

RESOLUTION NO. 2018-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF MARIN CLEAN ENERGY ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

MARIN CLEAN ENERGY

WHEREAS, California Public Contract Code Section 20121 requires counties to competitively bid public works projects in excess of \$4,000 in accordance with the requirements set forth in the Public Contract Code, commencing with Section 20120; and

WHEREAS, Section 2.6 of the MCE Joint Powers Agreement provides that the power of Marin Clean Energy ("MCE") is subject to the same restrictions upon the manner of exercising power possessed by the County of Marin; and

WHEREAS, prior to the enactment of the Uniform Public Construction Cost Accounting Act in 1983 ("the Act"), a uniform cost accounting standard was unavailable for construction work performed or contracted by or for local public agencies; and

WHEREAS, pursuant to the Act, the Uniform Construction Cost Accounting Commission, in conjunction with the State Controller, has established uniform public construction cost accounting procedures for implementation by local public agencies electing to be governed by the provisions of the Act in performing or contracting for construction of public projects; and

WHEREAS, the Board of Directors has determined that it is in the best interests of MCE to be subject to the provisions of the Act. The benefits to MCE include, but are not limited to, availability of alternate bidding procedures allowing MCE to perform work costing up to and including \$45,000 by force account, and to let contracts by informal procedures for public projects costing up to and including \$175,000 or more under specified circumstances; and

WHEREAS, California Public Contract Code Section 22030 provides that any public agency that wishes to avail itself of the alternative procedures for bidding and contracting for public projects must elect, by resolution, to become subject to the uniform construction cost accounting procedures set forth in the Public Contract Code and must notify the State Controller of its election; and

WHEREAS, California Public Contract Code Section 22034 requires each public agency that elects to become subject to the uniform construction cost accounting procedures to enact an informal bidding ordinance that complies with the requirements set forth in Section 22034; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, by the MCE Board of Directors:

- A. The Board of Directors finds that all of the facts set forth in the foregoing Recitals are true and correct.
- B. Pursuant to the authority set forth in the Uniform Public Construction Cost Accounting Act, California Public Contract Code Section 22000, *et seq.*, MCE hereby elects to be subject to the uniform public construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act and to the policies and procedures manual and cost accounting review procedures established thereunder, as each may be amended from time to time.
- C. The Secretary shall notify the State Controller of MCE's election pursuant to Section 2, above. The Chair shall sign and the Secretary shall certify to the adoption of this Resolution. This Resolution shall take effect and be in full force immediately.

PASSED AND ADOPTED at a regular meeting of the MCE Board of Directors on this 15th day of February, 2018, by the following vote:

	AYES	NOES	ABSTAIN	ABSENT
City of American Canyon	✓			
City of Belvedere	✓			
City of Benicia	✓			
City of Calistoga	✓			
City of Concord				✓
Contra Costa County				✓
Town of Corte Madera	✓			
Town of Danville	✓			
City of El Cerrito	✓			
Town of Fairfax	✓			
City of Lafayette	✓			
City of Larkspur	✓			
County of Marin	✓			
City of Martinez				✓
City of Mill Valley	✓			
Town of Moraga	✓			
City of Napa	✓			

County of Napa	✓			
City of Novato	✓			
City of Oakley	✓			
City of Pinole	✓			
City of Pittsburg	✓			
City of Richmond	✓			
Town of Ross	✓			
Town of San Anselmo				✓
City of San Pablo				✓
City of San Rafael	✓			
City of San Ramon	✓			
City of Sausalito	✓			
City of St. Helena	✓			
Town of Tiburon	✓			
City of Walnut Creek	✓			
Town of Yountville	✓			



 CHAIR, MCE

Attest:



 SECRETARY, MCE

