

California Uniform Construction Cost Accounting Commission

Meeting Agenda

**June 8, 2010
10:00 am to 4:00 pm**

**Office of the State Controller
300 Capitol Mall
Room 635
Sacramento, California 95814**

Invitees:

Commissioners: Gene Cortright, Chairperson; Jeffery Armstrong, Vice Chairperson; Linda Clifford, Secretary; Eddie Bernacchi, Robert Byrd, Guiselle Carreon, William R. Dildine, David McCosker, Lisa Miller-Strunk, Rod Moresco, Phillip Nelson, Josie Ripoly

State Controller's Office Staff: Michael Adams, Manager; Korinne Kruger, Supervisor; Scott Taylor, Fiscal Analyst

- 1. Call to Order**
- 2. Introductions**
- 3. Oath of Office**
- 4. Approval of the Minutes for the February 4, 2009**
- 5. Approval of the Minutes for the February 18, 2009**
- 6. Commission Update**
 - a. Report on New Participating Agencies
 - b. Funding Update
- 7. Public Comment**

(Limit of five minutes, unless the item you are addressing is on the agenda. If the item is on the agenda, notify the chair and you will be recognized at that time.)
- 8. Staff Comments/Requests**

Staff Update - Discussion of legislation of interest, ethics training, FPPC filing requirements, terms of office, and commission vacancies by SCO staff
- 9. Commissioners' Comments/Requests/Questions**

California Uniform Construction Cost Accounting Commission

10. Old Business

- a. Lease-Lease Back (LLB): Discussion of whether school districts who are participating in the Act can procure a contract through LLB. See Memorandum dated January 23, 2009, in the meeting package.
- b. Force Account Limits for School Districts: Commissioner Carreon will lead a discussion on increasing the force account limits for school districts.

11. New Business

- a. Review and Approval of Proposed By-Laws: Commission will discuss and consider adopting the proposed Commission by-laws.
- b. Review and Approval of Proposed Amendments to the *Cost Accounting Policies and Procedures Manual*: Commission will discuss and consider adopting the proposed amendments to the *Cost Accounting Policies and Procedures Manual*.
- c. Review and Approval of Proposed Conflict of Interest Code: Commission will discuss and consider adopting the proposed conflict of interest code.
- d. Review and Approval of a Proposed Increase in the Force Account Limit: Commission will discuss the current force account limit and consider adopting a new limit.

12. Election of New Officers – Chairperson, Vice Chairperson, and Secretary

13. Annual Report to the Legislature

14. Next Meeting

15. Adjournment

If you would like further information regarding this meeting or require special accommodation for attending this meeting, please contact:

State Controller's Office
Scott Taylor, Fiscal Analyst
Local Government Policies Section
(916) 327-2289
sataylor@sco.ca.gov

New Participating Agencies

COUNTY	AGENCY	TYPE OF AGENCY	DATE OPTED IN
Alameda	Oakland Unified School District	School District	8/30/2009
Alameda	Ohlone Community College District	Community College	6/10/2009
Amador	Ione	City	3/3/2009
Calaveras	Angels	City	8/18/2009
Contra Costa	Brentwood	City	4/28/2009
Del Norte	Del Norte County Unified School District	School District	3/12/2009
Fresno	Parlier Unified School District	School District	10/27/2009
Kern	Lakeside Union School District	School District	11/10/2009
Kings	Armona Union Elementary School District	School District	1/22/2009
Kings	Corcoran Unified School District	School District	2/23/2010
Los Angeles	Artesia	City	5/11/2009
Los Angeles	Hermosa Beach School District	School District	5/13/2009
Los Angeles	Mt. San Antonio Community College	Community College	12/17/2008
Los Angeles	Pasadena Unified School District	School District	10/7/2008
Los Angeles	San Pablo	City	11/2/2009
Los Angeles	Westlake	City	3/25/2009
Marin	Southern Marin Fire Protection District	Special District	3/24/2010
Merced	Gustine	City	10/6/2009
Monterey	Alisal Union School District	School District	3/9/2009
Monterey	King City Joint Union High School District	School District	6/10/2009
Monterey	King City Union School District	School District	6/17/2009
Monterey	Seaside	City	3/19/2009
Napa	Napa Valley College	Community College	10/9/2009
Placer	Auburn Union Elementary School District	School District	10/22/2008
Riverside	Indio	City	2/18/2009
Riverside	Lake Elsinore Unified School District	School District	11/20/2008
Riverside	Riverside Community College District	Community College	2/16/2010

COUNTY	AGENCY	TYPE OF AGENCY	DATE OPTED IN
Sacramento	Arden Manor Recreation and Park District	Special District	11/20/2008
Sacramento	Center Joint Unified School District	School District	4/21/2010
Sacramento	Rio Linda Elverta Recreation and Park District	Special District	4/28/2010
San Bernardino	Chaffey College Community College District	Community College	3/25/2010
San Bernardino	Fontana	City	4/28/2009
San Bernardino	Ontario-Montclair School District	School District	1/15/2009
San Bernardino	Victor Valley Wastewater Reclamation Authority	Special District	8/13/2009
San Joaquin	San Joaquin Regional Rail Commission	Special District	5/8/2009
San Joaquin	Tracy	City	9/1/2009
San Luis Obispo	San Luis Obispo Community College District	Community College	2/4/2009
San Mateo	Colma	City	4/9/2009
San Mateo	Menlo Park	City	10/21/2008
San Mateo	San Mateo-Foster City School District	School District	5/7/2009
Santa Barbara	Santa Barbara School Districts	School District	1/27/2009
Santa Barbara	Santa Maria-Bonita School District	School District	4/8/2009
Santa Clara	Alum Rock Union Elementary School District	School District	11/13/2008
Santa Clara	Campbell Union High School District	School District	10/1/2009
Santa Clara	Los Gatos Unified School District	School District	4/20/2010
Santa Clara	Los Gatos-Saratoga High School District	School District	7/29/2009
Santa Clara	Metropolitan Education District	School District	6/24/2009
Siskiyou	Tulelake Basin Joint Unified School District	School District	4/2/2009
Solano	Fairfield-Suisun Unified School District	School District	3/26/2009
Stanislaus	Great Valley Charter School	School District	7/16/2009
Stanislaus	Keyes Fire Protection District	Special District	4/15/2009
Tehama	Sky View County Water District	Special District	7/10/2009
Tulare	Exeter Union High School District	School District	1/29/2010
Tulare	Exeter Union School District	School District	2/23/2010
Tulare	Farmersville	City	1/12/2009
Tulare	Liberty Elementary School District	School District	11/11/2008

COUNTY	AGENCY	TYPE OF AGENCY	DATE OPTED IN
Tulare	Visalia Unified School District	School District	1/13/2009
Ventura	Camarillo	City	5/13/2009
Ventura	Ocean View School District	School District	11/10/2009

Total New Participating Agencies: 59

Total Participating Agencies: 736

**California Uniform Construction Cost Accounting Commission
Financial Activity and Status Report**

Cash Activity

for the period 02/04/2009 to 06/08/2010		Conditional (1)	Unconditional	Total
Beginning Balance:	2/5/2009	\$ 330	\$ 6,709	\$ 7,039
Receipts		\$ -	\$ -	\$ -
Expenditures		\$ 330	\$ 4,111	\$ 4,441
Ending Balance:	6/8/2010	\$ -	\$ 2,598	\$ 2,598

(1) Note: Conditional donations are restricted to audit and account reviews.

Cash Receipts

for the period 02/04/2009 to 06/08/2010		Conditional	Unconditional	Total
	Donor Type			
	City	\$ -	\$ -	\$ -
	Community College District	-	-	-
	Contractor	-	-	-
	County	-	-	-
	School District	-	-	-
	Special District	-	-	-
	Union	-	-	-
Total	6/8/2010	\$ -	\$ -	\$ -

Cash Expenditures

for the period 02/04/2009 to 06/08/2010				
	Expenditures			
	Accounting Review	\$ 330	\$ 2,614	\$ 2,944
	Services	-	-	-
	Travel Expense Claims	-	1,497	1,497
Total	6/8/2010	\$ 330	\$ 4,111	\$ 4,441

January 23, 2009

Memorandum

TO: Guiselle Carreon
FROM: Paula C. P. de Sousa
RE: Use of the Lease-Lease Back Construction Delivery Methods by School Districts Under the Uniform Public Construction Cost Accounting Act

Pursuant to the Education Code and the Public Contract Code, School Districts may properly use LLB as a method of contracting despite having opted into the Uniform Public Construction Cost Accounting Act.

DISCUSSION

1. Public Contract Code.

A public agency which has, by resolution, elected to become subject to the Uniform Construction Cost Accounting procedures set forth in Public Contract Code section 22010 et seq., may utilize the bidding procedures set forth in Public Contract Code section 22030 when contracting for "maintenance work," or any public project as defined. Public contract code section 22030 states:

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. [emphasis added]

The Act's cost accounting standards and alternative bid methods are intended to promote uniformity of cost accounting standards and bidding procedures on construction, maintenance, and other work projects performed or contracted by public entities in California (Pub. Contract Code, § 22001). Local agencies that elect to become subject to the uniform construction cost accounting procedures become eligible to use the alternative bidding methods (Pub. Contract Code, § 22003 et seq.)

Under the alternative methods, projects of \$30,000 or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order (Pub. Contract Code, § 22032(a)). Projects of \$125,000 or less may be let to contract by informal procedures. (Pub. Contract Code, §§ 22032(b), 22034.) . Generally, projects of more than \$125,000 must be let by formal bidding procedures. (Pub. Contract Code, § 22032(c).

2. Education Code.

Education Code section 17406, establishing the LLB construction delivery method, provides an alternative procedure to public bidding. In pertinent part, Education Code section 17406(a) states:

Notwithstanding Section 17417, the governing board of a school district, without advertising for bids, may let, for a minimum rental of one dollar (\$1) a year, to any person, firm, or corporation any real property that belongs to the district if the instrument by which such property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term thereof, and provides that title to that building shall vest in the school district at the expiration of that term. The instrument may provide for the means or methods by which that title shall vest in the school district prior to the expiration of that term, and shall contain such other terms and conditions as the governing board may deem to be in the best interest of the school district.

3. Reconciling the Education Code and the Public Contract Code.

Pursuant to California's rules of statutory construction, "we look first to the words themselves" when determining the legislature's intent. (*Golden State Homebuilding Assoc. v. City of Modesto* (1994) 26 Cal.App.4th 601, 608). The statutory language is given its ordinary and everyday meaning, construed in the context of statutory scheme of which the statute is a part. (*Vickco Ins. Services, Inc. v. Ohio Indemnity Company* (1999) 70 Cal.App.4th 55, 62; *Golden State Homebuilding Assoc.*, 26 Cal.App.4th at 608).

Public Contract Code section 22030 states, "[i]n 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." However, a plain reading of this statute clearly indicates that this language only applies to conflicts which involve bidding procedures and contracts which involve bidding. The statute makes no mention of "contracting" procedures, nor does it use any language which precludes a specific contracting method. In fact, the statute only uses the term "bidding procedures."

It seems logical that if the Legislature intended to prohibit certain contracting methods, the Legislature would not have limited the language contained in the statute to "bidding procedures." The LLB method of contracting does not involve "bidding procedures" or a competitively bid contract. By the plain language of Education Code section 17406, LLB contracts are let without advertising for bids or undertaking any other "bidding procedures." Because the LLB method of procuring contracts does not involve such bidding procedures, we believe that the Act does not conflict with or override the Education Code as it relates to the LLB method of procuring contracts.

BY-LAWS OF THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION

~~Under the Division of Accounting and Reporting, of the Office of the California State Controller, State of California and authorized per~~
~~The~~ Created by
The Uniform Public Construction Cost Accounting Act ("Act") of 1983, and as amended, and supported by the California State Controller's Office.

ARTICLE I ORGANIZATION

The name of the organization shall be California Uniform ~~Public~~ Construction Cost Accounting Commission (the "Commission").

ARTICLE II PURPOSES

The Commission is formed for the purposes, and shall fulfill the responsibilities, ~~outlined, stipulated in Division 2, Part 2, Chapter 2 of the California Public Contract Code (the "Code"), beginning with Section 22000 in Article 2, Section 22017 - 22020 of the Act. The Commission shall further enforce the procedures outlined in the Act in Article 3, Sections 22030 - 22050.~~ All notices, meetings, and actions, of the Commission shall be in accordance with ~~governed by~~ the Bagley-Keene Open Meeting Act, ~~Government Code Sections 11120-11132.~~

ARTICLE III MEMBERSHIP

~~The~~ Membership ~~of~~ the Commission shall be ~~limited to the number of members of such qualifications and standing as is outlined in Article 2 - Section 22010 - 22014 of the Act in accordance with the requirements of the Code.~~ Members shall be referred to as Commissioners.

ARTICLE IV MEETINGS

The Commission shall meet no less than annually at which the next subsequent meeting ~~dated~~ date ~~may~~ shall be set. ~~All meetings of the Commission shall be conducted in accordance with the requirements of the Bagley-Keene Open Meeting Act (Bagley-Keene). Written notice to the public of all scheduled meetings, and any related agendas or other documents, shall be posted at the Commission's website in conformity with Bagley-Keene requirements. If the meeting date is changed for any reason, it shall not be changed with less than two (2) weeks written notice to the Commissioners and the public by posting such change on the Commission's CUCCA's website and informing e~~ Each ~~Commissioner~~ Commissioner shall receive notification of scheduled meetings, and any related agendas or other documents, by mail, e-mail, or telephone, at the option of the State Controller's Office (SCO) support staff. The Commission ~~may~~ shall meet ~~as needed more than once a year to render decision(s) on account reviews, and may meet more than once per year or by a majority agreement of the Commissioners and with the concurrence of the SCOSCO staff.~~

Meetings shall be held at a location as identified and provided by the ~~State Controller's office~~ SCO and agreed to by the commissioners. ~~and agreed to by the Commissioners.~~

Comment [JC1]: Page 1
I don't think they need to agree on the location site.
I think we pick and they need to conform.

~~The State Controller's Office support staff shall cause to be mailed or e-mailed to every member in good standing at his address as it appears in the membership roll book in this organization, a notice telling the time and place of such meeting, a specific agenda, including a brief description of the items of business to be~~

~~discussed in either open or closed session. In addition, notice in writing shall be provided to any person who requests notice in writing per Section 11125 of the Bagley Keene Open Meeting Act.~~

~~The presence participation of a majority of the members appointed commissioners shall constitute a quorum and shall be necessary to conduct the business of their Commission organization. If the number of commissioners participating in a meeting drops below the number required for a quorum, the meeting shall be suspended, with no further action taken, until such time as a quorum is re-established, as herein before set forth shall be required at any adjourned meeting.~~

~~Special meetings of this organization may be called by the Chairmanperson when he or she he deems it for the best interests of the organization. Notices of such meeting shall be mailed, e-mailed, or provided telephonically to all members at their addresses, e-mails, or telephone numbers as they appear in the membership roll book at least ten (10) days before the scheduled date set for such special meeting at the discretion of the State Controller's support staff. Such notices shall state the reasons that such meeting has been called, the business to be transacted at such meeting, and by whom it was called. At the request of a majority of the members of the organization, the Chairmanperson shall cause a special meeting to be called, but such request must be made in writing at least ten (10) days before the requested scheduled date.~~

~~No other business but that specified in the notice may be transacted at such special meeting, without the unanimous consent of all present at such meeting.~~

~~Meeting shall be conducted under Robert's Rules of Order. Parliamentary questions shall be resolved by the Secretary in consultation with SCO staff.~~

ARTICLE V VOTING

~~At all meetings, including, if agreed by a majority as defined herein, for the election of officers, all votes shall be by voice. For election of officers, if not agreed upon to be by voice, ballots shall be provided and there shall not appear any place on such ballot that might tend to indicate the person who cast such ballot.~~

~~Each commissioner shall have one vote and such voting may not be done by proxy. At any regular or special meeting, if a majority so requires, any question may be voted upon in the manner and style provided for election of officers.~~

~~At all votes by ballot the Chairmanperson of such meeting shall, prior to the commencement of balloting, appoint a committee of three who shall act as "Inspectors of Election" and who shall, at the conclusion of such balloting, certify in writing to the Chairmanperson the results and the certified copy shall be physically affixed in the minute book to the minutes of that meeting.~~

~~No inspector of election shall be a candidate for office or shall be personally interested in the question voted upon.~~

ARTICLE VI ORDER OF BUSINESS

1. Roll Call.
2. Introductions
3. Approval of the Minutes of the preceding meeting.
4. Commission Update
 - a. New Members

Comment [JC2]: Page 1
If this stays in, the commissioners need to know that the meeting ends if quorum is no longer met. Many commissioners leave in the middle of meetings.

Comment [JC3]: Page 2
Due to Bagley-Keene, items that are not on the agenda, noticed 10 days before hand, cannot be discussed.

- b. Funding Update
- 5. Public Comment
- 6. Staff Comments /Requests
 - a. Participating Agencies
 - i. New
 - ii. Withdrawing
 - b. Finance Report
 - c. Other Items
- 7. Reports of Officers
 - a. Chairman
 - b. Secretary
- 8. Committee Reports
- 9. Commissioner Comments / Request
- 10. Old and Unfinished Business
- 11. New Business.
- 12. Next Meeting Date, Time & Location
- 13. Adjournment.

ARTICLE VII COMMISSIONERS

The business of the ~~Commission's organization~~ shall be managed by the ~~c~~Commissioners, ~~consisting of all members, which also includes~~ the officers of the ~~Commission's organization~~.

The ~~c~~Commissioners, ~~with the concurrence of the staff of the S-COSCO,~~ shall ~~have the~~ control and management of the affairs and business of the ~~Commission's organization~~. Such Commissioners shall ~~only~~ act in the name of the ~~organization-Commission only~~ when it shall be regularly convened by its ~~Chairman~~ ~~person~~ after due notice to all the ~~c~~Commissioners of such meeting.

~~Participation of Aa majority of the members of the Commissioners shall constitute a quorum. The SCO shall have sole custody of the Commission's assets and shall act as the fiscal agent of the Commission.~~

~~Each Commissioner shall have one vote and such voting may not be done by proxy.~~

The Commissioners may make such rules and regulations covering its meetings ~~as it may in its discretion as it~~ determined ~~to be~~ necessary, as long as such rules and regulations are in compliance with the ~~California Public Contract Code Act~~ and the ~~Bagley-Keene Open Meeting Act~~.

~~Commissioner~~ Vacancies ~~in the Commissioners~~ shall be filled ~~by the process outlined in the Act and in Article 3 herein~~ in accordance with the California Public Contract Code.

The ~~c~~Commissioners shall select ~~from one of their members among themselves~~ a Chair~~person~~ ~~man~~, Vice Chair~~person~~ ~~man~~, and a Secretary/~~Treasurer and such other officers as the majority deems necessary to conduct the business of the Commission~~. Said officers shall serve for one (1) year or until they are removed for cause or retire, whichever is earlier. Officers may be elected for multiple years, not exceeding five (5) years in the same position.

A ~~c~~Commissioner may be removed when sufficient cause exists for such removal ~~as determined by the California State Controller and its legal counsel~~ ~~and a majority of the Commissioners vote to remove a~~

Comment [JC4]: Page 3
Any due process that is owed to such commissioner will be given by SCO legal counsel, not the commission.

~~commissioner. A majority of the then sitting Commissioners may entertain charges against any Commissioner. A Commissioner may be represented by counsel upon any removal hearing. The Commission shall adopt by majority vote such rules for this hearing as it may in its discretion consider necessary for the best interests of the organization.~~

ARTICLE VIII OFFICERS

The initial officers of the organization shall be as follows:

Chairman ~~person~~:
Vice Chairman ~~person~~:
Secretary ~~Treasurer~~:

The Chairman ~~person~~ shall preside at all ~~membership~~ ~~Commission~~ meetings.

He/She shall present at each annual meeting of the organization an annual report of the work of the organization.

He/She shall appoint all committee chairpersons, ~~either~~ temporary or permanent, after the Commission has voted by a majority to form a specific committee, ~~either~~ temporary or permanent.

He/She shall see ~~that~~ all books, reports, and certificates, required by law are properly kept or filed.

~~He/She shall be one of the officers who may, if required to do so or if not in conflict with the Act, sign the checks or drafts of the organization.~~

He/She shall have such powers as may be reasonably construed as belonging to the chief executive of any organization to the extent that such powers do not conflict with the powers granted to the State Controller under the ~~Code Act~~.

The Vice Chairman ~~person~~ shall, in the event of the absence or inability of the Chairman ~~person~~ to exercise his/her office, become acting Chairman ~~person~~ of the ~~Commission~~ ~~organization~~ with all the rights, privileges, and powers, as if he/she had been the duly elected Chairman ~~person~~.

The Secretary ~~Treasurer~~ shall comply with the following:

Submit to the Commission any communications which shall be addressed to him/her as Secretary of the ~~organization~~ ~~Commission~~.

Perform such duties as are reasonable and assigned by the Chairman ~~person~~

Review financial reports from the ~~State Controller's Office~~ assigned staff.

~~Rule on questions of order in consultation with SCO staff.~~

No officer shall, for reason of his office, be entitled to receive any salary or compensation, other than ~~legislatively entitled travel reimbursement for meeting attendance or~~ for expenses incurred on behalf of the ~~organization~~ ~~Commission~~ which were approved prior to expenditure by a majority of the ~~C~~commissioners. ~~Travel will only be reimbursed if there is sufficient funding.~~

ARTICLE IX COMMITTEES

All committees of the ~~Commission~~ ~~organization~~ shall be ~~appointed~~ ~~formed~~ by the Commission and the ~~members appointed by the Chairperson, their term of office~~ They shall ~~serve on the committee~~ ~~be~~ for a period of one year, or less if ~~sever~~ terminated by the action of the Commission. ~~Committee members may be re-appointed for multiple years at the pleasure of the Chairperson~~

ARTICLE X -- DELETED

Comment [JCS]: Only SCO DAO can sign drafts since the funds are in a special fund deposit account.

ARTICLE XI AMENDMENTS

These By-Laws may be altered, amended, repealed or added to by an affirmative vote by a majority of the Commissioners and approval by the State Controller's Office.

Adopted by the Commissioners of the:

CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION

ON: _____

Commissioners:

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

Printed Name: _____

~~Ex-Officio Members:~~

Printed Name: _____

ACCOUNTING PROCEDURES REVIEW

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.

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.

Request for Accounting Procedures Review

- A. In those circumstances as set forth in section 1(A) above, a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, postmarked no later than five business days from the date the public agency has rejected all bids.
- B. In those circumstances set forth in section 1(B) or 1(C), a request for Commission review shall be in writing, sent to the Commission by certified or registered mail, postmarked no later than five business days from the date an interested party formally complains in writing to the public agency.
- C. The address for purpose of notice herein is the: CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION, Office of the State Controller, Division of Accounting and Reporting, Local Government Policies Section, P.O. Box 942850, Sacramento, CA 94250.
- D. Such written notice shall include the following information:
 - 1. The name, address, phone number of interested party as defined in (II) above, and person to be contacted presenting evidence.
 - 2. An indication that work undertaken by the public agency falls within one of the following categories:
 - a. It is to be performed by a public agency after rejection of all bids, claiming 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.
- IV. 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. 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. 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. 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.
- VIII. 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.
- IX. These review procedures are based on current statutory law. Changes to statutory law shall be deemed to be automatically adopted into these procedures.

CONFLICT OF INTEREST CODE FOR THE
CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec 18730) which contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the California Uniform Construction Cost Accounting Commission (Commission).

Individuals holding designated positions shall file statements of economic interests with the Commission, which will make the statements available for public inspection and reproduction. Upon receipt of the statements of Commissioners, the Commission shall make and retain copies and forward the originals of these statements to the Fair Political Practices Commission. All other statements will be retained by the Commission.

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION

APPENDIX A

DESIGNATED POSITIONS

<i>POSITION</i>	<i>DISCLOSURE CATEGORY</i>
Commissioner	1
Consultant	*

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Chairperson may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope, and thus, is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Chairperson's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION

APPENDIX B

DISCLOSURE CATEGORIES

DISCLOSURE CATEGORY

WHAT MUST BE DISCLOSED

1

Investments, business positions in business entities, and sources of income, including loans and travel payments, from entities of the type which contract or subcontract with local public agencies to perform construction work.

