

SILICON VALLEY CLEAN ENERGY AUTHORITY

RESOLUTION NO. 2025-19

A RESOLUTION OF THE BOARD OF DIRECTORS OF SILICON VALLEY CLEAN ENERGY AUTHORITY ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT AND ADOPTING INFORMAL BID PROCEDURES

WHEREAS, the Silicon Valley Clean Energy Authority (“Authority”) was formed on March 31, 2016, pursuant to a Joint Powers Agreement to study, promote, develop, conduct, operate, and manage energy programs in Santa Clara County; 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 (“Board”) has determined that it is in the best interests of the Silicon Valley Clean Energy Authority (“SVCE”) to be subject to the provisions of the Act. The benefits to SVCE include, but are not limited to, availability of alternate bidding procedures allowing SVCE to perform work costing up to and including \$75,000, as may be revised, by force account, by negotiated contract, or by purchase order, and to let contracts by informal procedures for public projects costing up to and including \$220,000, as may be revised, or more under specified circumstances; and

WHEREAS, California Public Contract Code Section 22030 provides that any public agency that wishes to utilize 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, SVCE is governed by resolutions and policies, so by this resolution it adopts an informal bidding policy in lieu of ordinance, as set forth in Attachment A to meet the requirements of Public Contract Code section 22034.

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

NOW THEREFORE, the Board of Directors of the Silicon Valley Clean Energy Authority does hereby resolve that:

1. All of the facts set forth in the foregoing Recitals are true and correct.

2. Pursuant to the authority set forth in the Uniform Public Construction Cost Accounting Act, California Public Contract Code Section 22000 et seq., SVCE hereby elects to be subject to the uniform public construction cost accounting procedures set forth in the Act and to the policies and procedures manual and cost accounting review procedures established thereunder, as each may be amended from time to time.

3. Authority hereby adopts the informal bidding policy related to public projects, as set forth Attachment A, which shall be incorporated into Authority's Purchasing and Spending Policy.

4. The Board Secretary shall notify the State Controller of SVCE's election pursuant to Section 2, above. This Resolution shall take effect and be in full force immediately.

PASSED AND ADOPTED this 10th day of September 2025, by the following vote:

JURISDICTION	NAME	AYE	NO	ABSTAIN	ABSENT
City of Campbell	Director Scozzola	✓			
City of Cupertino	Director Fruen	✓			
City of Gilroy	Director Hilton				✓
City of Los Altos	Director Meadows	✓			
Town of Los Altos Hills	Director Tyson	✓			
Town of Los Gatos	Alternate Director Ristow	✓			
City of Milpitas	Director Barbadillo				✓
City of Monte Sereno	Director Mekechuk	✓			
City of Morgan Hill	Director Martinez Beltran	✓			
City of Mountain View	Director Showalter	✓			
County of Santa Clara	Director Lee	✓			
City of Saratoga	Director Walia	✓			
City of Sunnyvale	Director Klein	✓			

Signed by:

George Tyson

52999994B99CE450...

Chair

ATTEST:

DocuSigned by:

Andrea Pizano

8B03504ACEA040B...

Andrea Pizano, Board Secretary

ATTACHMENT A: INFORMAL BIDDING POLICY FOR PUBLIC PROJECTS

(a) Notice to contractors shall be provided in accordance with either paragraph (1) or (2), or both.

(1) SVCE shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the Commission. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

(2) SVCE may elect to mail, fax, or email a notice inviting informal bids to all construction trade journals specified in Public Contract Code Section 22036.

(b) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(c) The Board delegates the authority to award informal contracts to the Chief Executive Officer or their designee.

(d) If all bids received are in excess of two hundred twenty thousand dollars (\$220,000), the governing body of SVCE may, by adoption of a resolution by a four-fifths vote, award the contract, at two hundred thirty-five thousand dollars (\$235,000) or less, to the lowest responsible bidder, if it determines the cost estimate of SVCE was reasonable.