

**ORDINANCE NO. 2025-04**

**AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING REGULATIONS 66 AND 67 UNDER THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (CUPCCAA)**

**WHEREAS**, the McKinleyville Community Services previously elected to subject to CUPCAA (Public Contract Code Sections 22000-22045); and

**WHEREAS**, Assembly Bill 2192, effective January 1, 2025, amended Public Contract Code Sections 22032 and 22034 to increase the bid thresholds for public projects under CUPCAA; and

**WHEREAS**, District staff has identified the need for updated language in Regulations 66 and 67 to be consistent with current roles and District processes;

**NOW, THEREFORE**, the Board of Directors of the McKinleyville Community Services District ordains that Regulation 66 and Regulation 67 of the District's adopted Rules and Regulations are amended to read as follows:

**REGULATION 66 - INFORMAL BIDDING PROCEDURE**

**Rule 66.01. INFORMAL BID PROCEDURES** - public projects, as defined in the California Uniform Public Construction Cost Accounting Act (herein called CUPCCA), of \$220,000 or less may be let to contract by informal procedures as set forth in the District's Procurement Policy and in accordance with CUPCCA.

**Rule 66.02. CONTRACTOR LIST** - list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contracts Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (herein called CUCCAC).

**Rule 66.03. NOTICE INVITING FORMAL BIDS** - where a public contract is to be performed which is subject to the provisions of the CUPCCA, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with rule 66.02, and to all construction trade journals as specified by the CUCCAC in accordance with Section 22036 of the Public Contract Code. Additional contractors and journals may be noticed; provided however:

- (a) If there are no qualified contractors for the particular category of work to be performed on the District's contractor list, the notice inviting bids shall be sent only to the construction trade journals specified by the CUCCAC.
- (b) 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.

**Rule 66.04. AWARD OF CONTRACTS** - the General Manager, Finance Director and Department Heads are each authorized to award informal contract pursuant to this regulation and the adopted expenditure control system.

## **REGULATION 67 - CONSULTANT SELECTION**

**Rule 67.01. INTRODUCTION** - this regulation will detail the process that MCSD will follow in selecting "Professional" consultants (architectural, engineering, surveying and construction management services) and all other consultants (i.e. auditors, environmental analysis, etc.). This regulation does not apply to either material vendors or contractors (licenses firms retained to construct works).

**Rule 67.02. SELECTION OF "PROFESSIONAL" CONSULTANTS** - this rule has been drafted to comply with section 4525 et seq. of the California Government Code (the Little Brooks Act) and to ensure that qualified consultants are retained to perform architectural, engineering, land surveying or construction management services. MCSD shall use the process set forth in this part to govern selection of "professional" consultants except where the service is expected to cost \$75,000 or less (see Rule 67.04 for projects expected to cost \$75,000 or less); where the Manager determines that the services requested are technical services requiring little professional judgment (see Rule 67.03); or where the services requested relate to proprietary expertise unique to specific District software or hardware.

- (a) **PREPARE DRAFT REQUEST FOR PROPOSAL:** Staff shall prepare a Draft Request for Proposal (RFP) that (i.) provides an overview of the assignment, (ii.) requests that the consultant submit a Proposal detailing their qualifications and approach, and (iii.) requests that the consultant submit under separate cover an estimated budget.
- i. The RFP overview describes the nature of the project; details the services required including a timeline for each task and work product; explains the criteria for selection; sets the due date/time for submittal; sets the submittal requirements (# copies, six, etc.), and identifies a contact person for additional information. The RFP shall reserve the right to reject proposals.
  - ii. Based on the overview's description of the project, the consultant will next be asked to submit a proposal detailing the firm's qualifications and approach to the assignment. This proposal must identify the experience of the firm and the project manager in relation to the project. This proposal must also document the firm's credentials and insurance capability.
  - iii. Finally, the consultant will be asked to submit a project budget under separate cover in a sealed envelope. The consultant will be expected to negotiate an agreement for the described services using this budget. The budget submittal shall break out the proposed fee and hours by staff type for each task. The consultant may include costs for optional services for the services not detailed in the RFP.

- (b) **EVALUATION OF PROPOSALS:** It is not possible to foresee the specific criteria for ranking proposals until the assignment is specified. However, the following general categories will be common to any screening--(i.) minimum qualifications and (ii.) comparison rankings.
- i. **MINIMUM QUALIFICATIONS:** RFP's must demonstrate that the firm has the appropriate credentials to perform the service; has appropriate insurance and can satisfy the requested project timeline.
  - ii. **COMPARISON RANKINGS:** If the firm satisfies these minimums, then the RFP should be rated on a numerical scale for staff qualifications, experience, approach, performance/availability, proposal quality, and historical budget/schedule adherence. Preference should be given for local firms where two firms are otherwise equally qualified.
- (c) **RECOMMENDATION:** Following closure of the submittal period, staff shall evaluate all proposals based on the criteria approved by the Board for this selection and compile a ranked listing of submitters. For the top three qualified consultants, staff shall open the attached budgets and compare budgets. Staff will then negotiate a proposed scope of work and cost with the top ranked consultant or consultants; including any options staff requests be included.
- (d) **SELECTION:** Staff will present a summary of the submittal results and the recommended scope of work/budget to the Board for approval or rejection. Should the Board approve the scope of work, staff will negotiate an agreement for subsequent Board ratification.

**Rule 67.03. SELECTION OR OTHER CONSULTANTS FOR MAJOR PROJECTS -**

MCSD shall use the process set forth in this rule to govern selection of all other consultants where the services are expected to cost more than \$\$75,000 and for selection of professional consultants where the proposed services are technical services requiring little professional judgment and the services are expected to cost more than \$75,000.

- (a) **PREPARE DRAFT REQUEST FOR PROPOSAL:** Staff shall prepare a Draft Request for Proposals (RFP) that provides: (i.) an overview of the assignment, (ii.) requests that the consultant submit a Proposal detailing their qualifications and approach and an estimated budget.
- i. The RFP overview describes the nature of the project; details the services required including a timeline for each task and work product; explains the criteria for selection; sets the due date/time for submittal; sets the submittal requirements (# copies, size, etc.), and identifies a contact person for additional information. The RFP shall reserve the right to reject proposals.
  - ii. Based on the overview's description of the project, the consultant will next be asked to submit a proposal detailing the firm's qualifications and approach to the assignment. This proposal must identify the experience of the firm and the project manager in relation to the project. This proposal must also document the firm's credentials and insurance capability. This proposal must include a project budget. The budget submittal shall break out the proposed fee and

hours by staff type for each task. The consultant may include costs for optional services not detailed in the RFP.

- (b) **EVALUATION OF PROPOSALS:** It is not possible to foresee the specific criteria for ranking proposals until the assignment is specified. However, the following general categories will be common to any screening--(i.) minimum qualifications and (ii.) comparison rankings.
- i. **MINIMUM QUALIFICATIONS.** RFPs must demonstrate that the firm has the appropriate credentials to perform the service; has appropriate insurance and can satisfy the requested project timeline.
  - ii. **COMPARISON RANKINGS.** If the firm satisfies these minimums, then the RFP should be rated on a numerical scale for staff qualifications, experience, approach, performance/availability, proposal quality, and historical budget/schedule adherence and price. Preference should be given for local firms where two firms are otherwise equally qualified.
- (c) **RECOMMENDATION.** Following closure of the submittal period, staff shall evaluate all proposals based on the criteria approved by the Board for this selection and compile a ranked listing of submitters. Staff will recommend selection of one firm and specify any options requested for inclusion.
- (d) **SELECTION.** Staff will present a summary of the submittal results and the recommended scope of work/budget to the Board for approval or rejection. Should the Board approve the scope of work, staff will negotiate an agreement for subsequent Board ratification.

**Rule 67.04. SELECTION OF CONSULTANTS FOR SMALL CONTRACTS** - staff may retain consultants to perform budgeted services where the expected value of the service is \$75,000 or less.

Where the service is expected to cost more than \$75,000 staff shall secure informal proposals from firms known to have the required expertise. Where the service is expected to cost \$75,000 or less, staff shall negotiate an agreement with the apparent best qualified consultant.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

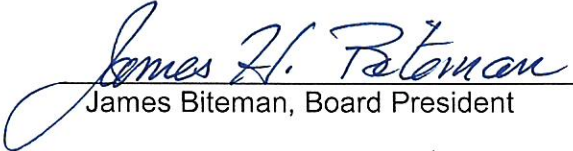
Introduced at a regular meeting of the Board of Directors held on September 3, 2025 and passed and adopted by the Board of Directors on October 1, 2025 upon the motion of Director Binder and seconded by Director Orsini and by the following polled vote:

AYES: Binder, Biteman, Couch, Mayo, Orsini

NOES:

ABSTAIN:

ABSENT:

  
James Biteman, Board President

Attest:

  
Joseph Blaine, CMC, Board Secretary