



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION 2019-07

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT,
ESTABLISHING A PUBLIC WORKS CONTRACTS POLICY**

WHEREAS, the Town of Discovery Bay Community Services District is a public agency in the state of California; and

WHEREAS, the Town of Discovery Bay Community Services District enters into agreements with contractors to perform various public works maintenance and construction projects; and

WHEREAS, the Town of Discovery Bay Community Services District desires to comply with the legal obligations arising from public works projects with regard to competitive bidding, prevailing wage and reporting requirements to the Department of Industrial Relations; and

WHEREAS, the proposed "Public Works Contracts" Policy, which is attached and made a part of this Resolution, complies with current state laws and regulations that are in place at the time this Resolution was approved.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the Public Works Contracts Policy is hereby adopted and is attached and made a part of this Resolution.

SECTION 2. That this action is effective immediately.


SECTION 3. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 19th DAY OF JUNE 2019.


Bill Mayer
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on June 19, 2019, by the following vote of the Board:

AYES: 4 - President Mayer, Director Graves, Director Beete, Director Burton
NOES: 0
ABSENT: 1 - Vice President Reese
ABSTAIN: 0


Michael R. Davies
Board Secretary



Town of Discovery Bay

Program Area: Administrative	Policy Name: Public Works Contracts	Policy Number: 029
Date Established: June 19, 2019	Date Amended:	Resolution: 2019-07

POLICY

The Policy of the Town of Discovery Bay CSD is to comply with the legal obligations arising from public works projects with regard to competitive bidding, prevailing wage, and reporting requirements to the Department of Industrial Relations (“DIR”).

PROCEDURES

In determining the Town’s obligations with respect to competitive bidding, prevailing wage and DIR reporting requirements, staff is to consider, analyze and comply with the following procedural steps outlined below.

1. IS COMPETITIVE BIDDING REQUIRED?

- a. Is it a public works contract?
 - i. Is it a contract for erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, including maintenance?¹ (PCC § 1101, LC 1773.)
 1. If yes, then go to 1(b)
 - i. If no, then it is not a public works contract
- b. Is the cost of the public works project more than \$25,000?² (PCC § 20682.5.)
 - i. If yes, then competitive bidding
 - ii. If no, then competitive bidding not required. Abide by Discovery Bay procurement procedures

¹ Maintenance means “Routine, recurring and usual work for the preservation, protection and keeping of any publicly operated facility (plant, building, structure, ground facility, utility system or any real property) for its intended purposes in a safe and continually usable condition for which it has been designed, improved, constructed, altered or repaired.” (8 CCR § 16000.)

² Public works projects amounts are based on the amount of the entire project, not a contractor’s subcontracted amount of the project.

2. IS PREVAILING WAGE REQUIRED?

- a. Is the public works project more than \$1,000? (LC § 1771.)
 - i. If yes, then prevailing wages are required
 - ii. If no, then prevailing wages are not required

3. WHAT IS THE TOWN'S RESPONSIBILITY REGARDING PREVAILING WAGE?

- a. Inform Prime Contractor of the following requirements (this can be accomplished in the call for bids or at a pre/post award conference with Prime Contractor):
 - i. That public works contract is subject to prevailing wage requirements and specify identified rates. (LC § 1771.1, 1771.4, 1773.2.)
 - ii. To use appropriate number of apprentices, which is at least one hour of apprentice work for every five hours of journeyman work. (LC § 1777.5)
 - iii. To keep accurate timecard records (LC § 1812)
 - iv. That payroll records may be inspected (LC § 1776)
- b. If the Town suspects public works prevailing wage violations, Town staff may search payroll reports submitted by the contractors on specific Town projects at: <https://efiling.dir.ca.gov/eCPR/pages/search>.

4. ARE CONTRACTORS REQUIRED TO BE REGISTERED WITH THE DIR?

- a. Is the public works project for construction? (LC § 1725.5.)
 - i. If yes, then go to 4(a)(i)(1) below. If no, then go to 4(b)
 1. Is the public works project more than \$25,000?
 - a. If yes, then the contractor must be registered by DIR. Go to 4(c).
 - b. If no, then the contractor is not required to be registered by DIR
- b. Is the public works contract for maintenance?
 - i. Is the public works maintenance project for more than \$15,000?
 1. If yes, then the contractor must be registered by DIR. Go to 4(c)
 2. If no, then contractor is not required to be registered by DIR
- c. Does the contractor need to be registered prior to accepting bid? (LC § 1771.1.)
 - i. Are federal funds being used on the project? (PCC § 10164, 20103.5.)
 1. If yes, then bidder is not required to be registered prior to Town accepting bid. But at the time the contract is awarded, the contractor shall be properly registered by DIR

2. If no, then go to 4(c)(ii)
- ii. Yes, the contractor is not qualified to bid on or be listed in a bid proposal without being registered by the DIR. (LC § 1771.1.)

5. WHEN DOES THE TOWN NEED TO REGISTER PROJECTS WITH THE DIR?

- a. Is the public works project for construction? (LC § 1773.3.)
 - i. If yes, then go to 5(a)(i)(1) below. If no, then go to 5(b)
 1. Is the public works project more than \$25,000?
 - a. If yes, then the Town shall provide notice to the DIR within 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work. The PWC-100 project registration form can be submitted electronically to the DIR at:
<https://www.dir.ca.gov/pwc100ext/>
 - b. If no, then Town is not required to register the public works project with the DIR
 - b. Is the public works project for maintenance?
 - i. Is the public works maintenance project for more than \$15,000?
 1. If yes, then Town shall provide notice to the DIR within 30 days of the award, but in no event later than the first day in which a contractor has workers employed upon the public work
 2. If no, then the Town is not required to register the public works project with the DIR