



CUPCCAA – What Changes?

**Rule: Unless modified by CUPCCAA, all codes for the project apply.
If in doubt, please seek legal counsel!**

Public Works: Negotiated <60k, Informal >60k <200k, Formal >200k

| | <60k | >60k <200k | >200k |
|--|------|---------------|-------|
| THINGS THAT CHANGE WITH CUPCCAA & BY SIZE OF PROJECT | | | |
| Must our agency have an informal bidding policy/ordinance? <i>PCC22034</i> | Y | Y | Y |
| Do our force account limits change and when estimating an in-house project do we have to add 30% (or calculated) overhead to determine if we can stay in-house? <i>(Manual starting on pg. 53, Chapters. 3-7)</i> | Y | Y | Y |
| Can I use CUPCCAA bid limits for code-defined Maintenance work? <i>(PCC22003 – Only if maintenance is included in your resolution & be consistent)</i> | Y | Y | Y |
| Can I negotiate the contract and price if that is allowed by my agency's policy? | Y | N | N |
| Can I get quotes instead of bidding following my agency's policy? | Y | N | N |
| Are plans & specifications required by code? <i>(*Y if needed for clarity/contracting)</i> | *N | *N | Y |
| Must we email our CUPCCAA list or use Trade Journal at least once to notify contractors & leave the bid period open for at least 10 days? <i>(*Min. 15 days + gen circ newspaper)</i> | N | Y | *Y |
| Is the usual language required in invitations for bids/notices for code compliance? | N | Y | Y |
| Is a Bid Bond required by code? | N | Y | Y |
| Is there a date and time certain for receipt of bids? <i>(*Due date for proposals okay.)</i> | *N | Y | Y |
| Must we hold a public bid opening? | N | N | Y |
| Does CUPCCAA have a special law allowing me to proceed with work if no bids are received that aren't available to non-CUPCCAA agencies? <i>(PCC22038(c))</i> | Y | Y | Y |
| Are bid protests allowed? | N | Y | Y |
| Are "Interested party" claims allowed – even people who did not submit a price or were not noticed? <i>PCC22042 & Manual pg. 18/1.09</i> | Y | Y | Y |
| Can proposal / bid overages be waived? <i>(*Over \$200k <\$212,500 by 4/5th board vote.)</i> | N | *Lmtd | N/A |
| Do we still have to go to the County Superintendent for emergency resolutions? <i>PCC22035 – agency's board handles.</i> | N | N | N |
| THINGS THAT DO NOT CHANGE – including but not limited to: | | | |
| Do these bid limits/size values change? (Maint annually 1/1 – Pub Wks every few years) | Y | Y | Y |
| Are all departments in the agency subject to the same bid limits (CUPCCAA if "in")? | Y | Y | Y |
| Do we have to create a project estimate/opinion/idea of cost before deciding what project size we have? | Y | Y | Y |
| Does the "project" have to be defined from the beginning? <i>Manual Chapter 3</i> | Y | Y | Y |
| Do we need a detailed biddable scope statement going into the proposal/bid process? | Y | Y | Y |
| Can the project be split into separate contracts, each of which complies with its own limit requirements to avoid a higher level of bidding? <i>PCC22033 & FAQ pgs. 6 & 7</i> | N | N | N |
| Can we use multiple contracts to get a project done as long as we use the bidding method required based on the project size (not per contract \$)? <i>PCC22033 & FAQ pg 6/7</i> | Y | Y | Y |
| Should the contractors have the scope statement, terms & conditions of the Agreement (aka General Conditions), and Special Conditions if needed before pricing? | Y | Y | Y |
| If our Agency's policies for procurement are harder than CUPPCCA or Code, do I have to follow them, too? <i>(Local policies that are less strict than the law need legal review.)</i> | Y | Y | Y |
| Do codes for the permitting and work such as DSA EC17421/Prevailing wages/Architect or other Professionals required, CCR Title 24, etc. all still apply? | Y | Y | Y |
| Does prevailing wage still apply? <i>EC17424</i> | Y | Y | Y |
| Does the Subcontractor Listing Law still apply, and do subs need to be listed? <i>(PCC 4100 & to report to DIR >\$25k Pub. Wk., > \$15k Maint. – DIR definitions!)</i> | Y | Y | Y |
| Does the contractor have to be on our CUPCCAA list before they can propose/submit? | N | N | N |

| | <60k | >60k <200k | >200k |
|---|------|---------------|-------|
| Is an email notice to all listed contractors recommended even when not required? | Y | Y | Y |
| Can we use internal forces to do the work within force account limits? <i>PCC20114</i> | Y | Y | Y |
| Can we choose to use formal hard bidding instead of proposals or informal on a project? | Y | Y | Y |
| Can alternative delivery methods be used? | Y | Y | Y |
| Can we do part of the project using a lesser procurement method (say the \$60k method) and another part using the formal bid method? (<i>Size & method are set at the time of project definition and estimating.</i>) | N | N | N |
| Do we have to notice all CUPCCAA listed contractors or ad in Trade journals every time? | Y | Y | Y |
| If we choose to email using our list instead of or in addition to the journal notices, do we have to send the email to a contractor on the list we don't want to work with? | Y | Y | Y |
| Is a construction contract needed? (<i>Seek legal counsel if you disagree and discuss risks.</i>) | Y | Y | Y |
| Are General and Special Conditions needed? (<i>*Slightly shortened Gen Cond. format may be okay -seek legal counsel.</i>) | *Y | *Y | Y |
| Is it the safest risk mitigation for the agency/district to use a Purchase Order with a proposal attached as the sole contract for a construction project? | N | N | N |
| Is a Performance Bond required by code? (<i>*It is usual to include and is recommended.</i>) | *N | *N | *N |
| Is a Payment Bond required – over \$25k? <i>Civil Code 3247</i> | Y | Y | Y |
| Are the usual insurances required? | Y | Y | Y |
| Is Builders Risk required by code? (<i>*Is recommended – ask your Risk Manager/Ins. Rep.</i>) | *N | *N | *N |
| Are Fingerprinting/Haz/other “certifications” required as per various codes? | Y | Y | Y |
| Is prequalification allowed? (<i>May be required based on fund source & agency policy.</i>) | Y | Y | Y |
| Can we buy the materials separately? (<i>*But must use the same or higher required method of acquisition – i.e.: if formal, all scope must come from a formal bid source.</i>) | *Y | *Y | *Y |
| Do we have to use a Bid / Proposal Form? (<i>*Recommended</i>) | *Y | *Y | Y |
| Does the agency/district have to register the project with DIR & must the contractor pay & report prevailing wages? (<i>*>\$25k Pub. Wk., > \$15k Maint. – DIR definitions!</i>) | *Y | Y | Y |
| Can authority to award be delegated to specific staff by board action? | Y | Y | Y |
| If no proposals/bids are received, can we proceed with the work without rebidding? (<i>*within the options of PCC22038(c) or other board action if non-CUPCCAA</i>) | *Y | *Y | *Y |
| Must we track actual costs using a unique account code string for each project? <i>Manual Chapter 3 & GASB</i> | Y | Y | Y |
| If we contract for the work, do we have to track labor separately from materials? | N | N | N |
| If we use our internal forces within the Force Account limits, do we have to track labor separately from materials? <i>PCC20114</i> | Y | Y | Y |
| Should we keep a list of folks who bid so we can notify them of future work? (The CUPCCAA Commission suggests automatically adding submitters to your CUPCCAA list.) | Y | Y | Y |
| Do any rules change if the fund source is unusual or donated? (<i>*The fund source & location of the project have always had to be considered project by project – if in doubt seek legal counsel.</i>) | *N | *N | *N |
| Do we need a board action to contract for emergencies? <i>PCC 22035 & 22050 & 1102</i> | Y | Y | Y |

Helpful Resources:

The CA Uniform Public Construction Cost Accounting Act (CUPCCA) law – PCC22000 - 22050:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=22000.&lawCode=PCC

CA Uniform Construction Cost Accounting Commission (CUCCAC) website: https://www.sco.ca.gov/ard_cuccac.html

CUPCCAA Manual: https://www.sco.ca.gov/Files-ARD-Local/cuccac_manual_2021_edition.pdf

CUPCCAA FAQs (These FAQs are very important to read.): https://www.sco.ca.gov/Files-ARD-Local/frequently_asked_questions_faq_-_uniform_public_construction_cost_accounting_act.pdf

CUPCCAA definition of Public Works and Maintenance (PCC22002) – See Manual page 21, or

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=22002.&lawCode=PCC

This is unrelated to whether or not prevailing wage applies (Labor Code 1771)