



August 6, 2012

Jeff Armstrong, Chair  
and Members of the California Uniform Construction  
Cost Accounting Commission  
c/o State Controllers Office  
Local Government Policies Section  
P.O. Box 942850  
Sacramento, CA 94250

RE: Request for Clarification

Dear Chairperson Armstrong and Commissioners:

I understand that the Commission has scheduled a meeting for August 29<sup>th</sup> and hope this request can be included on the Agenda. I am writing on behalf of the Construction Industry Force Account Council (CIFAC) to ask for clarification on issues and questions that arise while we are working with public agencies that are signatory to the California Uniform Public Construction Cost Accounting Act (Section 22000 et seq.). The Construction Industry Force Account Council (CIFAC) is a non-profit organization that monitors governmental agencies to ensure they abide by the California Public Contract Code.

The Commission's response to the five questions below will help CIFAC define what types of complaints can be brought to the Commission for action. Here are our questions:

1. Can a signatory agency, claim to be exempt from requirements in the Public Contract Code (PCC) by claiming they only have to follow the language and procedures within the Act? CIFAC has found signatory agencies that ignore the following requirements because these requirements are found in the language in other parts of the PCC that is outside the Act.
  - Subcontractor listings –all subcontractors in excess of ½ of 1%
  - Mandatory pre-bid notice –a minimum of 5 days notice before the meeting
  - 72- hour bid opening extension on monetary specification changes
  - All bids opened in public.
2. If CIFAC finds signatory agencies that are not following the advertising requirements in the Act, will the Commission address those agencies? Can CIFAC bring a complaint against them to the Commission?
3. For Agencies that do not maintain an informal bidders list, are they allowed to choose who will get notifications on informal projects?
  - The Act requires that an informal bid project is either advertised and/or notifications are sent to all contractors on the informal bidders list. We have noticed that a very large

percentage of signatory local public agencies do not maintain or update an informal bidders list and are sending notices to only one or two contractors.

4. Will the Commission address the fact that agencies are not advertising annually for the informal bidders list?
5. If an agency does parts of a project and bids out parts of a project, will the commission consider this exceeding their force account limit or bid splitting?

We appreciate your consideration of our request for clarification and look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Cathryn Hilliard".

Cathryn A. Hilliard  
Executive Director