda, Contra Costa, Lake, Los Angeles, Marin, Mendocino, Napa, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, and Yolo
10	Solano-Napa Builders Exchange 135 Camino Dorado Napa, CA 94558-6213 **Phone:** 707-255-2515 **Fax:** 707-255-2749 **e-mail:** estevenson@snbe.com	Napa and Solano

	ORGANIZATION	AREAS OF MEMBERS OR SUBSCRIBERS BY COUNTY
11	Sacramento Builders' Exchange 1331 T Street P.O. Box 1462 Sacramento, CA 95812-1462 **Phone:** 916-442-8991 **Fax:** 916-446-3117 **e-mail:** planholders@sbxchange.net	El Dorado, Nevada, Placer, Sacramento, Solano, Sutter, Yolo, and Yuba
12	Placer County Contractors Association, Inc. 271 Auburn Ravine Road Auburn, CA 95603 **Phone:** 530-889-3953 **Fax:** 530-889-3956 **e-mail:** eddie@placerbx.com	Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, Santa Clara, Shasta, Sierra, Siskiyou, Stanislaus, Solano, Sonoma, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba,
13	Nevada County Contractors' Association 111-A New Mohawk Road Nevada City, CA 95959 **Phone:** 530-265-8541 **Fax:** 530-265-8726 **e-mail:** nccaexec@pacbell.net	Butte, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Sierra, Sutter, Tehama, and Yuba
14	El Dorado Builders' Exchange 3430 Robin Lane, No. 7 Cameron Park, CA 95682 **Phone:** 530-672-2955 **Fax:** 530-672-2985 **e-mail:** connie@goodbuilders.org	Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo
15	The San Francisco Builders Exchange 850 South Van Ness Avenue San Francisco, CA 94110-1911 **Phone:** 415-282-8220 **Fax:** 415- 821-0363 **e-mail**: denna@bxosf.com	Alameda, San Francisco, San Mateo, and Santa Clara
16	Builders Exchange of Alameda County P.O. Box 1978, 3055 Alvarado Street San Leandro, CA 94577 **Phone:** 510-483-8880 **Fax:** 510-352-1509 **e-mail:** spleary@beac.com	Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara
17	Contra Costa Builders Exchange 2440 Stanwell Drive, Suite B Concord, CA 94520-4801 **Phone:** 925-685-8630 **Fax:** 925-685-3424 **e-mail:** info@ccbx.com	Alameda, Contra Costa, El Dorado, Lake, Mendocino, Napa, Placer, Sacramento, San Francisco, Santa Clara, Solano, and Sonoma

	ORGANIZATION	AREAS OF MEMBERS OR SUBSCRIBERS BY COUNTY
18	Peninsula Builders Exchange 735 Industrial Road San Carlos, CA 94070 **Phone:** 650-591-4486 **Fax:** 650-591-8108 **e-mail**: tom@constructionplans.org	Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara
19	Builders' Exchange of Santa Clara County 400 Reed Street Santa Clara, CA 95050 **Phone:** 408-727-4000 **Fax:** 408-727-2779 **e-mail:** mm@bxscco.com	Alameda, Monterey, San Francisco, San Mateo, Santa Clara, and Santa Cruz
20	Builders' Exchange of Stockton 7500 West Lane Stockton, CA 95210 **Phone:** 209-478-1000 **Fax:** 209-478-2132 **e-mail:** rruby@besonline.com	Alameda, Calaveras, Contra Costa, Fresno, Madera, Merced, Sacramento, San Joaquin, Solano, and Stanislaus
21	Valley Builders Exchange, Inc. P. O. Box 4307 Modesto, CA 95352 **Phone:** 209-522-9031 **Fax:** 209-522-0616 **e-mail:** kbowden@valleybx.com	Amador, Calaveras, Merced, San Joaquin, Stanislaus, and Tuolumne
22	Builders Exchange of Merced & Mariposa P. O. Box 762, 410 W. Main Street, #C Merced, CA 95341-0761 **Phone:** 209-722-3612 **Fax:** 209-722-0207 **e-mail:** bemm@bxmercedandmariposainc.org	Fresno, Kern, Kings, Madera, Mariposa, Merced, San Joaquin, and Stanislaus
23	Santa Cruz County Builders Exchange 1248 Thompson Avenue Santa Cruz, CA 95062 **Phone:** 831-476-3407 **Fax:** 831-476-6349 **e-mail:** kim@scbuild.com	Monterey, San Benito, Santa Clara, and Santa Cruz
24	Builders Exchange of the Central Coast, Inc. 100 12th Street, Building 2861 Marina, CA 93933 **Phone:** 831-883-3933 **Fax:** 831-582-2356 **e-mail:** gwen@bxcc.org	Monterey, San Benito, San Luis Obispo, and Santa Cruz
25	Salinas Valley Builders Exchange 20 Quail Run Circle Salinas, CA 93907 **Phone:** 831-758-1624 **Fax:** 831-758-6203 **e-mail**: gwen@svbe.com	Monterey, San Benito, San Luis Obispo, and Santa Cruz

	ORGANIZATION	AREAS OF MEMBERS OR SUBSCRIBERS BY COUNTY
26	Central California Builders Exchange 1244 N. Mariposa Street Fresno, CA 93703 **Phone:** 559-237-1831 **Fax:** 559-264-2532 **e-mail:** roxanne@fresnobuildersexchange.com	Calaveras, Fresno, Kern, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tulare, and Tuolumne
27	Tulare & Kings Counties Builders Exchange P.O. Box 667, 626 W. Oak Visalia, CA 93291 **Phone:** 559-732-4568 **Fax:** 559-732-7568 **e-mail:** info@tkcbe.com	Fresno, Kern, Kings, and Tulare
28	Kern County Builders' Exchange, Inc. 1121 Baker Street Bakersfield, CA 93305 **Phone:** 661-324-4921 **Fax:** 661-324-5364 **e-mail:** phil@kcbex.com	Fresno, Inyo, Kern, Kings, San Luis Obispo, Tulare, and Ventura
29	San Luis Obispo County Builders Exchange 3563 Sueldo, Suite G San Luis Obispo, CA 93401 **Phone:** 805-543-7330 **Fax:** 805-543-7016 **e-mail:** leslie@slocbe.com	Kern, Monterey, San Luis Obispo, and Santa Barbara
30	Santa Maria Valley Contractors Association 2003 N. Preisker Lane, Suite A Santa Maria, CA 93454 **Phone:** 805-925-1191 **Fax:** 805-922-2983 **e-mail:** smvca@silcom.com	San Luis Obispo, Santa Barbara, and Ventura
31	Ventura County Contractors Association 1830 Lockwood Street, No. 110 Oxnard, CA 93036 **Phone:** 805-981-8088 **Fax:** 805-981-8089 **e-mail:** vcca@vccainc.com	Santa Barbara and Ventura
32	Southern California Builders Association 7740 Painter Avenue, #100 Whittier, CA 90602 **Phone:** 562-320-3600 **Fax:** 562-320-3603 **e-mail:** scba@socalbuilders.org	Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego
33	Construction Data Company 11940 Jollyville Road, Suite 305-S Austin, TX 78759 **Phone:** 800-872-7878 **Fax:** 800-487-7878 **e-mail:** research@cdcnews.com	Southern California

	ORGANIZATION	AREAS OF MEMBERS OR SUBSCRIBERS BY COUNTY
34	Bid Editor From The Ground Up 7115 Westminster Avenue Westminster, CA 92683 **Phone:** **Fax:**	Los Angeles, Orange, Riverside, and San Bernardino
35	BidAmerica 41085 Elm Street Murrieta, CA 92562 **Phone:** 909-677-4819 **Fax:** 909-600-0615	Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura
36	BidNet P.O. Box 5600 Albany, NY 12214-5213 **Phone:** **Fax:**	California
37	Construction Bid Source Interactive 14237 Camanche Parkway P.O. Box 568 Burson, CA 95225-0568 **Phone:** 800-962-4162 **Fax:**	California
38	Demand Star.com, Inc. 1200 South Pine Island Rd, 6th Floor Plantation, FL 33324 **Phone:** 954-577-6500 **Fax:** 954-577-3941 **e-mail**: info@demandstar.com	California
39	California Daily Bid Advisor 1276 Lincoln Avenue, Suite 203 San Jose, CA 95125 **Phone:** 800 298-0240 **Fax:**	California
40	McGraw-Hill Construction Dodge 1333 S. Mayflower Avenue, Suite 300 Monrovia, CA 91016-4066 **Phone:** 626-932-6181 **Fax:** 626-932-6153	Kern, Los Angeles, San Luis Obispo, Santa Barbara, and Ventura
41	McGraw-Hill Construction Dodge 8755 Flower Road Rancho Cucamonga, CA 91730 **Phone:** 909-987-1579 **Fax:** 909-987-1581	Riverside and San Bernardino
42	McGraw-Hill Construction Dodge Closed	Imperial, Riverside, and San Diego

	ORGANIZATION	AREAS OF MEMBERS OR SUBSCRIBERS BY COUNTY
43	McGraw-Hill Construction Dodge 1748 W. Katella Avenue, Suite 102 Orange, CA 92868 **Phone:** 714 -937-0831 **Fax:** 714-937-0917	Orange, Riverside, and San Diego
44	McGraw-Hill Construction Dodge 11875 Dublin Blvd., Suite A-118 Dublin, CA 94568 **Phone:** 925-833-9750 **Fax:** 925-833-9754	Alameda, Contra Costa, Del Norte, Marin, Mendocino, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma, and Trinity
45	McGraw-Hill Construction Dodge 4020 Lennane Drive, Suite 104 Sacramento, CA 95834 **Phone:** 916- 419-2287 **Fax:** 916-419-7299	Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, and Yuba
46	Associated General Contractors of America San Diego Chapter, Inc 6212 Ferris Square San Diego, CA 92121 **Phone:** 858-558-7444 **Fax:** 858-558-8444 **e-mail**: chartier@agcsd.org	Orange, Riverside, San Bernardino, and San Diego
47	BuildersNotebook 133 E De La Guerra St 62 Santa Barbara, CA 9310 **Phone:** 877-776-5436 **Fax:** 805-262-6338 **e-mail:** planroom@buildersnotebook.com **Website:** www.buildersnotebook.com	Los Angeles, San Luis Obispo, Santa Barbara, and Ventura
48	Contractor's Information Network 1629 Pollasky, Suite 113 Clovis, CA 93612 **Phone:** 559-325-7054 **Fax:**	California
49	Tri-Co Reprographics 513 Laguna Street Santa Barbara, CA 93101 **Phone:** 805-966-1701 **e-mail:** subplots@tricolblue.com **Website:** www.tricoblue.com	Santa Barbara, Ventura, and San Luis Obispo

ACCOUNTING PROCEDURES REVIEW

I. Pursuant to the provisions of Public Contract Code Section 22042, the Commission has adopted the following procedures for conducting an 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 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 cited in the account review request.

III. If an inquiry comes to the SCO and/or a single Commissioner, and the assistance of the Commission is needed, the inquiry will be sent to the Chair of the Commission. The Chair will then appoint one or more Commissioners, not to constitute a quorum, from the public and private sectors to assist with responding to the inquiry in a timely manner. A summary of the inquiry and response will be forwarded to the SCO upon completion for incorporation into FAQs as appropriate. (as passed at last Commission meeting)

IV~~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~~ eight 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, County Policy Section, P.O. Box 942850, Sacramento, CA 94250.

D. Such written notice shall include the following information:

1. The name, address, phone number, and email 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 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.
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.

~~ACCOUNTING PROCEDURES REVIEW (CONTINUED)~~

8. Other documentation supporting the request. If the requestor is unable to obtain information from the participating agency, the request should so note that fact and include an explanation of the circumstances. The statutory limit to complete the account review begins as of the day the request is received by the State Controller's Office. 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.

~~I~~V. The Commission shall approve and designate in writing the consultants available to investigate requests for accounting procedures review, if needed. 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.

V~~I~~. Immediately upon receipt of a request for accounting procedures review, the Chairperson shall assign it to a working group consisting of two or more Commissioners. Each working group must have both private and public representation.

A. The working group may contact either the interested party or the signatory agency involved for additional information. They may also request a statement of the public agency's position with respect to the claim being set forth. Participating agencies are required to cooperate with any account reviews pursuant to this Act. Failing to cooperate fully, either through unwillingness or inability, may be found to be non-compliant.

B. If the work group deems it necessary, it may utilize the State Controller's Office 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 as a part of the findings a complete statement of the public agency's position with respect to the review being conducted.

C. The auditor or 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.

VI~~I~~. 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.

VII~~I~~. 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.

IX~~VII I~~. 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 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 a finding(s) shall equate to one occasion. These review procedures are based on current statutory law.

Changes to statutory law shall be deemed to be automatically adopted into these procedures.

IX

CALIFORNIA PUBLIC CONTRACT CODE
CHAPTER 2. BIDDING ON PUBLIC CONTRACTS
(Current as of January 1, 2012)
Article 1. Legislative Intent and Definitions

22000 Short Title

This chapter shall be known and may be cited as the "Uniform Public Construction Cost Accounting Act."

22001 Legislative Findings and Declarations

The Legislature finds and declares that there is a statewide need to promote uniformity of the cost accounting standards and bidding procedures on construction work performed or contracted by public entities in the state. This chapter provides for the development of cost accounting standards and an alternative method for the bidding of public works projects by public entities.

22001.5 Notice describing chapter provisions to public agencies

On or before January 1, 2009, the Controller shall send a notice to all public agencies describing the provisions of this chapter and the benefits of using its provisions. This notice shall also be included in any notification issued by the Controller pursuant to Section 22020.

22002 Definitions

(a) "Public agency" for purposes of this chapter, means a city, county, city and county, including chartered cities and chartered counties, any special district, and any other agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Public agency" also includes a nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency.

(b) "Representatives of the construction industry" for purposes of this chapter, means a general contractor, subcontractor, or labor representative with experience in the field of public works construction.

(c) "Public project" means any of the following:

(1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.

(2) Painting or repainting of any publicly owned, leased, or operated facility.

(3) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

(d) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes 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.

(5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs,

powerplants, and electrical transmission lines of 230,000 volts and higher.

(e) For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

22003 Public Agency Subject to Uniform Cost Accounting Procedures; Bidding Procedures

A public agency which has, by resolution, elected to become subject to the uniform construction cost accounting procedures set forth in Article 2 (commencing with Section 22010), may utilize the bidding procedures set forth in Article 3 (commencing with Section 22030) when contracting for "maintenance work," as defined in Section 22002, or when contracting for any other work which does not fall within the definition of "public project," as defined in Section 22002.

Article 2. California Uniform Construction Cost Accounting Commission

22010 Creation; Membership; Appointment

There is hereby created the California Uniform Construction Cost Accounting Commission. The commission is comprised of 14 members.

(a) Thirteen of the members shall be appointed by the Controller as follows:

(1) Two members who shall each have at least 10 years of experience with, or providing professional services to, a general contracting firm engaged, during that period, in public works construction in California.

(2) Two members who shall each have at least 10 years of experience with, or providing professional services to, a firm or firms engaged, during that period, in subcontracting for public works construction in California.

(3) Two members who shall each be a member in good standing of, or have provided professional services to, an organized labor union with at least 10 years of experience in public works construction in California.

(4) Seven members who shall each be experienced in, and knowledgeable of, public works construction under contracts let by public agencies; two each representing cities, counties, respectively, and two representing school districts (one with an average daily attendance over 25,000 and one with an average daily attendance under 25,000), and one member representing a special district. At least one of the two county representatives shall be a county auditor or his or her designee.

(b) The member of the Contractors' State License Board who is a general engineering contractor as that term is defined in Section 7056 of the Business and Professions Code shall serve as an ex officio voting member.

22011 Appointment: Recommendations

The Controller, in an effort to select highly qualified commission members, shall solicit from organized representatives of the construction industry and public agencies recommendations for appointments to the commission.

22012 Members; Accounting Experience

At least one commission member of the seven representing the construction industry and at least one of the seven representing public agencies shall have previous accounting experience.

22013 Chairperson; Term

The commission members shall select a chairperson from among its membership. The chairperson shall serve as chair for a term of two years from the date of selection. In no event shall two consecutive chairpersons be appointees representing either the construction industry or public agencies.

22014 Members; Terms; Vacancies

(a) The members of the commission shall hold office for terms of three years, and thereafter until their successors are appointed, except as otherwise provided for in this section, or unless incapacitated and unable to serve due to death or disability.

(b) In the case of members initially appointed by the Controller, two representing the construction industry and two representing public agencies shall be appointed to serve until July 1, 1985; two representing the construction industry and two representing public agencies shall be appointed to serve until July 1, 1986; and three representing the construction industry and three representing public agencies shall be appointed to serve until July 1, 1987.

(c) Members may be reappointed for subsequent terms of three years.

(d) The Controller may, at the Controller's sole discretion,~~shall, within 90 days after expiration of any term~~, appoint a replacement to fill a~~the~~ vacancy on the Commission, if such vacancy is not previously filled through the normal nominating process by the authorized agencies and industry associations.

22015 Staff; Members' Compensation; Grants
Language pending fee language proposed for approval and legislative approval to be approved by the Commission at the December 2013 meeting

(a) The Controller shall make available for the conduct of the commission's business, such staff and other support as does not conflict with the accomplishment of the other business of the office of the Controller.

(b) Each member of the commission shall serve without compensation, but shall be reimbursed for travel and other expenses necessarily incurred in the performance of the member's duties.

(c) The commission may accept grants from federal, state, or local public agencies, or from private foundations or individuals, in order to assist it in carrying out its duties, functions, and powers under this chapter.

22016 Meetings

The commission shall meet not less than once each year, at a time and place chosen by its membership.

22017 Duties

The commission shall do all of the following:

(a) After due deliberation and study, recommend for adoption by the Controller, uniform construction cost accounting procedures for implementation by public agencies in the performance of, or in contracting for, construction on public projects. The procedures shall, to the extent deemed feasible and practicable by the commission, incorporate, or be consistent with construction cost accounting procedures and reporting requirements utilized by state and federal agencies on public projects, and be uniformly applicable to all public agencies that elect to utilize the uniform procedures.

As part of its deliberations and review, the commission shall take into consideration relevant provisions of Office of Management and Budget Circular A-76 revised 2003 as periodically revised.

(b) After due deliberation and study, recommend for adoption by the Controller cost accounting procedures designed especially for implementation by California cities with a population of less than 75,000**.** The procedures shall incorporate cost accounting and reporting requirements deemed practicable and applicable to all cities under 75,000 population which elect to utilize the uniform procedures. For the purposes of these cost accounting procedures, the following shall apply:

(1) Cities with a population of less than 75,000 shall assume an overhead rate equal

to 20 percent of the total costs of a public project, including the costs of material, equipment, and labor.

(2) Cities with a population of more than 75,000 may either calculate an actual overhead rate or assume an overhead rate equal to 30 percent of the total costs of a public project, including the costs of material, equipment, and labor.

(c) Recommend for adoption by the Controller, procedures and standards for the periodic evaluation and adjustment, as necessary, of the monetary limits specified in Section 22032.

(d) The commission shall make an annual report to the Legislature with respect to its activities and operations, together with those recommendations as it deems necessary.

22018 Recommended Procedure; Controller's Review

The Controller shall, upon receipt of the commission's recommendations, review and evaluate the recommended procedures and either formally adopt or reject the recommended procedures within 90 days of submission by the commission.

22019 Adoption; Promulgation of Uniform Procedure

Upon determining that the recommended uniform construction cost accounting procedures will serve the best interests of the state and public agencies, and upon formal adoption by the Controller, the Controller shall promulgate the uniform procedure for all public agencies electing to participate, together with instructions for their adoption and implementation by any public agency.

22020 Five Year Consideration; Material Changes; Adjustments

In accordance with procedures and standards adopted pursuant to Section 22017, every five years the commission shall consider whether there have been material changes in public construction costs and make recommendations to the Controller regarding adjustments in the monetary limits prescribed by Section 22032, but in no case shall the amount, as adjusted, be less than fifteen thousand dollars ($15,000). Any adjustment shall be effective beginning with the fiscal year that commences not less than 60 days following the Controller's notification to all public agencies of the adjustment. That notification shall also describe the provisions of this chapter and the benefits of using its provisions.

Article 3. Public Projects: Alternative Procedure

22030 Application of Article

This article applies only to a public agency whose governing board has by resolution elected to become subject to the uniform construction cost accounting procedures set forth in Article 2 (commencing with Section 22010) and which has notified the Controller of that election. In the event of a conflict with any other provision of law relative to bidding procedures, this article shall apply to any public agency which has adopted a resolution and so notified the Controller.

22031 Alternative Procedures

Nothing in this article shall prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1.

22032 Contracting Procedures; Dollar Amount Limitations

(a) Public projects of forty-five thousand dollars ($45,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

(b) Public projects of one hundred seventy-five thousand dollars ($175,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than one hundred seventy-five thousand dollars ($175,000) shall, except as otherwise provided in this article, be let to contract by

formal bidding procedure.

76 Op. Atty. Gen. 126,7-14-93 = Job order contracts - General law county or general law city may not enter into a "job order contract" in excess of $50,000 for the performance of public projects involving minor construction, and the renovation, alteration, painting, and repair of existing facilities, except under narrowly defined statutory conditions applicable only to counties.

22033 Separation of Work Orders or Projects; Evasion of Provisions of Article

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.

22034 Informal Bidding Ordinance

Each public agency which elects to become subject to the uniform construction accounting procedures set forth in Article 2 (commencing with Section 22010) shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects pursuant to subdivision (b) of Section 22032. The ordinance shall include all of the following:

(a) Notice to contractors shall be provided in accordance with either subsection (1), subsection (2), or both.

(1) The public agency may elect to establish and maintain a list of registered ~~qualified~~ contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission. All contractors on the list for the category of work being bid shall be e-mailed, faxed or mailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

(2) The public agency may elect to e-mail, fax or mail a notice inviting informal bids to all construction trade journals specified in Section 22036.

(b) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(c) The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person.

(d) If all bids received are in excess of one hundred seventy-five thousand dollars ($175,000), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars ($187,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.
~~(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.~~

~~(b) All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036, or both all contractors on the list for the category of work being bid and all construction trade journals specified in Section 22036, shall be mailed a notice inviting informal bids unless the product or service is proprietary.~~

~~(c) All mailing of notices to contractors and construction trade journals pursuant to~~

~~subdivision (b) shall be completed not less than 10 calendar days before bids are due.~~

~~(d) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.~~

~~(e) The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person.~~

~~(f) If all bids received are in excess of one hundred seventy-five thousand dollars ($175,000), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars ($187,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.~~

22035 Emergencies

(a) In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.

(b) In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 (commencing with Section 22050).

22035.5 Overcrowded Justice Facilities; Court Ordered Relief; Application of Section 22034

In counties that are under court order to relieve justice facility overcrowding, the procedures and restrictions specified in Section 20134 shall apply to all contracts issued under this chapter.

22036 Determination of Construction Trade Journals to Receive Notice of Informal and Formal Construction Contracts

The commission shall determine, on a county-by-county basis, the appropriate construction trade journals which shall receive mailed notice of all informal and formal construction contracts being bid for work within the specified county.

22037 Notice Inviting Formal Bids; Information: Publication

Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency; or, if there is no newspaper printed and published within the jurisdiction of the public agency, in a newspaper of general circulation which is circulated within the jurisdiction of the public agency, or, if there is no newspaper which is circulated within the jurisdiction of the public agency, publication shall be by posting the notice in at least three places within the jurisdiction of the public agency as have been designated by ordinance or regulation of the public agency as places for the posting of its notices. The notice inviting formal bids shall also be mailed to all construction trade journals specified in Section 22036. The notice shall be mailed, faxed, or emailed at least 15 calendar days before the date of opening the bids. In addition to notice required by this section, the public agency may give such other notice as it deems proper.

22038 Rejection of Bids; Failure to Receive Bids; Options

(a) In its discretion, the public agency may reject any bids presented, if the agency, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the agency, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the agency'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 for bids all bids are rejected, after reevaluating its cost estimates of the project, the public agency shall have the option of either of the following:

(1) Abandoning the project or re-advertising for bids in the manner described by this article.

(2) By passage of a resolution by a four-fifths vote of its governing body declaring that the project can be performed more economically by the employees of the public agency, may have the project done by force account without further complying with this article.

(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 public agency 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 employees of the public agency by force account, or negotiated contract without further complying with this article.

22039 Adoption of Plans, Specifications, and Working Details

The governing body of the ~~public~~ participating agency or its designated representative(s) shall adopt plans, specifications, and working details for all public projects exceeding the amount specified in subdivision (c) of Section 22032.

22040 Plans, Specifications of Working Details; Examination

Any person may examine the plans, specifications, or working details, or all of these, adopted by the public agency for any project.

22041 Exemptions

This article does not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to those camps, ranches, or homes.

22042 Accounting Procedures Review

The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

(a) Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.

(b) Exceeded the force account limits.

(c) Has been improperly classified as maintenance.

22043 Work Done by Public Agency; Commission Review; Request

In those circumstances as set forth in subdivision (a) of Section 22042, a request for commission review shall be in writing, sent by certified or registered mail received by the commission postmarked not later than five business days from the date the public agency has rejected all bids. In those circumstances set forth in subdivision (b) or (c) of Section 22042, a request for commission review shall be by letter received by the commission not later than five days from the date an interested party formally complains to the public agency. The commission review shall commence immediately and conclude within 90~~30~~ days from the receipt of the request for commission review. During the review of a project that falls within subdivision (a) of Section 22042, the agency shall not proceed on the project until a

final decision is received by the commission.

22044 Written Findings; Failure to Comply with Chapter; Action

The commission shall prepare written findings. Should the commission find that the provisions of this chapter or of the uniform cost accounting procedures provided for in this chapter were not complied with by the public agency, the following steps shall be implemented by that agency:

(a) On those projects set forth in subdivision (a) of Section 22042, the public agency has the option of either (1) abandoning the project, or (2) awarding the project to the lowest responsible bidder.

(b) On those projects set forth in subdivision (b) or (c) of Section 22042, the public agency shall present the commission's findings to its governing body within thirty (30) days of receipt of written notice of the findings and that governing body shall conduct a public hearing with regard to the commission's finding within sixty (60)~~30~~ days of receipt of the findings.

22044.5 Compliance: Removal from Act

If the commission makes a finding, in accordance with Section 22043, on three separate occasions within a 10-year period, that the work undertaken by a public agency falls within any of the categories described in Section 22042, the commission shall notify the public agency of that finding in writing by certified mail and the public agency shall not use the bidding procedures provided by this article for five years from the date of the commission's findings.

22045 Implementation of Procedures Review: Commission Recommendations

(a) No later than January 1, 1985, the commission shall recommend, for adoption by the Controller, written procedures implementing the accounting procedures review provided for in this article.

(b) The Controller shall, upon receipt of the commission's recommendation, review and evaluate the recommended procedures and either formally adopt or reject the recommended procedures within 90 days of submission of the commission.

CHAPTER 2.5. EMERGENCY CONTRACTION PROCEDURES

22050 Contracts Without Bids; Procedures

(a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths

vote, may delegate to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than seven days after the action, or at ~~its next regularly scheduled meeting if that meeting will occur~~at a minimum ~~not later than 14 days after the action, and at least~~ at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

(d) As used in this section, "public agency" has the same meaning as defined in Section 22002.

(e) A three-member governing body may take actions pursuant to subdivision (a), (b), or (c) by a two-thirds vote.

(f) This section applies only to emergency action taken pursuant to Sections 20133, 20134, 20168, 20193, 20205.1, 20213, 20223, 20233, 20253, 20273, 20283, 20293, 20303, 20313, 20331, 20567, 20586, 20604, 20635, 20645, 20685, 20736, 20751.1, 20806, 20812, 20914, 20918, 20926, 20931, 20941, 20961, 20991, 21020.2, 21024, 21031, 21043, 21061, 21072, 21081, 21091, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21191, 21196, 21203, 21212, 21221, 21231, 21241, 21251, 21261, 21271, 21290, 21311, 21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391, 21401, 21411, 21421, 21431, 21441, 21451, 21461, 21472, 21482, 21491, 21501, 21511, 21521, 21531, 21541, 21552, 21567, 21572, 21581, 21591, 21601, 21618, 21624, 21631, 21641, and 22035.

Part II

Uniform Public Construction Cost Accounting Policies and Procedures

Section I.

Introduction

As specified in the State of California Public Contract Code, all governmental jurisdictions are limited to the dollar amount of public project work that can be performed using internal resources. The jurisdictions are further required to follow various bidding procedures in undertaking construction work performed or contracted in the jurisdiction. The passage of Chapter 1054, Statutes of 1983 (Uniform Public Construction Cost Accounting Act), and subsequent amendments provides for alternative bidding procedures by public agencies in undertaking public project work, provided they subscribe to uniform construction cost accounting policies and procedures developed in accordance with the law.

The purpose of this document is to give public agencies those construction cost accounting policies and procedures required in accordance with this above-mentioned legislation. To assist in understanding these policies and procedures, we have provided examples of typical transactions that would occur under this program. These examples are for illustrative purposes only and, although they may be used, should not be considered required formats for public agencies operating under this program.

UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

Public Agency

The law applies to all public agencies, including cities, counties, chartered cities and chartered counties, any special district and any other agency of the state responsible for the local performance of governmental or proprietary functions with unlimited boundaries. "Public agency" includes a nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency.

Public Projects

The law includes all public projects performed by public agencies related to the following:

Construction, reconstruction, erection, alteration, renovation, improvement, demolition and repair work involving any publicly owned, leased or operated facility.

Painting or repainting of any publicly owned, leased or operated facility.

In the case of a publicly owned utility system, construction, erection, improvement or repair of dams, reservoirs, power plants and electrical transmission lines of 230,000 volts and higher.

Exemptions

Construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to those camps, ranches or homes, is exempt from the provisions of the Act.

In addition, in cases of great emergency, as determined by the governing body of the public agency, including, but not limited to, states of emergency defined in Section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of the operation or services of a public agency or to avoid danger to life or property, the governing body by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contract, or by a combination of the two. The governing body, by majority vote, may delegate to the appropriate county administrative officer or city manager the power to declare a public emergency subject to confirmation by the governing body, by a four-fifths vote, at its next meeting.

Bid Limitations

For those agencies whose governing board has by resolution elected to become subject to the uniform construction cost accounting policies and procedures and which have notified the State Controller of that election, the following bid limitations will be in effect:

Public projects of forty five thousand dollars ($45,000) or less may be performed by the employees of a public agency by force account (for definition see Section II), by negotiated contract, or by purchase order.

Public projects of one hundred seventy-five thousand dollars ($175,000) or less may be let to contract by informal procedures as set forth in this legislation.

If all bids received are in excess of one hundred twenty-five thousand dollars ($175,000), the governing body of the public agency may by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars ($187,500), or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.

Public projects of more than one hundred seventy-five thousand dollars ($175,000) shall, except as otherwise provided in this legislation, be allowed to contract by formal bidding procedures.

Award of Bid

The law allows the public agency , in its discretion, to reject any bids presented, if the agency, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the agency, provides a written notice to an apparent low bidder that:

Informs the lowest responsible bidder of the agency's intention to reject the bid.

Is mailed at least two business days prior to the hearing at which the agency intends to reject the bid.

If after the first invitation for bids all bids are rejected, the public agency shall have the option, after reevaluating its cost estimates of the project, of one of the following:

The public agency may abandon the project or re-advertise for bids in the manner described by this legislation.

By passage of a resolution by a four-fifths majority of its governing body declaring that its employees can perform the project more economically, the public agency may have the project done by force account without further complying with this legislation.

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 public agency may accept the one it chooses.

If no bids are received, the project may be performed by employees of the public agency by force account or by informal bidding procedures set forth in Section 22034 of the Public Contract Code.

California Uniform Construction Cost Accounting Commission

Chapter 1054 created the California Uniform Construction Cost Accounting Commission (CUCCAC). The Commission is comprised of 14 members, 13 members appointed by the State Controller and one member of the Contractors' State License Board. Commission membership includes representatives from the construction industry who have experience as general contractors and subcontractors on public works construction projects; representatives of organized labor; and public agency officials who are involved in letting public works construction contracts.

The Commission is empowered to review and recommend for adoption by the State Controller uniform public construction cost accounting policies and procedures to be followed by public agencies in the performance of or in contracting for construction of public projects under this program.

Implementation

The public agency must perform several administrative steps to comply and elect into the law. The major steps include:

Notifying the State Controller of the election.

Adopting ordinances or regulations providing informal bidding procedures as required by the law.

Complying with the public construction cost accounting construction policies and procedures presented in this manual.

The CUCCAC shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.

Exceeded the force account limits.

Has been improperly classified as maintenance.

Section II.

Uniform Public Construction Cost Accounting Policies and Procedures

The California Uniform Construction Cost Accounting Commission (CUCCAC) is responsible for the review and development of uniform public construction cost accounting policies and procedures to be followed by public agencies electing to participate in the program. This section of the manual discusses the basic philosophy and intent of the Commission in developing these cost accounting policies and procedures, the range of public construction projects that may be undertaken by a public agency that would utilize the cost accounting policies and procedures, and the support systems deemed necessary to comply with this program.

A. CUCCAC PHILOSOPHY

The policies and procedures, as dictated by the law, shall, to the extent deemed feasible and practicable, incorporate or be consistent with construction cost accounting guidelines and standards and reporting requirements utilized by state and federal agencies on public projects and be uniformly applicable to all public agencies which elect to utilize the policies and procedures. The Commission recognizes the wide divergence in the size, capabilities and scope of operations of various public agencies operating under this legislation. Therefore, in developing this manual the Commission wishes to present policies and procedures that are reasonable and do not demand extensive tracking of detail. The Commission feels that all cost elements -- personnel, materials, supplies and subcontracts, equipment and overhead -- associated with a project must be recorded and reported at the project level. Each of the cost elements is to be expressed in the initial bid/estimate process, captured and recorded during the construction period and compared to the initial estimate at the conclusion of the public project. This shall require the existence of a project tracking system, as discussed later in this section. The Commission refrains from dictating a specific system but requires a system to estimate for bidding purposes, and to capture the actual costs in a manner consistent with the bid estimate. In this manner, the policies and procedures are results-oriented. The Commission has determined that the Standardized Account Code Structures (SACS) ~~*California Schools Accounting Manual*~~ meets the requirements of the Act.

B. APPLICABLE PROJECTS

In keeping with the Commission's objective of providing cost accounting policies and procedures that are specific in concept yet broad enough to encompass all public agencies regardless of size and scope of services, these policies and procedures should enable the public agencies to track all applicable construction-oriented public projects.

While allowing for the divergence of activities performed, these policies and procedures should parallel construction cost accounting practices as much as possible to allow for a comparability of private and public estimates and actual costs incurred in constructing public projects.

C. DEFINITIONS

The definitions listed below will assist users of this manual in interpreting and understanding the policies and procedures as stated in this manual. It is important to note that these definitions pertain only to the contents of this manual.

Cost Finding

Cost finding is a less formal method than project accounting of cost determination or estimation on an irregular basis. There may be no formal accounting entries during the year to record costs incurred in specific cost accounts. Instead, cost finding usually involves taking available fund financial accounting data and recording it and adjusting it to devise the cost data or estimate needed. This approach will be used in selected instances as defined in this manual.

Direct Costs

Direct costs represent economic resources that can be specifically identified with a particular construction activity or function. To the extent possible, such costs should be charged directly to the project for purposes of cost determination rather than being subjected to allocation procedures.

~~End~~ Cost Object~~ive~~

~~An end cost objective is~~ A~~a~~ cost center or activity (account code assigned to a department or project) established for the accumulation of the direct and indirect cost to arrive at a total cost of performing government services. ~~All~~

~~the costs should be considered to indirectly support the performance of these services.~~

Equipment Usage Tracking System

An equipment usage tracking system allows for the identification, recording, accumulation and reporting of usage of a specific piece of equipment or type of equipment and the unit of usage, e.g., hours, days, mileage, to a particular activity.

Force Account

A force account accurate for work performed on public projects using internal resources, including but not limited to labor, equipment, materials, supplies, and subcontracts of the public agency.

Government-Wide Overhead

Government-wide overhead is defined to include all costs of a public agency not associated with organizational units performing services which support all end cost objectives of the government entity.

Materials, Supplies, and Subcontracts Tracking System

A materials, supplies, and subcontracts tracking system allows for the identification, recording, accumulation, and reporting of materials, supplies, and subcontracts used on a particular activity.

Materiality

It is the Commission's position that, if the value of those goods obtained from inventory is material, the cost must be recorded to the public project code as a direct cost item. Materiality is defined for purposes of this manual to be any item that has a unit or aggregate value of $25 or more.

Overhead Costs

Overhead costs represent economic resources that are employed for common or joint purposes benefiting several projects or functions. As such, overhead costs are not as readily chargeable to individual projects and, therefore, generally require allocation based upon statistical relationships.

Personnel Tracking System

A personnel tracking system allows for the identification, recording, accumulation, and reporting of personnel working on a particular activity.

Project Accounting

Project accounting is the continuous process of analyzing, classifying, recording, and summarizing cost data within the confines and controls of a formal project accounting system and reporting them to users on a regular basis.

Project Tracking System

A project tracking system allows for the identification and establishment of cost (account) codes to particular activities. The system would be used to record, accumulate, and report personnel costs; equipment costs; material, supplies, and subcontracts costs; and allocated overhead to activities identified.

Public Project Unit

A public project unit (e.g. public works department) is an identifiable organizational unit of any size within a public agency whose primary goals include the undertaking and completion of public projects as defined in PCC 22002. The Commission would, in general, consider a unit to be a public project unit when over 25% of the total unit's annual budget is expended on public projects. It is more common to have these organizational units in the larger public agencies - urban counties, cities, and school districts.

Subcontract

A subcontract provides for the use of an outside contractor with specialized skills and/or equipment needed to complete an element of work on the public project.

Unit Overhead

Unit overhead is defined as all costs incurred by an organizational unit, such as a public project unit, department, division or section, that are not directly attributable to any end cost objective, whether it be a public project or not. These costs include personnel costs, materials, supplies and subcontracts, and equipment costs not directly attributable to any end cost objective.

Work Order

A work order is written authorization for the performance of a particular project. It contains a description and location of the project and specifications for the work to be performed. Work orders are assigned an identification code and are used to record all costs both direct and indirect incurred in completing the project.

D. PUBLIC AGENCY ORGANIZATION STRUCTURE

In general, public agencies will contract out design-and-build and heavy construction projects and perform only general building projects and specialty construction projects with internal resources. Frequently, this decision to undertake general building and specialty construction projects is made based on the agency's organization structure, current workload requirements, and available staffing resources.

Often, in large organizations, due to the ongoing workload, there are organizational units whose stated objective is to undertake and complete on an as-needed basis general building and specialty construction projects. These organizational units are project-oriented. Their end cost objectives primarily consists of the performance of public projects. Costs specifically incurred in connection with individual end cost objectives are considered to be direct costs. Costs not specifically incurred to support individual and cost objectives are considered to be overhead costs associated with the organizational units taken as a whole. To recognize all the costs associated with an end cost objective, these overhead costs must be allocated back to this end cost objectives. Examples of end cost objectives include public projects, such as the construction of a warehouse, renovation of a lunch room, or street reconstruction and resurfacing over 1 inch. Smaller public agencies, which comprise the majority of public agencies in the state, usually do not have organizational units whose annual budgets represent more than 25% of public project work. Frequently, these employees perform general maintenance duties in addition to working on public projects. The public project costs incurred by these employees are more difficult to identify yet equally important. The cost accounting standards discussed in Sections III, IV, V and VI have provided the needed flexibility to properly address the unique organizational structures of the varied participating public agencies.

E. CLASSIFICATION OF COSTS

It is the stated objective of the law and CUCCAC to have public agencies estimate the cost of public projects and then track these project costs in a manner similar to private industry. Essential to achieving this objective is the understanding and agreement by both parties as to the components of costs that are included in public projects.

The major classification of cost components for construction projects includes: direct, indirect, and overhead costs.

1. Direct Costs

Direct costs include costs that can be specifically identified with a construction job and/or with a unit of production within a job.

Direct costs generally include these categories of costs: labor, bonds, permits, licensing fees (if any) equipment, permanent materials and supplies, subcontracts, nonpermanent materials and supplies.~~, and miscellaneous costs.~~ Components of each of these direct project cost categories are shown below and

include costs applicable to the construction industry.

a. Labor

Hourly Pay/Salary
Payroll Taxes (Employer Contribution)
Workers' Compensation Insurance (Allocation of Self Insurance)
Group Health Insurance
Group Life Insurance
Retirement Plan (Employer Contribution)
Holiday Leave
Vacation
Sick Leave
Unassigned Time
Disability Insurance
Unemployment Insurance
Military Leave
Jury Duty Leave
Management Leave/Compensatory Leave
Uniform/Uniform Allowance
Tuition Reimbursement
Union Time Off
Time Off for Illness or Death of Family Member
Personal Liability Insurance
Administration/Employer Contribution of Deferred Compensation Program/401K
Overtime Premium

b. Equipment

(1) Internal Equipment Rate

Depreciation
Insurance (Allocation of Self Insurance)
Initial Assembling and Dismantling Costs
Maintenance Costs
Repair Costs
Provision for Major Overhauls
Unassigned Time
Maintenance and Storage Yard Facilities Costs
Fuel and Oil
Tires and Grease
Or
Use Caltrans Equipment Rental Rates and Labor Surcharge Book
(http;//www.dot.ca.gov/hq/construc/equipment.html)

(2) External Rate (Leased or Rented from Commercial Dealer) which includes, if charged by the Lessor or are the responsibility of the agency, the following costs:

Rental Rate
Maintenance Costs
Assembling and Dismantling Costs
Insurance Costs
Fuel and Oil
Tires and Grease

c. Permanent Materials and Supplies

(1) Cost of Permanent Materials and Supplies - Charged Directly to Job

Permanent Materials and Supplies Cost
Sales/Use Tax
Freight
Discounts Taken

(2) Cost of Permanent Materials and Supplies - Inventory

Substantiated by most recent Invoice~~Inventory Cost (LIFO, FIFO, Average)~~
Handling
Warehouse and Transportation Costs
~~Spoilage, Loss and Theft~~

d. Subcontracts

Payments Made to Subcontractors

e. Nonpermanent Materials and Supplies/Miscellaneous Costs

Nonpermanent Materials and Supplies/Miscellaneous Costs
~~Permits~~
~~Fees~~
~~Performance Bonds~~
~~Licenses~~
~~Miscellaneous Costs~~

2. Indirect Costs

Indirect costs can be identified with a project but not with a specific job or unit of production within the project.

Indirect costs generally include two categories of costs: labor and other miscellaneous project site expenses. Components of each of these indirect cost categories are shown below.

a. Labor

Quality Control and Inspection
Field Supervisors
Security Guards
Superintendent
Job Secretary

b. Other Project Expenses

Mobilization, Assembly, Move-Out Costs
Yarding and Hauling
Trailer
Utilities
Telephone
Warehouse Costs
Spoilage, Loss and Theft
Other Costs

3. Overhead Costs

a) Simplified Overhead Rate

Prior to January 1, 2004, the Commission allowed all agencies to use a 20% overhead rate applied to all direct costs in lieu of calculating their overhead rates. Amendments to PCC Section 22017 in Senate Bill 66 (Chapter 297, Statutes of 2003) provides that cities with a population of less than 75,000 can assume the 20% rate. Cities with a population of 75,000 or over can either assume a 30% overhead rate or calculate an actual overhead rate.

b) Calculated Overhead Rate

The Commission determined that counties, special districts, and school districts can use a 30% rate or calculate an actual overhead rate, which is the same rule that applies to cities with a population of over 75,000.

Agencies may elect to calculate their overhead rates by one of the three following methods:

1) Appendix A describes the federal government's method of calculating overhead (2 CFR Part 225).

2) Appendix B describes a method of calculating overhead by allocating overhead costs as a percentage of direct labor costs.

3) Any method of calculating overhead is satisfactory with the Commission, provided that acceptable accounting procedures are used and all administrative costs are included.

Overhead costs should be applied on total project costs, including costs of material, equipment, and labor.

Overhead costs cannot be identified with or charged to jobs or units of production unless some more or less arbitrary allocation basis is used.

Components of overhead are shown below and include costs applicable to the construction industry, public agencies or both, e.g., public agencies do not have to pay surety bond premiums as does the construction industry to perform construction work, but both have costs incurred due to the processing of payroll.

Payroll
Personnel
Purchasing/Procurement
Bid/Estimate Expense
Advertising Expense
Legal Costs
General Government
General Accounting/Finance
Departmental Accounting/Finance
Facilities
Data Processing
Top Management
Management Expenses

Typically public agencies recognize only two classifications of costs: direct and overhead.

It is important to note that this does not suggest that public agencies exclude indirect costs but rather that they classify a majority of them as direct costs. For example, in the construction industry a foreman supervising employees working at the job site would have his personnel costs pooled and allocated to a job or unit of production. In a public agency, the foreman's labor cost would be charged directly to the appropriate public projects.

Regardless of the differences in how the various costs are classified, both the construction industry and public agencies recognize that the significant cost elements of any construction project include:

Personnel

Materials, Supplies and Subcontracts
Equipment
Overhead

F. PROJECT IDENTIFICATION

Public projects, as defined in Section I, shall be identified and given specific project codes. These codes are generally referred to as project or work order numbers. These codes shall enable the public agency to segregate the cost elements discussed above, thereby allowing for the proper estimation, tracking, and comparison of estimated vs. actual cost elements incurred at the completion of a public project.

G. PROJECT TRACKING

The public agency shall have a manual or automated system that records, accumulates, and periodically reports the cost elements - personnel; materials, supplies and subcontracts; equipment; and overhead - incurred in completing all public projects. The public agency shall be required to account for the costs of the public project in a manner consistent with the way in which the project was bid/estimated. An audit trail of the accumulation of these cost elements shall be maintained. Source documents shall be retained identifying costs incurred on the project. These documents may include timesheets, equipment tracking records, requisitions of materials and supplies used at the project site, and the documentation of the development of overhead rates. The project tracking system does not have to be a part of the public agency's fiscal system but should capture the major cost elements and comply with the other requirements stated in this manual. This may require the agency to establish a project tracking system or alter an existing cost accounting system.

1. ~~Examples of~~ Project Tracking Systems

Project tracking refers to the management of projects which includes but is not limited to measuring and reporting the status of milestones, tasks and activities required in achieving the pre-defined project results. Project Tracking can also refer to Project Management software which automates the tracking of tasks, assignments, event and activities related to the project~~systems range widely in terms of the complexity of establishing and maintaining these systems.~~

Most counties and larger school districts, cities, and special districts have established automated cost accounting systems that can track all identified public projects. Other project tracking systems include work order systems and project ledger card system.

Work orders are written authorizations for the performance of a particular project. They contain a description and location of the project and the specifications for the work to be performed. These authorizations, used extensively by public agencies, are assigned an identification code and are used to accumulate and report labor, materials and supplies, and other costs associated with the project. Work orders can be used to cost public project work, as well as maintenance work and other types of end cost objective work.

A project ledger card system establishes a single ledger card to be used in recording, in summary, all cost elements associated with a particular public project. This type of project tracking system (project ledger card) will be used in examples throughout this manual.

2. Discussion of Example

As shown in Exhibit II-1, a sample project ledger card has been established by the school district's accounting area to estimate ~~record~~ the costs of remodeling the Main Street School. This sample can be used for estimating a project. The following data elements are included on the ledger card to establish the public project:

Project Code
Start Date
End Date
Person Responsible for Work
Name of Project

~~A completed project ledger card is shown in~~ Exhibit II-2 may be used for estimating, accounting and final cost reporting. ~~as an example of what information a project tracking system should contain upon completion of a project. This manual shows in detail how the postings through January 31, 2003, were recorded. From the last posting made in January a monthly total for job-to-date costs was calculated, subsequent labor and equipment posted, and the job closed. This completed example is for illustrative purposes only and to provide an overview of the sections to follow, and should not be considered a required format for public agencies operating under this program.~~ An Excel spreadshett is available online at http://www.sco.ca.gov/ard.cuccac.html.

EXHIBIT II-1

Project Ledger Card for

Main Street School Remodeling

Project Code: #3359			**Project Name:** Main Street School Remodeling				
Start Date: 1/7/2003	**End Date:** 2/28/2003		**Foreman:** Sanders				
Description	Date	Reference	Labor & Overhead	Materials, Supplies & Subcontracts	Equipment	Total Cost	Total Estimate

EXHIBIT II-1

PROJECT LEDGER CARD

START DATE: 9/20/2013
END DATE: 10/31/2013

MAIN STREET SCHOOL DISTRICT

Main Street School Remodel

Project Manager: Sanders

Project Code:

Direct Costs - Labor	RATE	UNIT	HOURS	TOTAL	GRAND TOTAL
Labor				0.0	0.00
Maintenance Worker I	$22.00	HR	70.0	70.0	1,540.00
Maintenance Worker II	$17.50	HR	65.0	65.0	1,137.50
					0.00
					0.00
			0.0		0.00
			0.0		0.00
Total Hours			**135.0**	**135.0**	
T & L Expenses					2,677.50
Overhead				30%	803.25
Labor w/Overhead					3,480.75

Direct Costs - Equipment	RATE	UNIT	QTY	TOTAL	GRAND TOTAL
Flatbed Truck - Daily	$38.80	DY	2.0	2.0	77.60
Table Saw, 16" Blade - Weekly	$102.46	WK	1.0	1.0	102.46
					0.00
					0.00
	$0.00		0.0	0.0	0.00
	$0.00		0.0	0.0	0.00
Total Hours			3.0	3.0	
Total Equipment Charges					180.06
Overhead				30%	54.02
Total Equipment w/Overhead					234.08

Materials/Supplies/Subcontra	RATE	UNIT	QTY	TOTAL	GRAND TOTAL
Carpeting	$2.00	SF	400.0	400.0	800.00
Painting-Subcontract	$1,500.00	EA	1.0	1.0	1,500.00
Drywall	$50.00	EA	10.0	10.0	500.00
					0.00
					0.00
					0.00
Total Hours			411.0	411.0	
Total Materials/Supplies/Subcontracts					2,800.00
Overhead				$0.00	0.00
Total Materials/Supplies/Subcontracts w/Overhead				$0.00	2,800.00

TOTAL PROJECT COST $6,514.83

EXHIBIT II-2

Project Ledger Card for

Main Street School Remodeling

With Estimated, Labor, Materials and Supplies and Equipment Posted

Project Code: #3359			**Project Name:** Main Street School Remodeling				
Start Date: 1/7/2003	**End Date:** 2/28/2003		**Foreman:** Sanders				
Description	Date	Reference	Labor & Overhead	Materials, Supplies & Subcontracts	Equipment	Total Cost	Total Estimate
Cost Estimate	1/2/2003	EB	3,243	2,533	180		5,956
Labor	1/31/2003	PR	652			652	
Carpeting	1/31/2003	Inv #1		900		900	
Painting Subcontract	1/31/2003	Inv #2		1,500		1,500	
Drywall	1/31/2003	R #1		200		200	
Warehouse Charge	1/31/2003	16.6%		33		33	
Equipment	1/31/2003	FB 3			39	39	
Equipment	1/31/2003	TSI			102	102	
Job-to-Date	1/31/2003		652	2,633	141	3,426	
Labor	2/7/2003	PR	2,799			2,799	
Equipment	2/7/2003	FB 3			39	39	
Equipment	2/7/2003	TSI			102	102	
Job-to-Date	2/28/2003		3,451	2,633	282	6,366	
Job Closed	2/28/2003		3,451	2,633	282	6,366	

H. ESTIMATED VS. ACTUAL COSTS

Upon identification of a public project and assignment of a project code, an estimate of all cost elements as discussed in Sections III, IV, V and VI shall be made and recorded to the project tracking system in a manner consistent ~~with the way bids shall be requested. The estimate shall be predicated on~~ the cost elements discussed in this manual and should be tracked accordingly by the project tracking system. This estimate shall include all direct and overhead costs anticipated to be incurred by the proposed public project. The Commission recognizes the existence of equipment rate books which can be utilized by the public agency in lieu of its existing data to estimate and report equipment costs. As well, the Commission recognizes the existence of established government-wide overhead allocation rates, such as 2 CFR Part 225 shown in Appendices A and B, that may be used by public agencies for estimating and reporting their overhead costs associated with public projects. The use of these supplemental materials is discussed in greater detail in the appropriate sections. Each cost element - personnel; materials, supplies, and subcontracts; equipment; and overhead - shall be estimated for each public project. This estimation determines what bidding criteria the public project must come under.

1. Discussion of Example

The cost of remodeling the Main Street School has been estimated in Exhibit II-1~~3~~. No standard format is required for the preparation of this estimate, but the estimate of the cost elements must be recorded to the project tracking system. ~~An example of recording the estimate to a project ledger card is shown in Exhibit II-4.~~The sample format may be used for estimating, tracking and final reporting of project costs. The total cost of performing the remodeling is less than the $25,000 limit and can therefore be performed by force account.

The remaining sections of this manual discuss the significant cost elements in further detail:

III. Personnel Costs
IV. Materials, Supplies, and Subcontracts
V. Equipment Costs
VI. Overhead

EXHIBIT II-3

Estimate of Main School Remodeling

Project Code:		Project Name:
#3359		Main Street School Remodeling
Estimate Date: 1/2/2003	**Start Date:** 1/7/2003	**Estimator:** E. Block

PERSONNEL [1]

Class	Department	Estimated Hours	Rate	Total
1. Maintenance Worker II	Building	100.00	$22.19/hr [2]	2,219
2. Maintenance Worker II	Maintenance	50.00	$20.48/hr [2]	1,024
Total Personnel Cost				**3,243**

EQUIPMENT

Class of Equipment	Estimated Time/Mileage	Rate	Total
1. Flatbed Truck	2 days	$38.80/day	78 [3]
2. Table Saw, 16" Blade	1 week	$102.46/week	102 [3]
Total Equipment Cost			**180**

MATERIALS, SUPPLIES AND SUBCONTRACTS [1]	Quantity	Cost Per Quantity	Total
1. Carpeting	400 sq. ft.	$2/sq. ft.	800
2. Painting Subcontract			1,500 [4]
3. Drywall	10 Panels	$20/panel	200
4. Warehouse Handling/Carrying Charge (16.6%) on Drywall			33
Total Materials, Supplies and Subcontracts			**2,533**
TOTAL COST ESTIMATE			**5,956**

[1] Further discussion is provided in Sections III, IV and V.

[2] Rate is the productive hourly rate plus overhead for a Maintenance Worker II. See Section III for further discussion on personnel costs.

[3] Amount was rounded to the nearest whole dollar.

[4] Cost per bid submitted by painting subcontractor.

~~EXHIBIT II-4~~

~~Project Ledger Card for~~

~~Main Street School Remodeling~~

~~With Estimate Posted~~

~~Project Code:~~ ~~#3359~~			**~~Project Name:~~** ~~Main Street School Remodeling~~				
~~Start Date:~~ ~~1/7/2003~~	**~~End Date:~~** ~~2/28/2003~~		**~~Foreman:~~** ~~Sanders~~				
~~Description~~	~~Date~~	~~Reference~~	~~Labor & Overhead~~	~~Materials, Supplies & Subcontracts~~	~~Equipment~~	~~Total Cost~~	~~Total Estimate~~
~~Cost Estimate~~	~~1/2/2003~~	~~EB~~	~~3,243~~	~~2,533~~	~~180~~		~~5,956~~

Section III.

Identification, Reporting and Computation of Personnel Costs

The accurate estimating, tracking and costing of personnel costs is imperative to ensure accurate reporting and future estimating of these costs. Personnel costs are those costs associated with employing public agency personnel in the performance of a specific job. They include three elements:

Annual salary or wage paid by the public agency.

Benefits received by employees such as a public agency's contribution to employee retirement programs, group health plans, and unemployment insurance.

Benefits paid to employee such as salaries or wages paid to employees who are on holidays, vacation leave, and sick leave.

This section of the manual describes the systems and methods used to track personnel time, determine the costs associated with personnel, and record these costs to a project tracking system.

A. TRACKING PERSONNEL TIME

Critical to the public agency's determination of personnel costs is the ability to identify time spent by employees performing work on all public projects.

1. Timekeeping System

A public agency shall have a timekeeping system that accumulates hours worked by employees and assigns these hours to all public project codes. Typically, this project code is assigned by the agency's accounting department and conveyed to the person responsible for the public project, generally the foreman. This system shall enable the agency to track hours worked on public projects to allow for the subsequent distribution of the appropriate personnel costs.

a. Examples of Timekeeping Systems

The simplest of ~~all~~ timekeeping records is a foreman's time book. These books usually have 50 pages and the foreman records on a daily or weekly basis the employee and his daily time spent on a particular project. These books have heavy tagboard covers so they can remain at the job site and be carried in a foreman's pocket. Typically, at the week's end, the foreman's time book is copied onto timesheets or timecards. This may be done at the central office by the foreman, timekeeper, payroll clerk or bookkeeper. This timekeeping system has the advantage of actual timekeeping being performed at the job site; but if the book is lost, the entire project's time record is lost.

Weekly timesheets or timecards and electronic time keeping systems can also be used to record time. These documents should be completed by ~~employees~~ employees no later than at the end of the week showing the hours worked on each public project. For the employees to complete the cards or sheets, they must be informed of the appropriate project code to charge. This appears to be an insignificant issue; but without the establishment of a project code and the conveyance of that information to personnel working on the public project, the costs may never get recorded accurately. This decentralization of timekeeping presents the opportunity for possible inaccuracies in the recording of time spent on public projects. Therefore, this system may warrant additional review by management.

Work orders can be used to record time by the appropriate employee. As discussed in the project tracking requirements, work orders are written authorization for the performance of a particular job containing a project code, a description and location of the job, and specifications for the work to be performed. Work orders are the most frequent public project timekeeping systems used by public agencies. These are generally completed by the supervisor of the public project who records the employees' time spent on a public project.

It is important to note that work performed on public projects, unlike timekeeping in the construction industry, requires close supervision by management to ensure that hours worked on end cost objectives as defined by this manual are recorded properly.

2. Application of Timekeeping Systems

As discussed earlier, there are two types of organizational units within public agencies that may perform public project work. These are (1) public project units and (2) other organizations that may, in addition to their primary duties, work on public projects.

a. Public Project Unit

A public project unit is an identifiable organizational unit of any size whose primary goals include the undertaking and completion of public projects. Typically, these units perform construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, and painting of any publicly owned, leased, or operated facility. For example, a public works department may have a division/section comprised of employees who as defined by this bill are dedicated to the undertaking and completion of public projects such as road resurfacing, painting, landscaping and building/remodeling. The Commission would, in general, consider a unit to be a public project unit when over 25% of the total unit's annual budget is expended on public projects. It is more common to have these organizational units in the larger public agencies - urban counties, cities and school districts.

(1) Timekeeping Requirements

Employees who generally are considered direct labor and are assigned to a public project unit shall record their time on an hourly basis and record all hours of a full work day. This includes time spent on public projects as well as time spent on projects excluded from this program. Unassigned time by these employees will also be recorded and charged to an appropriate code.

Employees not performing labor on public projects, but who provide administrative support services to the employees of the public project unit, shall also record their time on an hourly basis and record all hours of a full work day. This time will be charged to an appropriate overhead account and will be used in the development of the organizational unit's overhead rate as discussed in Section VI.

All employees, whether performing direct labor or providing support services, shall have their time posted to the project tracking system on a periodic basis as discussed in Section II. An audit trail of all labor hours shall be maintained.

(2) Discussion of Example

Exhibit III-1 is an example of how a public project unit employee should record his time as discussed above. As noted, the employee has recorded on an hourly basis a full 40 hour work week. He has identified 32 hours spent performing work on specific public projects: 22 hours on remodeling the Main Street School, Work Order #3359, and 10 hours on weatherizing the district's administration building. Four hours were spent on miscellaneous maintenance work and 4 hours were spent waiting for assignment to a job.

b. Other Organizational Units Performing Work on Public Projects

There are other organizational units that have employees who perform work on public projects but whose primary goal is the performance of routine maintenance work and/or other general government services. Typically, these organizational units include: parks and recreation departments; divisions of public works agencies that have not been identified specifically as public project units, such as engineering; water and sewer; street maintenance; and routine maintenance.

(1) Timekeeping Requirements

Employees of these organizational units shall report time worked on public projects. Although the Commission strongly believes that it is advisable for employees to record an eight-hour day to various end cost objectives, work performed outside of public projects is excluded from the scope of the program and is not required to be reported. All time worked on public projects by a public agency employee shall be posted to a project tracking system on a timely basis with an adequate audit trail maintained.

(2) Discussion of Example

Exhibit III-2 is an example of how an employee of an organizational unit who performs work on a public project, but whose organization is not identified as a public project unit, must report his time. As noted, the employee has recorded only the time worked on a public project. Unit management, employees performing maintenance work, and unassigned employees need not record their time as do similar employees in a public project unit.

3. Recording Time to Public Projects

A public project's direct labor time shall be recorded to a project code under the following circumstances:

The employee worked on a public project.

The employee was in transit to or from a project site.

The employee performed clean-up work on a public project, e.g., the employee returned to central headquarters to complete paperwork attributable to a public project.

The employee was assigned to work on a public project but was unable to work due to unforeseen circumstances, e.g., equipment breakdown or inclement weather, and was therefore idle.

EXHIBIT III-1

Public Project Unit Employee Weekly Time Report

Week of: 1/31/2003

Name: J. Star

Unit: Building Maintenance

Classification: Maintenance Worker II

Rate:

Classification	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total
#3359 Main Street School - Remodel	8.00	8.00	6.00					22.00
#3401 Admin. Building - Weatherization			2.00	8.00				10.00
#5015 Maintenance					4.00			4.00
#0001 Unassigned					4.00			4.00
Total	**8.00**	**8.00**	**8.00**	**8.00**	**8.00**			**40.00**

Recording Supervisor:

(For organizations not identified as a public project unit) **EXHIBIT III-2**

Organizational Unit Which Performs Work on
~~Public Project Unit~~ Employee Weekly Time Report

Week of: 1/31/2003

Name: H. Tripp

Unit: Maintenance Department

Classification: Maintenance Worker II

Rate:

Classification	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total
#3359 Main Street School - Remodel	8.00	*	*	*	*	*	*	8.00
Total	**8.00**							**8.00**

* Performed 32 Hours of general maintenance activities.

Recording Supervisor:

B. COMPUTING PERSONNEL COSTS

In determining personnel costs, three different rates must be determined and applied: the employee's productive hourly rate, the department's overhead rate, and the general government overhead rate.

1. Productive Hourly Rate

Personnel costs in many public projects represent the single largest cost of a public project. In calculating these costs it is important to include the three components of personnel costs:

Annual salary/wages

Benefits received

Benefits paid

The calculation of an hourly rate integrating these three cost components is commonly called a "productive hourly rate."

A productive hourly rate shall be used to cost time reported to public projects. A productive hourly rate determines the full cost per hour of employing public agency personnel on a public project. A productive hourly rate is calculated by dividing annual personnel costs by an employee's available hours (as shown in Exhibit III-3) for work assignment.

a. Annual Personnel Cost

The annual personnel cost of an employee or class of employees shall be determined by the public agency. This cost shall include annual salary/wages and fringe benefits paid by the public agency.

Fringe benefits are generally calculated as a percentage of annual salary/wages or as an annual cost per employee.

If the productive hourly rate is calculated by employee class, members of each class should have reasonably comparable fringe benefits. Otherwise, further division of the employee class should be performed.

Fringe benefit calculations shall take into consideration, but not be limited to, the employer contribution portion of the following costs:

Disability insurance
Life insurance
Retirement plan
Unemployment insurance
Workers' compensation insurance
Personal liability insurance

The fringe benefits calculation is not required to include accrued benefits, such as sick leave or vacation earned but not taken, as a component of personnel costs. It is recognized that these accrued benefits represent a significant future cost to the public agency. Yet, many public agencies do not account for these costs and would have difficulty in developing accurate figures. If further pronouncements concerning accrued benefits of public agencies are issued, the Commission will determine whether inclusion of these costs are appropriate.

EXHIBIT III-3

Productive Hourly Rate Calculation

The following example indicates how to develop a productive hourly rate for each class of employee. This rate includes the cost of benefits as well as the reduced time available for work due to holidays, sick leave, etc. The following section is divided into steps to demonstrate how to arrive at a productive hourly rate for a specified class of employee.

Step 1: Determine Annual Cost of Maintenance Worker II

Direct Salary	**20,000**
Benefits:	
Retirement contribution (18.5% of salary)	3,700
Workers' compensation insurance (6.4% of salary)	1,280
Unemployment insurance (0.1% of salary)	20
Health insurance ($95/month)	1,140
Life insurance ($5/month)	60
	26,200

Step 2: Determine Available Working Hours of Employee Class

Total Hours	2,080
Less:	
Holiday	80
Vacation (average)	80
Sick leave (average)	70
Other leave (average)	8
	1,842

Step 3: Calculate Productive Hourly Rate of Maintenance Worker II

Annual cost	26,200
Available working hours	1,842

Annual cost / Available working hours **14.22/hour**

Note: Additional examples of how to calculate a productive hourly rate can be found *in Cost Accounting for California Cities: Concepts and Application*, William Holder and Rick Kirmer, 1981 and *Accounting Standards and Procedures for Counties*, California State Controller's Office, Division of Accounting and Reporting.

b. Productive Hours

The public agency shall start with the assumption of 2080 productive hours in a year if a 40-hour work week is the standard for the public agency. If a 40-hour work week is not the standard, the appropriate number of annual productive hours must be determined by the agency. The public agency shall then determine average annual nonproductive time either by employee, class of employee, or agency-wide. Nonproductive time is time when the employee is not available for work or assignment to work and includes but is not limited to:

Vacation
Sick leave
Holidays
Military leave
Jury duty
Training

2. Unit Overhead Rate

a. Public Project Unit

A unit overhead rate shall be developed for each public project unit. This unit overhead rate shall include all public project unit costs that are not direct costs. The overhead rate shall be developed and added to the productive hourly rate. For illustrative purposes, Exhibit III-4 shows the application of public project unit overhead to the productive hourly rate of a Maintenance Worker II who is an employee of this public project unit. Further detailed discussion of unit overhead rate development can be found in Appendix B.

b. Organizational Unit Performing Public Project Work

A unit overhead rate shall be developed for each organizational unit performing work on public projects in addition to its primary duties. This unit overhead rate shall include all of the organizational unit's costs that are not direct costs. The overhead rate should be developed and applied to the employee's productive hourly rate.

For illustrative purposes, Exhibit III-4 shows the application of an overhead rate to the productive hourly rate of a Maintenance Worker II who is an employee of a public project unit. Further detailed discussion of unit overhead rate development can be found in Appendix B.

3. Government-Wide Overhead Rate

A government-wide overhead rate shall be developed to include all costs of a public agency not associated with organizational units performing services that support all end cost objectives of the government entity. The government-wide rate shall be developed and applied to the productive hourly rate after unit overhead has been applied. For illustrative purposes, Exhibit III-4 shows the application of government-wide overhead to the productive hourly rate of the two Maintenance Workers assigned to the Building Division and Maintenance Department respectively. This calculation results in a fully-burdened labor rate.

(For organizations not identified as a public project unit) **EXHIBIT III-4**

Application of Overhead to a Productive Hourly Rate

The following example indicates how to develop a productive hourly rate and apply unit and general government overhead to a class of employee.

Step 1: Determine Annual Cost of Maintenance Worker II

Direct Salary	**20,000**
Benefits:	
Retirement contribution (18.5% of salary)	3,700
Workers' compensation insurance (6.4% of salary)	1,280
Unemployment insurance (0.1% of salary)	20
Health insurance ($95/month)	1,140
Life insurance ($5/month)	60
	26,200

Step 2: Determine Available Working Hours of Employee Class

Total Hours	2,080
Less:	
Holiday	80
Vacation (average)	80
Sick leave (average)	70
Other leave (average)	8
	1,842

Step 3: Calculate Productive Hourly Rate of Maintenance Worker II

Annual cost	26,200	
Available working hours	1,842	
Annual cost / Available working hours		**14.22/hour**

Step 4: Apply Unit and Government-Wide Overhead

Unit Overhead

Building Division – Unit overhead rate is 30% (see Section VI)

Maintenance Department – Unit overhead is 20% (see Section VI)

Government-Wide Overhead

Government-Wide overhead rate is 20% (Agency's 2 CFR Part 225 rate)

Building Division employee – Maintenance Worker II

130% x $14.22 = $18.49/hr. (with unit overhead)

120% x $18.49 = $22.19/hr. (with unit and government-wide overhead)

Maintenance Department employee – Maintenance Worker II

120% x $14.22 = $17.06/hr. (with unit overhead)

120% x $17.06 = $20.48/hr. (with unit and government-wide overhead)

See Section VI for the Commission's simplified overhead calculation and allocation method.

See Appendix B for further discussion on government-wide overhead rate development.

4. Discussion of Example

Exhibit III-5 shows the posting of the weekly personnel costs (productive hourly rate and overhead allocation) incurred in the remodeling of the Main Street School for the week of January 31, 2003. J. Star reported that he worked 22 hours on the project in Exhibit III-1. H. Tripp reported she worked 8 hours on the project in Exhibit III-2. J. Star's fully-burdened rate is $22.19, while H. Tripp's fully-burdened rate is $20.47, as calculated in Exhibit III-4. Hours worked on the remodeling are costed out as follows and the cost was posted to the ledger card as shown in Exhibit III-5.

Personnel	Hours	Rate	Total
J. Star	22.00	$22.19	$488.18
H. Tripp	8.00	$20.47	163.76
			$651.94

EXHIBIT III-5

Project Ledger Card for

Main Street School Remodeling

With Estimate and Labor Posted

Project Code: #3359			**Project Name:** Main Street School Remodeling				
Start Date: 1/7/2003	**End Date:** 2/28/2003		**Foreman:** Sanders				
Description	Date	Reference	Labor & Overhead	Materials, Supplies & Subcontracts	Equipment	Total Cost	Total Estimate
Cost Estimate [1]	1/2/2003	EB	3,243	2,533	180		5,956
Labor	1/31/2003	PR	652 [2]			652	

[1] See Exhibit II-3.

[2] Amount rounded to the nearest whole dollar.

Section IV.

Identification, Reporting and Costing of Materials, Supplies and Subcontracts

Materials, supplies and subcontracts used on public projects are considered a cost element by the Commission and include such items as lumber, bricks, cement, doors, paint, asphalt, wire, sand, gravel, pipe, and work performed under a subcontract. Materials and supplies used on public projects shall be tracked and charged to project codes as discussed in Section II and can be accounted for either as direct purchase or inventory.

This section of the manual describes the systems and methods used to track materials, supplies, and subcontracts; determine their value, as well as the other costs associated with providing materials and supplies; and record these costs to a project tracking system.

A. TRACKING MATERIALS AND SUPPLIES

The Commission wishes to provide policies and procedures so that public agencies account for public projects in a manner similar to the construction industry. The nature of governmental procurement and inventory practices presents challenges to the public agency's ability to meet the Commission's objective of effectively measuring material and supply costs for public projects.

1. Direct Purchases

Materials and supplies are often purchased directly for use on a public project. The public agency can thus identify the associated dollar value of items purchased to the public project code, which should be identified on the purchase order when the procurement is initiated.

2. Inventory

It is more difficult to identify the associated costs of items obtained from the public agency's inventory of materials and supplies, generally maintained at a warehouse or stockroom. The major challenge is identifying and recording the costs of material and supplies utilized for the public project which are obtained from the public agency's inventory. It is the Commission's position that, if the value of these goods obtained from inventory is material, the cost must be recorded to the public project code as a direct cost item. Materiality is defined for purposes of this manual to be any item that has a unit or aggregate value of $25 or more.

Items purchased and placed into inventory that would subsequently be used on public projects and which may exceed the $25 limit shall be issued to projects in a manner consistent with good accounting controls. Requisitions or work orders should be required for these items, which may include, for example, the following:

Acoustical tile
Aluminum or copper tubing
Asphalt
Bricks
Clay tile
Concrete blocks
Conduit
Doors
Drywall
Electric wire
Finish hardware
Finish lumber
Finish tile
Fixtures
Floor coverings
Form ties and clamps
Gravel
Hoses
Metal lath
Nails
Paint
Pipe (concrete, clay, steel or cast iron)
Plaster and lime
Plumbing and electric
Reinforcing wire or steel
Rough lumber
Sacked cement
Sand
Sash
Steel concrete forms
Switchboxes

B. COSTING MATERIALS AND SUPPLIES

1. Direct Purchase

The total material and supplies cost is the invoiced amount. This amount should be posted to the project tracking system for direct purchases on a timely basis. This recorded amount should include the cost of the materials and supplies, freight, sales tax, use tax and any other appropriate costs.

2. Inventory

The public agency shall have a method to provide for the valuation of the inventory it releases to public projects. Acceptable methods include:

FIFO (first-in, first-out) - The earliest acquired stock is assumed to be used first; the latest acquired stock is assumed to be still on hand. Therefore, when inventory is issued, it is valued at the cost of the earliest acquired stock.

LIFO (last-in, first-out) - The earliest acquired stock is assumed to be still on hand; the latest acquired stock is assumed to have been used immediately. Therefore, when inventory is issued, it is valued at the cost of the most recently (latest) acquired stock.

Weighted Average - In this type of inventory valuation system, each purchase of stock is aggregated with the former inventory balances so that a new average unit price is used to price the subsequent issues of inventory.

Recent Cost - The most recent unit cost is applied to units consumed to yield total cost.

The method used by the public agency should be used consistently to prevent arbitrary fluctuation in inventory costs. Periodic physical inventories must be taken so that inventory shrinkage is reflected as an overhead item.

3. Discussion of Example

Exhibit IV-1 shows the posting of materials and supplies used on the Main Street School remodeling project. The carpeting was obtained through direct purchase and the drywall was obtained from the warehouse. Subcontract bids were requested for painting of the Main Street School and a competitive low bid of $1,500 was accepted and awarded. The purchase orders issued by the division's purchasing department for the carpeting and the subcontractor for painting were coded to ensure that the costs of carpeting and painting were charged to the appropriate public project code. Subsequently, invoices were received from the vendor supplying the carpeting and the painting subcontractor. The amount from each of the invoices was posted to the project ledger card. The foreman requisitioned the drywall from the central warehouse using a work order form. The costed copy of the work order identifying the items issued was sent to the accounting area and posted to the project ledger card. A warehouse handling/carrying charge of 16.6% (see Exhibit IV-2) was applied to the requisitioned inventory, i.e., and the drywall.

C. HANDLING/CARRYING COSTS

Personnel, equipment and facilities costs are incurred by the public agency to store and transport inventoried items. This is separate and distinct from the cost of procurement that is considered to be recaptured through general government overhead, as discussed in Section VI. (If warehousing and transportation costs are not provided by a central organization, it is assumed that these costs are recovered through the government-wide overhead rate.)

D. SUBCONTRACTS

A public agency may wish to complete work on a public project by subcontracting, i.e., hiring an outside contractor to perform a portion of work.

Subcontractors shall be accounted for in a manner similar to a direct purchase of materials and supplies. Contracts or purchase orders should be coded with the appropriate project code and the subcontract costs recorded onto the project tracking system in a timely manner.

EXHIBIT IV-1

Project Ledger Card for
Main Street School Remodeling
With Estimate, Labor, Materials, Supplies and Subcontracts Posted

Project Code: #3359			**Project Name:** Main Street School Remodeling				
Start Date: 1/7/2003	**End Date:** 2/28/2003		**Foreman:** Sanders				
Description	Date	Reference	Labor & Overhead	Materials, Supplies & Subcontracts	Equipment	Total Cost	Total Estimate
Cost Estimate [1]	1/2/2003	EB	3,243	2,533	180		5,956
Labor	1/31/2003	PR	652			652	
Carpeting	1/31/2003	Inv. #1		900		900	
Painting-Subcontract	1/31/2003	Inv. #2		1,500			1,500
Drywall	1/31/2003	R #1		200		200	
Warehouse Charge	1/31/2003	16.6%			33 [2]		33

[1] See Exhibit II-3.
[2] Amount rounded to the nearest whole dollar.

The handling/carrying overhead rate shall be calculated to recover:

Warehouse/storeroom personnel costs

Facility costs of storeroom/warehouse:

- Utilities
- Rent
- Insurance

Transportation costs associated with the receipt/delivery of materials and supplies.

See Exhibit IV-2 for an example of how a handling/carrying cost can be developed.

EXHIBIT IV-2

Calculation of Handling/Carrying Overhead Rate

Annual Cost of Requisitioned Inventory		400,000	**= A**
Annual Inventory Handling/Carrying Costs:			
Warehouse Personnel:			
Warehouse Annual Salaries	60,000		
Fringe Benefits:			
Workers' Compensation	1,000		
Unemployment	500		
Retirement Plan	500		
Health Plan	500		
		62,500	
Warehouse Facility:			
Annual Rent	1,200		
Utilities	500		
		1,700	
Transportation Costs:			
Delivery Truck (Fuel, Maintenance, Tires)		2,000	
Total Annual Carrying/Handling Costs of Inventory		**66,200**	**= B**
Carrying/Handling Charges as Percentage of Requisitioned Inventory	**B / A**	**66,200 / 400,000**	**= 16.6%**

Note: This percentage is applied to all requisitioned inventories to recover carrying/handling costs.

Section V.

Identification, Reporting and Costing Equipment

Usage of equipment on public projects is a cost element of performing those public projects. Equipment usage, excluding passenger riding sedans, must be tracked when a piece of equipment is assigned to a public project. Equipment used on public projects shall be charged to a project cost code. This section describes the systems and methods used to track equipment usage, determine equipment cost, and record the costs to a project tracking system.

A. EQUIPMENT TRACKING SYSTEM

1. Equipment Tracking System

The public agency shall have a manual or automated system that tracks the appropriate equipment by time, mileage or other usage factor to a public project. The system shall have the capability to track equipment usage to a public project:

When it is in motion to/from a project site;

When at a public project site (whether in use or not), if time is the means of equipment tracking; and

When at a public project site and in use, if mileage or some other mechanism is the means of equipment tracking.

a. Examples of Equipment Tracking Systems

One of the simplest forms for tracking equipment is a weekly timesheet for each piece of equipment that has been assigned to the public project and the time or mileage incurred by the public project. These sheets should be submitted weekly with labor timesheets or cards. They should then be sent to the accounting area and charged to a project tracking system.

2. Equipment Tracking of Agency Owned/Operated Equipment

As will be seen in Section B, the public agency can cost out equipment it owns and operates in one of two ways. The public agency can either utilize internally developed equipment rates or rates from industry equipment rate books.

a. Internal Rates

When an agency develops internal equipment rates for certain or all types of equipment, that agency must track the time that equipment was used on end cost objectives such as public projects, maintenance work, and unassigned time. This enables the public agency to determine what the equipment's history of productive hours has been. This enables a better forecast of projected productive hours to be made for rate development purposes.

(1) Discussion of Example

Exhibit V-1 shows the weekly timesheet for the flatbed truck used on the Main Street School Remodeling. The truck's equipment rate was developed internally by the agency in accordance with the policies and procedures discussed in this section.

b. Equipment Rate Book Rates

When an agency utilizes the calculated equipment rate from rate books, it must record the time or mileage the equipment is used on public projects. Since these equipment rates generally factor in idle time, a full tracking of the equipment as performed for "internal rate" equipment is not mandated.

(1) Discussion of Example

Exhibit V-2 shows the weekly timesheet for the table saw used on the Main Street School Remodeling. The saw was delivered to the project site on Monday and was left there all week.

Therefore, the project was charged for a weekly rate of $102.46. This rate was obtained from the Mechanical Contractors Association 1984 Tool and Equipment Guide.

Work orders can also be used to record equipment usage. Personnel issuing equipment would generally record the time/mileage when the equipment was issued and returned. Upon return of the equipment, the accounting area would receive the work order and would value and post the equipment usage costs.

B. EQUIPMENT USAGE RATES

There are three acceptable means of determining equipment rates. They include rates developed internally for public agency owned and operated equipment, equipment rate books used by the construction industry and rental or lease rates charged by commercial vendors. Each of these methods attempts to recapture the costs associated with the equipment's purchase and operations, such as depreciation, fuel, maintenance, repair and insurance.

1. Internal Rates (Equipment Owned by Public Agency)

Public agencies shall utilize internally developed equipment usage rates that reflect the full cost of owning, operating and maintaining types of equipment. Rates should be developed for classes of equipment and should comply with the following guidelines:

The internal equipment rate methodology shall be documented and an adequate audit trail provided.

The costs of depreciation, fuel and oil, equipment storage, and income are to be included in the internally developed rates.

EXHIBIT V-1

Equipment Weekly Timesheet for
Main Street School Remodeling

Week Ending: 1/31/2003

Equipment Code: Flatbed Truck – FB3

Rate:

Classification	Project Code	Mon	Tues	Wed	Thurs	Fri	Total
Main Street School - Remodeling	#3359	8.00					8.00
Maintenance Work	#5400				8.00	8.00	16.00
Unassigned [1]			8.00	8.00			16.00
Total		**8.00**	**8.00**	**8.00**	**8.00**	**8.00**	**40.00**

Recording Supervisor:

[1] Unassigned time must be tracked if an agency is on the "internal rate" method.

EXHIBIT V-2

Equipment Weekly Timesheet for
Main Street School Remodeling

Week Ending: 1/31/2003

Equipment Code: Table Saw - TSI

Rate:

Classification	Project Code	Mon	Tues	Wed	Thurs	Fri	Total
Main Street School Remodeling	#3359	8.00	8.00	8.00	8.00	8.00	40.00
Total		**8.00**	**8.00**	**8.00**	**8.00**	**8.00**	**40.00**

Recording Supervisor:

a. Depreciation

Depreciation is the method used to spread the cost of equipment, capital lease, or replacement value less residual value, over a piece of equipment's useful life. The public agency's capitalization policy should be used to determine whether a piece of equipment should be depreciated. Generally, equipment that costs more than $1,000 and has a useful life of more than a year should be depreciated.

Depreciation should be calculated as follows.

(1) Useful Life: Depreciation should be based on the average useful life for the piece of equipment in a particular operation. Determination of useful life should be based on actual or planned retirement and replacement practices.

(2) Residual Value: Residual value is the value at disposition (less costs of disposal) estimated at the time of acquisition. In many cases, the estimated residual value is so small and occurs so far in the future that it has no significant impact. As well, residual value may be almost or completely offset by removal and dismantling costs. Normally, public agency equipment will be used through the end of its estimated useful life and the residual value may be carried at zero. In the event that it is known at the time of acquisition that the capital equipment will not be used for at least 75% of its scheduled useful life, residual value should be estimated.

(3) Capital Improvements: Capital improvements are the costs of major overhauls and modifications that add value and prolong the life of a piece of equipment. These costs should be treated as capital expenditures and depreciated over the extended or remaining useful life of either the asset or improvement, whichever is less.

(4) Straight Line Depreciation Method: The straight-line depreciation method charges an equal amount for each period of useful life (generally a year). This method is considered the most practical and reasonable method for determining equipment usage costs.

(5) Calculation of Depreciation Examples: Using the example in Exhibit V-3, annual depreciation for capitalized equipment will be estimated as follows:

(a) Start with the acquisition cost (purchase price) plus capital improvements, plus all other costs incurred to place the equipment in usage, e.g., transportation, installation. The public agency may choose to utilize replacement value for this calculation.

(b) Determine the useful life of the equipment, utilizing applicable guides such as the IRS guide.

(c) Compute annual depreciation by dividing the depreciable basis (acquisition cost plus capital improvements less residual value) by the useful life.

EXHIBIT V-3

Equipment Depreciation Worksheet

Equipment / Equipment Identification	A Depreciable Basis (Acquisition Cost Plus Capital Improvement Less Residual Value	B Useful Life	C Annual Depreciation A / B
Flatbed Truck (1 ton) / FB3	17,975 [1]	5	3,595

[1] Purchase price (acquisition cost) was obtained from the invoice.

b. Maintenance and Repairs

These are costs (labor and parts) that are incurred for maintenance and repairs to keep the equipment in normal operating condition. These costs do not include capital improvements that add value to equipment and are accounted for under depreciation. Tires and grease are included in this classification of cost. Typically, a ledger card for each piece of equipment (see Exhibit V-4) will be necessary to record these costs.

c. Fuel and Oil

These costs include the labor and fuel costs of supplying the equipment with fuel of any type and oil.

d. Equipment Storage Costs

Equipment storage costs include the cost of facilities associated with the use of equipment. These costs include equipment yards, warehouse facilities, and the cost of guards and other security measures.

e. Insurance

These costs include the premiums paid by the public agency (whether self-insured or paid to an outside agency) for equipment insurance.

A sample approach to developing an internal equipment rate is shown in Exhibit V-5. As well, a good discussion of the calculation of internal equipment rates can be found in California State Controller's Office, *Accounting Standards and Procedures for Counties* in the Road Fund Accounting section.

2. Equipment Rate Books (Equipment Owned by Public Agency)

Public agencies that own equipment used on public projects but do not calculate internal equipment rates shall utilize appropriate private industry equipment rate books. It is understood that industrial rates may include certain costs that are not incurred by public agencies, such as personal property taxes paid on the assessed value of the equipment and interest charges. However, these equipment usage rates in some cases do not include: the cost of fuel or other energy costs to operate a particular piece of equipment; the cost of preparatory work performed before a piece of equipment can be made operative; the costs of dies, blades or welding rods that are normally consumed in the operation of a piece of equipment; or the costs of extraordinary wear and tear. Therefore, the use of industrial rates is assumed to provide a reasonable approximation of internal rates.

Equipment rate books that are acceptable to the Commission for use in lieu of internal rates include:

Caltrans Labor Surcharge and Equipment Rental Rates

Mechanical Contractors Association Tool and Equipment Rental Guide

National Electrical Contractors Association Tool and Equipment Rental Schedule

Use of other guides must first be reviewed and approved by the Commission.

These guides are maintained and updated on a periodic basis by the appropriate agency or association to accurately reflect current costs associated with equipment usage. If a piece of equipment or comparable piece of equipment is not included in an established guide, an internal rate shall be developed or a documented quote from an equipment leasing or rental agency may be utilized.

EXHIBIT V-4

Maintenance and Repair
Equipment Ledger Card

Equipment: Flatbed Truck – FB3

Purchase Date: 5/2003

Estimated Life: 5 years

Salvage Value: 0

Date	Reference	Labor	Material & Supplies	Other	Total	Total Costs to Date
1/10/2001	W.O. #111 [1]	101	120	20	241	241
4/18/2002	W.O. #325 [2]	450	220		670	911
6/11/2003	W.O. #491 [3]	101	600		701	1612
Allocation of Shop overhead for 2002-03					144	1,756
Total Shop Maintenance and Repairs, Tires and Grease Cost for 2002-03					**1,756**	

[1] Detail for this repair is located on Work Order #111.
[2] Detail for this repair is located on Work Order #325.
[3] Detail for this replacement of four tires is located on Work Order #491.

EXHIBIT V-5

Equipment Rate Development

Flatbed Truck – FB3

Projected Annual Cost	Upcoming Projected Year 2003-04		Prior Year Actual 2002-03	
Depreciation	3,595	1	3,595	1
Shop Maintenance and Repairs, Tires and Grease	1,844	3	1,756	2
Fuel and Oil	4,206	5	4,006	4
Equipment Storage Costs	641	6	641	6
Insurance	422	7	422	7
	10,708		10,420	
Project Hours of Use	276.00	8	276.00	8
Hourly Rate	38.80		37.75	

[1] See Exhibit V-3.

[2] See Exhibit V-4 for recording of expenses to Equipment Ledger Card.

[3] Shop Maintenance and Repairs, Tires and Grease costs are projected to increase 5% from the prior year.

[4] Fuel and oil costs are tracked and accumulated on the public agency's fuel and oil log.

[5] Fuel and oil costs are projected to increase by 5% from the prior year.

[6] Equipment storage costs are accumulated through a cost finding study and allocated on a unit basis. No increase is anticipated from the prior year.

[7] Insurance costs are accumulated through a cost finding study. No increase is calculated from the prior year.

[8] Projected hours of use are estimated to be the same as the prior year's actual use.

3. Rental or Lease Rates

Rented or leased equipment to be used partially or completely on public projects shall be tracked and have the appropriate amount charged to the public project. Additional costs associated with the leasing or renting of equipment used partially on a public project shall be charged on a pro rata basis, if appropriate to that project. Costs related to renting or leasing equipment generally include, but are not limited to:

Rates

Moving, loading, and assembly costs

Maintenance and repairs

Insurance

Fuel (under some rate schedules)

4. Discussion of Example

Exhibit V-6 shows the posting of the flatbed truck and the table saw used on the Main Street School remodeling project the week of January 31, 2003. The foreman used the truck to pick up and deliver part of the drywall to the school. He had the flatbed truck at the project site all day; therefore, the project was charged for a day of use. The flatbed truck is owned by the school district, and an internal equipment usage rate of $38.00 per day had been developed (see Exhibit V-4). The table saw was at the project site for the entire week and, therefore, the project was charged for a weekly rate of $102. This rate was obtained from the *Mechanical Contractors Association 1984 Tool and Equipment Guide,* which is an approved equipment rate book.

EXHIBIT V-6

Project Ledger Card for

Main Street School Remodeling

With Estimate, Labor, Materials, Supplies and Equipment Posted

Project Code: #3359			**Project Name:** Main Street School Remodeling				
Start Date: 1/7/2003	**End Date:** 2/28/2003		**Foreman:** Sanders				
Description	Date	Reference	Labor & Overhead	Materials, Supplies & Subcontracts	Equipment	Total Cost	Total Estimate
Cost Estimate	1/2/2003	EB	3,243	2,533	180		5,956
Labor	1/31/2003	PR	652			652	
Carpeting	1/31/2003	Inv. #1		900		900	
Painting-Subcontract	1/31/2003	Inv. #2		1,500		1,500	
Drywall	1/31/2003	R #1		200		200	
Warehouse Charge	1/31/2003	16.6%		33		33	
Equipment	1/31/2003	FB3			39 [1]	39	
Equipment	1/31/2003	TS1			102	102	

[1] Amount was rounded to the nearest whole dollar.

Section VI.

Identification, Rate Development and Allocation of Overhead

A. ~~COMMISSION ADOPTED SIMPLIFIED OVERHEAD RATE~~

~~Prior to January 1, 2004, the Commission allowed all agencies to use a 20% overhead rate applied to all direct costs in lieu of calculating their overhead rates. Amendments to PCC section 22017 in Senate Bill 66 (Chapter 297, Statutes of 2003) provides that cities with a population of less than 75,000 can assume the 20% rate. Cities with a population of 75,000 or over can either assume a 30% overhead rate or calculate an actual overhead rate. See Exhibits VI-1 and VI-2.~~

~~The Commission determined that counties, special districts, and school districts can use a 30% rate or calculate an actual overhead rate, which is the same rule that applies to cities with a population of over 75,000.~~

~~Agencies may elect to calculate their overhead rates by one of the three following methods:~~

~~1) Appendix A describes the federal government's method of calculating overhead (2 CFR Part 225).~~

~~2) Appendix B describes a method of calculating overhead by allocating overhead costs as a percentage of direct labor costs.~~

~~3) Any method of calculating overhead is satisfactory with the Commission, provided that acceptable accounting procedures are used and all administrative costs are included.~~

~~Section II, C, DEFINITIONS, lists items that define overhead as follows.~~

~~Overhead Costs~~

~~Overhead costs represent economic resources that are employed for common or joint purposes benefiting several projects or functions. As such, overhead costs are not readily chargeable to individual projects and, therefore, generally require allocation based upon statistical relationships.~~

~~Unit Overhead~~

~~Unit overhead is defined as all costs incurred by an organizational unit, such as a public project unit, Department, Division, or Section that are not directly attributable to any cost objective whether it is a public project or not. These costs include personnel costs, materials, supplies, and subcontracts and equipment costs not directly attributable to any end cost objective.~~

~~Government-Wide Overhead~~

~~Government-wide overhead is defined as all costs of a public agency not associated with organizational units performing services that support all end cost objectives of the government entity.~~

~~End Cost Objective~~

~~An end cost objective is a cost center or activity established for the accumulation of the direct cost of performing government services. All costs should be considered to indirectly support the performance of these services.~~

~~Public Project Unit~~

~~A public project unit is an identifiable organization of any size whose primary goals include the undertaking and completion of public projects. The Commission would, in general, consider a unit to be a public project unit when over 25% of the total unit's annual budget is expended on public projects. It is more common to have these organizational units in the larger public agencies - urban counties, cities, and school districts.~~

EXHIBIT VI-1

Public Agency Force Account
Daily Extra Work Report
City Under 75,000

Report No.:	
Project Title:	
Project No.:	
Location:	
Work Performed By:	
Description of Work:	

Date Performed:	
Date of Report:	
Account No.:	

Amount Authorized:	
Previous Expenditure:	
Today:	
To Date:	

Submitted: Field Representative

Reviewed: Supervisor

Equipment				
Equip No.	Description	Hours	Hourly Rate	Amount
Total Direct Equipment Cost				

Material and/or Work Done By Specialists			
Description	No. of Units	Unit Cost	Amount
Total Direct Materials/Work			

Labor				
P. R. No.	Name	Hours	Hourly Rate	Amount
Labor Subtotal				
Added Percentage (Fringes, etc.)				
Subsistence		No.:	@	
Travel Expense		No.:	@	
Other				
Total Direct Labor Cost				

Total Direct Costs	
Overhead (20% of Direct Costs)	
Total Daily Cost	

EXHIBIT VI-2

Public Agency Force Account
Project Cost Summary

Project Title:	**Period of Work Performed:**
Project No.:	**Account No.:**
Location:	
Description of Work:	

Date	Labor	Equipment	Material	Subtotal	Overhead (30% of Direct Costs) or Calculated Rate	Total
Total Project Costs						

Appendix A

Cost Principles for State, Local,
and Indian Tribal Governments
2 CFR Part 225
(OMB Circular A-87)

Please refer to:

www.ecfr.gpoaccess.gov

Browse: Title 2 – Grants and Agreements
Volume 1, Chapter II, Part 225

Appendix B

Overhead Determination and Allocation Percentage of Direct Labor Costs Method

IDENTIFICATION, RATE DEVELOPMENT AND ALLOCATION OF OVERHEAD

Overhead is the one cost element most frequently misunderstood and absent from public agency costs. This section defines overhead costs and the various methods used to identify, track and allocate these costs. The Commission believes that overhead is a significant factor and that it is essential that public agencies record and allocate their costs to fairly reflect the total cost of performing public projects. It is not intended that public agencies be required to recover all their overhead costs but that overhead costs reasonably borne by public projects be allocated to these projects.

Overhead includes all costs except:

Labor performed at the site and directly charged to any end cost objective (including other than public projects) including a pro rata share of payroll taxes and related employee benefits, such as workers' compensation, group insurance, holiday and sick leave, and similar "fringe benefits." As discussed previously, an end cost objective is a pool, center or activity established for the accumulation of the direct cost of performing fundamental government services. Labor charged to an end cost objective should be traceable to the finished goods or services performed.

Materials, supplies and subcontracts actually consumed on and directly charged to any end cost objective, including related freight, sales or use tax and handling/carrying charges if appropriate. Materials and supplies charged to an end cost objective should be traceable to the finished goods or services provided.

Equipment costs directly charged to any end cost objective. Equipment costs charged to an end cost objective should be traceable to the finished goods or services provided.

Overhead costs represent economic resources that are employed for common or joint purposes benefiting several end cost objectives and are not identifiable to an individual end cost objective. The challenge is to achieve an equitable allocation of overhead costs to these various end cost objectives of the public agency.

Public agencies shall calculate two overhead rates:

Unit overhead rate

Government-wide overhead rate

Unit overhead is defined as all costs incurred by an organizational unit, such as a public project unit, department, division or section, which are not directly attributable to any end cost objective whether it be a public project or not. These costs include personnel costs, materials, supplies and subcontracts and equipment costs not directly attributable to any end cost objective. As was discussed in Section III, unit overhead must be developed for public project units and organizational units performing public project work.

Government-wide overhead is defined to include all costs of a public agency not associated with organizational units performing services which support all end cost objectives of the government entity (see below).

The unit and government-wide overhead rates must be developed on an annual basis. These rates should be developed prior to the fiscal year and applied to the productive hourly rate as discussed in Section III.

A. UNIT OVERHEAD

Unit overhead is made up of personnel costs, materials, supplies and subcontracts, equipment usage and facilities costs that are not identified as direct costs. As was stated in Section II, unit overhead rates shall be developed for public project units and any other organizational units whose employees may perform work on public projects.

1. Cost Components

Components which shall be included in the calculation of unit overhead include, but are not limited to, costs incurred within the organizational unit related to:

- Administration
- Accounting/Finance
- Clerical Assistance
- Facilities
  - Rental Costs (Depreciation of facilities purchased or constructed by a public agency is not required by the Commission.)
  - Utilities
  - Insurance
- Data Processing
- Direct Labor Not Charged to Direct Activities
- Materials and Supplies Not Charged to Direct Activities
- Under-realization of Labor and Equipment Rates

Unit overhead components shall not be included in the government-wide overhead.

2. Tracking of Unit Overhead

The tracking of overhead costs can be performed in two ways. Overhead can be determined through the utilization of a formal cost accounting system. This system allows for the identification of such costs as salaries and indirect materials and supplies as overhead costs, and records these costs to management overhead codes. Alternatively, cost-finding studies can be performed. A cost finding study, a less precise method of overhead determination, is usually performed on an annual basis and generally involves taking available financial accounting data and determining the value of overhead pools through various estimation techniques.

a. Public Project Unit

As discussed in Section II, a public project unit's personnel shall record and account for a full workday. This enables the public project unit to track and record time spent on overhead activities and unassigned time on an actual basis. As well, the public project shall record equipment usage costs, subcontractor costs, materials, supplies and subcontracts, and facilities costs to overhead codes when not identifiable to a specific project. Thus, the public project unit accounts for all of its costs, whether they are direct costs or overhead. The public project unit will use the resulting data to develop its unit overhead rate.

b. Organizational Unit Performing Public Project Work

Personnel working for an organizational unit whose primary goals include the performance of routine maintenance work and/or other general government work are not required to account for a full workday. However, these employees must record all hours of work performed on public projects. This organizational unit shall develop a unit overhead rate through an annual cost finding study which distinguishes direct costs for end cost objectives from indirect (overhead) costs.

3. Rate Methodology

a. Public Project Unit

Exhibit B-1 presents an overview and an example of how a unit rate for a public project unit should be developed. Direct labor dollars (represented by "A") are used to allocate overhead costs ("B" and "D") to all end cost objectives including public projects, preferably through a fully-loaded hourly rate.

b. Organizational Unit Performing Public Project Work

Exhibit B-2 presents an overview and an example of how a rate for an organizational unit performing public project work might be developed. Since a full cost accounting system often is not in place, the unit must:

Determine which employees are direct employees who work exclusively on end cost objectives.

Allocate non-personnel costs to direct or indirect (overhead) activities.

Direct labor dollars are then used as above to allocate overhead costs through a fully loaded rate.

4. Overhead Allocation

The departmental (organizational unit) overhead rate of public project units and organizational units performing public project work shall be applied to the appropriate productive hourly rate. See Section II for a more detailed discussion.

EXHIBIT B-1

Public Project Overhead Rate Development

The total budget for a public project can be subdivided as follows:

A = Productive hourly labor dollars charged to end cost objectives, including public project codes.
B = Productive hourly labor dollars charged to unassigned time code(s) and overhead code(s).
C = Other direct costs.
D = Other overhead costs charged to unit overhead code(s).
E = A + B + C + D = Total unit budget.

Generally, overhead rate development should be performed at the beginning of the fiscal year to forecast the overhead rate for the upcoming fiscal year:

Overhead rate as a percentage of direct labor dollars = **(B + D) / A**

Example: In the fiscal year 1984, the Building Division of the Central School District, which includes Main School, forecasted its budget to be allocated as follows:

A = $250,000 of productive hourly labor dollars expected to be charged to end cost objectives including public project codes.
B = $5,000 of productive hourly labor dollars expected to be charged to an unassigned code.
C = $1,666 of materials and supplies expected to be charged to various end cost objectives including public projects.
D = $70,000 of overhead costs remaining.
E = $326,666 representing the total budget of the Division.

The calculation of the Building Division overhead rate is as follows:

Overhead rate as a percentage of direct labor dollars = **(B + D) / A = $75,000 / $250,000 = 30%**

A 30% unit overhead rate should be applied to the productive hourly rate of all Building Division employees (see Section III).

EXHIBIT B-2

Organization Unit Performing Public Project Work
Overhead Rate Development

The total budget for an organization unit performing public project can be subdivided as follows:

A = Direct labor force (including fringes).
B = Other personnel costs.
C = Other costs charged to public project codes.
D = Other costs allocated to other end cost objectives.
E = Other costs allocated to overhead activities.
F = A + B + C + D + E = Total unit budget.

At the beginning of the fiscal year, the unit considers which employees constitute the direct labor force (A) which work directly on end cost objectives. Though various estimating processes, the unit allocates other costs between B and E.

Overhead rate as a percentage of direct labor dollars = **(B + E) / A**

Example: The 1984 budget of the Maintenance Department of Central School District, which performs maintenance work and occasional building projects, is as follows:

Personnel Costs (including fringes)	$800,000	
Materials or building projects	50,000	**= C**
Other materials and supplies	100,000	
	$950,000	

The Department performs a study and determines that $700,000 (=A) of the personnel costs represents the cost, including fringes, of the maintenance work force. The remaining $100,000 of personnel costs (=B) represents clerical, administrative and supervisory personnel. Of the $100,000 in other costs, the Department performs another study and determines that $60,000 (=D) represents maintenance costs, while the remaining $40,000 (=E) represents a variety of cost items which support the Department as a whole.

Overhead rate as a percentage of direct labor dollars = (100,000 + 40,000) / 700,000 = **20%**

Thus a 20% overhead rate should be applied to the productive hourly rate of Department employees who work on building projects.

B. GOVERNMENT-WIDE OVERHEAD

Government-wide overhead represents costs incurred by the support functions of the governmental entity, which are not associated with an organizational unit performing end cost objectives. As was stated in Section II, government-wide overhead rates shall be determined by each public agency.

1. Internally Developed Government-Wide Overhead Rate

Public agencies shall utilize an internally developed government-wide overhead rate. The rate methodology shall be documented and an adequate audit trail provided.

a. Cost Components

The government-wide overhead rate shall include but not be limited to costs associated with the functions shown below to the extent that they are not included in specific unit overhead rates:

Payroll Department
Procurement/Purchasing Department
Legal Function
Central Administrative Function
Accounting/Finance/Budget Function
Data Processing
Insurance (whether self-insured or premiums are paid to an agency)
Public Relations
Vehicle Pool

The government-wide overhead rate may exclude the costs associated with the legislative and judicial branches of the public agency.

b. Rate Development

The public agency shall develop the government-wide overhead rate of the public agency using direct labor dollars to allocate these government-wide overhead costs in a manner similar to the allocation of unit overhead.

2. Government-Wide Overhead Rate

Where a government-wide cost allocation plan has been prepared under the auspices of 2 CFR Part 225 or other government-wide rate methodologies, the public agency may utilize the overhead costs or rates developed in lieu of an internally developed government-wide overhead rate, as described in this manual. The Commission recognizes that public agencies may consider these rates imprecise or inappropriate. It is acknowledged that, in developing these rates, some costs are not included because they are considered "not allowable." Thus, the rate may not recover all costs associated with the program. In contrast, an argument could be made that the rates are calculated to recover the costs of government-wide overhead, which would occur whether or not the specially funded program was undertaken. In this instance, the rate would be considered too high. In acknowledging these arguments, the Commission wishes to identify the issues but still allow the use of these rates as a reasonable alternative for the calculation of government-wide overhead.

3. Overhead Allocation

The government-wide overhead rate shall be applied to the appropriate productive hourly rate after the unit overhead has been applied. See Section II for a more detailed discussion.

~~Appendix C~~

~~Commission Rulings~~

~~Commission Rulings~~

~~1. Monterey County Letter of 9/18/85~~

~~a. When a local agency elects to become subject to the cost accounting policies and procedures manual, these policies and procedures will apply to all departments.~~

~~b. Project estimates shall be based on estimated actual costs. (This question arose because many counties utilized free labor through the criminal justice system, which can greatly reduce total actual costs.)~~

~~c. Place on the January 15, 1986, meeting agenda development of an overhead factor, which can be applied to contractor bids. There are certain fixed costs local agencies bear in administering a project (inspection fees, purchasing, county counsel, etc.). Some feel that, to ensure a fair comparison of internal versus external costs, an overhead factor should be added to contractor costs.~~

~~2. Accounting and Bidding Interpretations~~

~~a. Question: Can a local agency disqualify or exclude certain contractors from the Qualified Contractors List required pursuant to Public Contract Code Section 22034(a), formally 21204(a)? Reasons for disqualification would include the following:~~

~~1 Contractor does not meet local agency's Disadvantaged Business Enterprise (DBE) requirements.~~

~~2 Contractor has not performed adequately on past projects.~~

~~Answer: Agencies may disqualify contractors from the qualified contractors list required pursuant to Public Contract Code Section 22034(a), formally 21204(a).~~

~~b. Question: Must a local agency: (1) notify contractors pursuant to Public Contract Code Section 22034(b), formally 21204(b), if the contractor is believed not to have the skills, credentials, or experience to perform the work? (2) consider bids submitted if the agency believes the contractor does not have the skills, credentials, or experience to perform the work?~~

~~Answer: (1) If a contractor was on the qualified contractors list 22034(a), formally 21204(a), the contractor must be notified by the agency of public projects for which he is licensed to perform. (2) All bids received from qualified contractors must be considered.~~

~~c. Question: Public Contract Code Section 22035, formally 21205, provides that, in cases of great emergency, and when repair or replacements are necessary to permit the continued conduct of the operation or services of a public agency, the governing body by majority vote may proceed without adopting plans and giving notice for bids to let contracts. In addition, this section also provides that the governing body may delegate to the appropriate agency manager the power to declare an emergency. Does this delegation also give the manager the authority to proceed with repair or replacements without approval of the board?~~

~~Answer: In addition to delegating the authority to the agency manager to declare an emergency, the governing board may also delegate authority to the manager to proceed with repairs or replacements without approval by the board.~~

~~d. Question: Do the alternative bidding procedures apply only to public projects as defined in Public Contract Code Section 22002(c), formally 21002(c), or can they be used for the following types of items:~~

~~(1) Maintenance work to be performed by contract?~~
~~(2) Purchases of heavy equipment?~~
~~(3) Purchases of material?~~

~~Answer:~~
~~(1) The alternative bidding procedures are not applicable to maintenance work as defined in Public Contract Code Section 22002(d), formally 21002(d), items 1-4.~~
~~(2) No.~~
~~(3) Yes—if consumed on a public project subject to and defined by the policies and procedures manual.~~

~~e. Question: Does adoption of the alternative bidding procedures by the city council of a charter city supersede the voter-approved charter requirement of bidding out public projects above a specified dollar amount?~~

~~Answer: Charter cities should seek advice from legal counsel on questions concerning the charter.~~

~~f. Background—There are various dollar limits under the Public Contract Code for determining whether a local agency can perform a public project by its force account (e.g., counties with a population of 2,000,000 or more may perform public projects up to $50,000 and cities may perform public projects by force account up to $5,000). The alternative bidding procedures, if adopted, allow all local agencies to perform public projects of $15,000 ($25,000) or less by force account.~~

~~Question: If a local agency adopts the alternative bidding procedures to take advantage of the informal bidding procedures, can the agency use the most beneficial dollar limit in determining if the agency can perform the work by force account?~~

~~Answer: It is recommended that the agency seek advice from legal counsel. However, it was generally agreed that, if an agency elects to become subject to the Uniform Public Construction Cost Accounting Act, it would be subject to those dollar amounts.~~

~~g. Question: Public Contract Code Section 22034(b), formally 21204(b), requires a public agency to notify the appropriate contractors on its qualified contractors list and the appropriate construction trade journals pursuant to Section 22036, formally 21206. In addition, Section 22038, formally 21208, provides that a public project contract shall be awarded to the lowest responsible bidder.~~

~~Many local agencies, however, require that a specified percentage of its public project contracts be set aside and be awarded to equal opportunity employers, etc. Are such provisions in conflict with Section 22034(b) and 22038(b), formally 21204(b) and 21208(b), respectively?~~

~~Answer: It was agreed that such requirements and laws are not in conflict with Public Contract Code Section 22034(b), formally 21204(b), and they should be used in determining if a contractor is qualified for the contractors list.~~

~~3. Overhead Rates~~

~~Cities with populations of less than 75,000 may use an overhead rate of 20% of all direct costs, in lieu of the overhead rate calculation specified in Section VI of the *Cost Accounting Policies and Procedures Manual*. Cites with a population of more than 75,000, counties, special districts, and school districts may use an overhead rate of 30% of all direct costs, in lieu of a calculated rate.~~

4. ~~The *California Schools Accounting Manual*~~

   ~~The *California Schools Accounting Manual* meets the requirements of the Act for school districts.~~

5. ~~Funding/Donations~~

   ~~Since 1984, the California Uniform Construction Cost Accounting Commission (CUCCAC) has not received an appropriation from the State. Public Contract Code 22015 (c) allows the CUCCAC to accept grants from agencies, organizations and individuals. Beginning in 2004, the CUCCAC requested and received donations from member agencies, contractor associations, and unions for CUCCAC expenses and non-compliant reviews.~~

6. ~~Non-Compliant Participating Agency~~

   ~~In September 2005, CUCCAC received a request to perform a review regarding non-compliance of Public Contract Code section 22042 (b), of a participating agency for four resurfacing projects. The request from the Construction Industry Force Account Council alleged that the projects were over the $30,000 force account limit, because overhead costs were not levied on all direct costs. Pursuant to PCC sections 22043 and 22044, CUCCAC engaged the State Controller's Office to perform a review. The review findings indicated that the participating agency exceeded its force account limit. The review also noted that the projects did not qualify as maintenance projects, which could be exempted from the Act. Pursuant to PCC section 22044 (b), the findings were presented by CUCCAC's Chairman to the governing board in a public hearing.~~

California State Controller
Division of Accounting and Reporting
P.O. Box 942850
Sacramento, CA 94250
(916) 322-9105

www.sco.ca.gov