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DATE: March 5, 2012

TO: All Prospective Bidders

**SUBJECT: Notice Rejecting All bids
Energy Retrofitting Project –
West Slope Interior Lighting Retrofit
Contract No. PW 11-30621, Project No. 90058**

All bids for this project are being rejected based on the following regulations found in the El Dorado County Purchasing Ordinance:

- §3.14.050-G If all bids received are in excess of one hundred twenty-five thousand dollars (\$125,000), the board of supervisors may by passage of a resolution by a four-fifths (4/5) vote, award the contract at one hundred thirty-seven thousand five hundred dollars (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the county was reasonable. (Ord. 4704, 10-17-2008)
- All bids were in excess of the \$137,500 limitation.

Pursuant to the provisions of §3.14.080, the County is exercising it's option to re-evaluate the cost estimates for this public works project and re-bid the project with a reduced scope of work.

All prospective bidders will be notified when the new bid is being advertized.

Thank you for your interest in working with El Dorado County.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly A. Kerr".

Kimberly A. Kerr, Interim Director
Department of Transportation

WS Interior Lighting Retrofit PW11-30621, CIP No 90058

| Item No. | Item Description | Unit of Measure | Estimated Quantity | Element Engineering | | Gwinn Construction | |
|----------|---|-----------------|--------------------|---------------------|----------------------|--------------------|----------------------|
| | | | | Item Total | | Item Total | |
| 1 | Building B Lighting Retrofits | LS | 1 | \$ 56,337.00 | | \$ 116,900.00 | |
| 2 | Agriculture Building Lighting Retrofits | LS | 1 | \$ 12,794.00 | | \$ 15,256.00 | |
| 3 | Juvenile Hall Lighting Retrofits | LS | 1 | \$ 25,137.00 | | \$ 43,102.00 | |
| 4 | Sheriff's Office Lighting Retrofits | LS | 1 | \$ 35,132.00 | | \$ 26,747.00 | |
| 5 | Library Lighting Retrofits | LS | 1 | \$ 66,254.00 | | \$ 98,690.00 | |
| | | | | TOTAL | \$ 195,654.00 | TOTAL | \$ 300,695.00 |

Title 3 REVENUE AND FINANCE

Chapter 3.04 ADVANCING FUNDS TO LOCAL GOVERNMENTS PENDING RECEIPT OF REVENUE

3.04.010 Title.

This chapter shall be known and may be referred to in all proceedings as the county finance ordinance. (Prior code §5301)

3.04.020 Purpose.

The purpose of this chapter is to provide for advancing money to certain local governmental agencies pending receipt of tax revenues from funds available in the county treasury as authorized by article IV, section 31 of the California Constitution and chapter 3, part 8, division 1 (section 4701 et seq.) of the Revenue and Taxation Code and to provide for the lawful investment of county treasury cash balances not needed for current expenditures. (Prior code §5302)

3.04.030 Definitions.

When used in this chapter:

- A. "Average treasury balance" for a stated number of months means the total of the calendar month-end balances divided by the number of months computed.
- B. "Contra account." The total amount of all funds in the custody of the county treasurer within the meaning of article IV, section 31 of the California Constitution constitutes an account to be known as the "contra account." Transfers from the contra account shall never total more than the amount of the account as defined in this section.
- C. "Maintenance deficiency" means the amount of money needed to meet obligations incurred for maintenance purposes, including the payment of salaries and maintenance and operation expenditures, in excess of funds currently available to meet such expenditures.
- D. "Other participating agencies" means all participating governmental agencies except the offices and departments of the county and participating school districts.
- E. "Participating governmental agencies" means every office and department of the county and every district and political subdivision whose funds are raised wholly or in part by taxes collected at the same time and in the same manner as county taxes are collected, whose funds are in the custody of the county treasurer and are paid out solely through his office, and whose governing body has filed with the county treasurer its written waiver of its statutory right to authorize specific investment of its funds on deposit in the county treasury for the particular fiscal year. The waiver may be revoked

- H. The nature of the work involves temporary, occasional, urgent or emergency services;
- I. The contractor will provide equipment, materials, facilities, administration or support services related to providing work that may not be feasibly provided by the county. **3.13.040**

Board Adoption of Findings.

All persons who have legal authority in writing to sign contracts for the county without additional board approval such as provided by county charter, ordinances and resolutions, shall determine whether such contracts can be "more economically and feasibly" performed by the independent contractors pursuant to the criteria outlined above. Written findings that the work can be performed "more economically and feasibly" are required to enter into such contracts and these findings shall be deemed adopted by the board.

3.13.050 Competitive Bidding.

Competitive bidding procedures for contracts shall be governed by general law. (Ord. 4369, 1995)

Chapter 3.14

PUBLIC PROJECTS INFORMAL BIDDING PROCEDURES

3.14.010 Title.

This chapter shall be known as the "county public projects informal bidding procedures ordinance." (Ord. 4159 §1, 1991)

3.14.020 Purpose.

The purpose of this chapter is to secure for the county taxpayers the advantages and economies which will result from the adoption of an alternative method for the bidding of public projects. This chapter is enacted to adopt procedure governing the bidding of public projects by the establishment of informal bidding procedures as permitted by article 3, chapter 2, part 3 of division 2 of the Public Contract Code. (Ord. 4159 §2, 1991)

3.14.030 Definitions.

For the purpose of this chapter, the following terms and phrases shall be defined as set out below:

- A. "Public project" means the construction, reconstruction, erection, alteration, renovation, improvement, demolition or repair work involving any publicly owned, leased or operated facility, or the painting or repairing of any publicly owned, leased or operated facility.

"Public project" does not include maintenance work, including the routine recurring and

usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes, minor repainting, resurfacing of streets and highways at less than one inch of thickness, landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants and servicing of irrigation sprinkler systems, or the acquisition of supplies and materials as defined by Section 3.12.030(F).

- B. "Facility" means any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work improvement.
- C. "Commission" means the California Uniform Construction Cost Accounting Commission as set forth in article 2, chapter 2, part 3 of division 2 of the Public Contract Code. (Ord. 4159 §3, 1991)

3.14.040 Dollar Amount Limitation.

- A. Public projects of twenty-five thousand dollars (\$25,000) 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 twenty-five thousand dollars (\$125,000) or less may be let for contract by informal procedures as set forth in this chapter.
- C. Public projects of more than one hundred twenty-five thousand dollars (\$125,000) shall, except as otherwise provided in this chapter, be let to contract by formal bidding procedure.
- D. It is unlawful to split or separate into smaller work orders or projects any public project for the purposes of evading the provisions of this chapter. (Ord. 4704, 10-17-2006)

3.14.050 Informal Bidding Procedures.

- A. The county shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractor list shall be as determined by the commission.
- B. All contractors on the list for the category of work being bid, or all construction trade journals which the commission determines are appropriate for the county, or both all contractors on the list for the category of work being bid and all such construction trade journals, shall be mailed a notice inviting written informal bids unless the product or service is proprietary.
- C. If there is no list of qualified contractors for the particular category of work to be performed, the notice inviting bids shall be sent to the construction trade journals specified by the commission.
- D. Mailing of notices to contractors and construction trade journals pursuant to subdivision B or C shall be completed not less than ten calendar days before bids are due.

- E. Notices inviting informal bids shall describe the public project in general terms, how to obtain more detailed information about the public project, and state the time and place for submission of written bids.
- F. The chief administrative officer, director of general services, county purchasing agent, the director of environmental management and the director of transportation are each authorized to award informal contracts pursuant to this chapter.
- G. If all bids received are in excess of one hundred twenty-five thousand dollars (\$125,000), the board of supervisors may by passage of a resolution by a four-fifths (4/5) vote, award the contract at one hundred thirty-seven thousand five hundred dollars (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the county was reasonable. (Ord. 4704, 10-17-2006)

3.14.060 Emergencies-Procedure.

In the case of great emergency, as determined by the board of supervisors, 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 the county or to avoid danger to life or property, the board of supervisors, 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. Work may be done by day labor under the direction of the board of supervisors, by contract, or by a combination of the two. The board of supervisors, by majority vote, may delegate to the chief administrative officer the power to declare a public emergency subject to confirmation by the board of supervisors by a four-fifths (4/5) vote, at its next meeting. (Ord. 4159 §6, 1991)

3.14.070 Notice Inviting Formal Bids.

Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the public project. The notice shall be published at least fourteen (14) calendar days before the date of opening bids in a newspaper of general circulation, printed and published in El Dorado County. The notice inviting formal bids shall also be mailed to all construction trade journals specified in section 3.14.050(B). The notice shall be mailed at least thirty (30) calendar days before the date of opening of bids. In addition to the notice required by this chapter, the county may give such other notice as it, in its sole option, deems proper under the circumstances. (Ord. 4159 §7, 1991)

3.14.080 Rejection of Bids--Options.

- A. In its discretion, the county may reject any or all bids presented. If after the first invitation for bids all bids are rejected, after reevaluating its cost estimates to the public project, the county shall have the option of the following:
 1. Abandoning the public project or re-advertising for bids in the manner described by this chapter; or
 2. Having the public project done by force account without further compliance with this chapter, by passage of a resolution by a four-fifths (4/5) vote of the board of supervisors

declaring that the public project can be performed more economically by the employees of the county.

- B. If the contract is awarded, it shall be awarded to the lowest responsible bidder. If two (2) or more bids are the same and the lowest, the public agency may accept the one it in its sole discretion may choose.
- C. If no bids are received, the public project may be performed by employees of the county by force account, or by informal bidding procedures set forth in section 3.14.050 without further complying with this chapter. (Ord. 4159 §8, 1991)

3.14.090 Adoption of Plans, Specifications and Working Details-Examination.

The Board of Supervisors shall adopt plans, specifications and working details for all public projects of more than one hundred twenty-five thousand dollars (\$125,000). Any person may examine the plans, specifications or working details, or all of these, adopted by the county for any public project. (Ord. 4704, 10-17-2006)

Chapter 3.16 CLAIMS PROCEDURES

3.16.010 Title.

This chapter shall be known and may be referred to in all proceedings as the "county claim ordinance." (Prior code §5201)

3.16.020 Purpose.

The purpose of this chapter is to adopt a different method for the submission, allowance and payment of claims against the county than that set forth in the Government Code, as authorized by section 29705 of the Government Code. (Prior code §5202)

3.16.030 Definitions.

When used in this chapter:

- A. "County officer" means those officers enumerated in Section 24000 of the Government Code.
- B. "Department" or "department of the county" means any of the offices, departments or other organizational units of county government.
- C. "Department head" means the officer in charge of the department. (Prior code §5203)

3.16.040 Purchase Orders.

All purchases of personal property by or on behalf of the county shall be initiated by delivery of a purchase order to the vendor signed by a person authorized to make the purchases. Two (2) copies of the purchase order shall be retained by the department authorizing the purchase. The