

CUCCAC Inquiries

December 21, 2022 – April 28, 2023

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Bid Limit Increase

Q: Could you please confirm for me whether there has been a bid limit increase recently?

A: Thank you for your inquiry. Can you please confirm which bid limits you are specifically referring to? If you are referring to the bid limits set by the Uniform Construction Cost Accounting Act, those limits have not been raised since 2019, and more information can be found in the [Cost Accounting Policies and Procedures Manual](#).

Informal Bid Notifications

Q: Are informal bidding projects required to be posted in local newspapers?

A: Public Contract Code section 22037 only references notices inviting formal bids to be published in a newspaper of general circulation. There is no requirement for bids below the formal bid threshold to be posted anywhere besides the requirements of Public Contract Code section 22034.

Technology FRP and CUPCCAA

Q: [The City] opted into the uniform cost accounting act and we wanted to confirm how the following ties to the uniform cost accounting act.

We are looking to send out a request for proposal to evaluate and give cost proposals to replace and reconfigure our cable channel equipment and cameras to film council meeting and study sessions to be broadcast on the local cable channel.

My understanding is the request for proposals allow you to not have to select the lowest bidder because we don't have specifics at this time what the scope of the project will be until we get input from the companies that will be issuing a proposal.

For this RFP we believe it may fall under 200,000 so we are looking at the informal bidding process with advertising on the trade journals.

I wanted to confirm that an RFP for this type of technology equipment and installation falls under a public project and needs to follow the guidelines for an informal bidding process.

A: [Public Contract Code section 22002 \(c\) \(1\)](#) defines a public project as "Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility."

Based on the information given, and the definition of PCC 22002(c)(1) including alterations, renovations, and improvements, this project may meet the definition of a "public project", and therefore fall under the guidelines of the Uniform Public Construction Cost Accounting Act . You may want to consult your legal counsel to verify that the project can meet this definition.

Additional resources can be found on the [SCO's CUCCAC webpage](#), including the [Cost Accounting Policies and Procedures Manual](#).

Determination of Public Project or Maintenance

Q: I am looking for some guidance on what is considered Maintenance vs Public Work as it relates to UPCCAA. I am familiar with the generic explanation just need further guidance.

Is grinding of pathways considered maintenance or a PW project?

A: [Public Contract Code \(PCC\) section 22002](#) gives the definitions of a “public project” and “maintenance work” per the Uniform Construction Cost Accounting Act. Per PCC 22002 (c)(1), a public project includes “Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.”

Additionally, per PCC 22002 (d) maintenance work is defined as 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.

As long as the work falls into the definition of PCC 22002(c), then it is considered a public project and not maintenance, and thus the provisions of the Uniform Construction Cost Accounting Act would apply.

CUPCCAA Number

Q: I just wanted to know how can I apply for a CUPCCAA number. I'm calling on behalf of a school district. Does the district or the contractor apply for the number?

A: Responded via phone call with information about how SCO/CUCCAC only provides guidance for CUPCCAA, and how agencies wish to create their contractors lists is up to them as long as they follow the provisions of CUPCCAA. Also provided additional references to the SCO website and CUCCAC publications.

Bid Splitting Clarification

Q: I listened in on today's CUPCCAA Commission Meeting and the discussion on bid splitting brought on the following question:

Our District has over 40 structures and often times we will use one contractor to perform work at multiple locations. For example, perhaps one year we know we would like to replace the flooring at 5 different structures and have \$100,000 budgeted to account for the replacement of the flooring at all five locations. Since we believe the total contract to complete the work at all locations is over \$60,000, we follow CUPCCAA's informal bidding process.

Today's discussion made it appear as though it is okay split a project up that is taking place by the same contractor so long as the work to be completed is located at separate buildings. We have been under the impression that if we were to consider each individual location a separate project, then we would be guilty of bid splitting as all locations are under one contract with the contractor. If we were to split up the large project into a separate project for each location, then the cost for each location would either be low enough to be performed by force account or exempt us from having to perform any type of competitive bidding process. One contractor could be awarded a very large contract without having to competitively bid simply because the required work is located at different buildings.

Perhaps I misunderstood some of today's conversation. Would you mind clarifying what is considered bid splitting per CUPCCAA?

A: [Chair Nunan answered their inquiry via phone call and provided a brief summary]

They are strong proponents of competitive bidding but do have occasional emergency situations that require immediate response. We went over the parameters for that.

Participating Agency Status

Q: I wanted to make sure our school district is a CUPCCA district. Is there a list I may be able to find online? I'm hoping you can help me find out. Thank you!

A: Yes, the [School District] is on SCO's list of agencies participating agencies. The list of participating agencies can be found on the SCO website, and is updated at the beginning of each month. Additionally, I have attached the resolution that SCO received from the [School District] from 2018. More resources regarding CUPCCAA can be found on the California Uniform Construction Cost Accounting Commission webpage.

CUPCCAA Requirements

Q1: We are wondering what specific CUPCCAA requirements are required by our procurement department. We switched to a software called "OpenGov" that tracks our contracts and allows all vendors to see upcoming bid openings.

Our website currently lists 10 other sites but I am not sure if we need to keep these websites up to comply with CUPCCAA if we have OpenGov?

A1: [Public Contract Code \(PCC\) section 22034](#) gives an overview of the procedures for alerting contractors of projects to be bid under CUPCCAA. PCC 22034(a) states the following:

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

(1) 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. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed 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 mail, fax, or email a notice inviting informal bids to all construction trade journals specified in Section 22036.

Additional language and guidance regarding bidding procedures can be found in the [Cost Accounting Policies and Procedures Manual](#). Chapter 1 (specifically sections 1.04-1.10) of the Manual covers the bidding procedures and the associated Public Contract Code sections that composes CUPCCAA. Anything extending beyond the Public Contract Code, Cost Accounting Policies and Procedures Manual, and other materials posted on the [CUCCAC webpage](#) would be outside of the SCO's scope.

Q2: More specific of a question, we are just wanting to know if using a free software called OpenGov Procurement (which allows interested vendors to create free vendor accounts online and see all upcoming bids and projects of our agency) is ok as a replacement from our old "Vendor Application form" where we used to manually enter interested vendors applications into an older system.

Perhaps a phone call might help explain us more. I am new to the department, but I am happy to set up an appointment with one of my coworkers who is editing our website where the old application lives.

A2: Chair Nunan responded to the inquirer's questions via phone call.

CUPCCAA and Public Private Partnerships

Q: Good afternoon- We are a community college and have the following questions about a public private partnership (P3) delivery model. We have applied for grant funding related to SB169 Postsecondary education trailer bill. We currently utilize CUPCCAA.

For a housing/Public Works project, does CUPCCAA allow for use of a Public Private Partnership also known as P3 project delivery model? Can we use "Best Value" procurement method for this model? Any guidance you can provide would be appreciated.

A: CUPCCAA only deals with those parts of the Public Contract Code that involve force account work of less than \$60,000 and informally bid projects of \$200,000 or less. Most P3 projects are much more substantial, often more than \$100,000,000 in value. They usually involve private financing by a developer and can become quite complicated to structure. Thus, CUPCCAA is silent about the use of such a delivery method.

In the early days of P3, agencies sought legislative or regulatory permission to use it because of its possible conflicts with the Public Contract Code. Its use is more common now so it may be easier to get approval. I would suggest that you consult your legal department to advise you as to how to proceed with this.

CUPCCAA Contract Templates

Q: Our County works with a number of school districts and we are interested in finding out if there are standard contract templates for CUPCCAA enrolled jurisdictions? We are interested in a) under \$60,000, b) between \$60,000 and \$20,000 and c) formal agreements above \$200,000. Do such templates exist, and can you send them to me?

A: Unfortunately, the State Controller's Office does not have any sample templates for CUPCCAA contracts. The guidance issued by the California Uniform Construction Cost Accounting Commission (CUCCAC) does not include sample contracts, only sample resolutions for agencies to opt into CUPCCAA.

The Construction Industry Force Account Council (CIFAC) may be able to assist you. CIFAC is a non-profit coalition of construction industry associations who promote state and local agency compliance with the Public Contract Code. CIFAC often works with agencies who have recently adopted CUPCCAA, and they may be willing to provide some additional resources towards assisting with your inquiry. Please note that the State Controller's Office and CUCCAC are not affiliated with CIFAC.

Co-Op Purchasing Agreements

Q1: Good morning - our local water District conforms to the California Uniform Construction Cost Accounting Act and I was hoping someone could help clarify if the CUPCCAA would prevent in any way using a piggyback contract such as Sourcewell or GSA. Thank you.

A1: I have a couple questions before I respond to your inquiry about using CUPCCAA. First, what types of goods or services would the District be purchasing using this "piggyback" method ?

Second, would you describe how the contract/purchasing process would work?

Q2: We would be looking to use Sourcewell to purchase Ford Lighting trucks. I guess the process would work by simply contacting the vendor who won the Sourcewell contract for the Lightnings and letting them know we'd like to use that contract to purchase the vehicles, and issue a Purchase Order to them directly (after getting approval from our Board of Directors as it would be over our GMs signing authority).

That would circumvent the need to issue any sort of RFP or get quotes for the trucks. The reason we are thinking of going this direction is that the Sourcewell contract has already placed an order for a certain number of Lightnings – but according to my contacts at local dealerships, those trucks are on backorder for a year or more. By going through Sourcewell we believe we could procure them faster (prior to end of our fiscal year in June 2024).

There has been some disagreement internally whether we could actually use a co-op contract like Sourcewell to buy these trucks without going out to bid or not.

A2: Since CUPCCAA specifically speaks to procedures under the Public Contract Code relating to contracting and force account requirements, it is silent on purchasing of items such as you have described. Thus, compliance with the Act is not an issue in this case.

CUPCCAA Adoption Notification

Q: Our school board recently adopted a resolution to become a CUPCCAA district and I am looking for the appropriate office to send the resolution as notification. Please advise me on the next steps.

A: A digital copy of the signed board resolution can be emailed to this email address (LocalGovPolicy@sco.ca.gov). Once received, we will send you a welcome letter to confirm the State Controller's Office's receipt, as well as links to additional resources related to CUPCCAA.

CUPCCAA Contractors List

Q: I am general counsel for a fire district. I am drafting a public works ordinance. I have seen your model ordinance. I want to know where I find the [County] Trade Journals

A: The list of respective county trade journals can be found in sections 1.05 and 1.07 of the [Cost Accounting Policies and Procedures Manual](#). [The County's] trade journals can be found listed on page 10 of the manual, which then references the table in section 1.07 that begins on page 12.

More information related to the Uniform Public Construction Cost Accounting Act can be found on the [SCO website](#).