

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING  
PREQUALIFICATION OF BIDDERS FOR PUBLIC WORKS CONTRACTS**

**WHEREAS**, Section 20101 of the California Public Contract Code establishes procedures for certain local agencies wishing to prequalify bidders on public works projects; and

**WHEREAS**, the Department of Industrial Relations (“DIR”) has developed standardized questionnaires and model guidelines for rating bidders pursuant to Public Contract Code Section 20101 (hereafter “Model Guidelines”); and

**WHEREAS**, under Section 20101, in order to prequalify bidders, the City Council must “adopt and apply a uniform system of rating bidders, based on objective criteria that set forth the minimum requirements permitted for qualification” and establish a process by which bidders who do not qualify may appeal; and

**WHEREAS**, the City has determined that adopting bidder prequalification procedures in accordance with Public Contract Code section 20101, and modeled after the Model Guidelines, will benefit the City by providing an opportunity for the City to review prospective bidders’ track record in detail and to create a more competitive pool of bidders; and

**WHEREAS**, the City Council has determined that adopting bidder prequalification procedures and establishing an appeal committee will streamline the formal bidding process and further the City Council’s goals to operate efficiently and in a businesslike manner.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby adopts the uniform system of rating bidders and process for appeals in the form set forth in the “Request for Prequalification of Bidders” for the City attached hereto as **Exhibit “A”** and incorporated herein by reference (“Prequalification Package”). The City Manager, or his or her designee, is hereby authorized to prequalify bidders on all types and sizes of public works contracts on behalf of the City, either on an annual basis or on a project specific basis, pursuant to the attached Prequalification Package. The City Manager may use the scoring system provided in the attached Prequalification Package or may designate one or more alternative scoring systems for annual prequalifications, project specific prequalifications or both consistent with the requirements of the Public Contract Code.
3. For purposes of the attached Prequalification Package, the City Council hereby establishes the Bidder Prequalification Appeals Panel (“Appeals Panel”) consisting of three department heads, or their designee(s), to be appointed by City Manager. Whenever a project is to be administered by the department of one of the foregoing, the City Manager is hereby authorized to appoint to the Appeals Panel an alternate department head from another department. The sole issue before the Appeals Panel shall be the scoring of a

prospective bidder. The decision of the Appeals Panel shall be the City's final administrative decision and any judicial review thereof shall be instituted no later than the time period referred to in section 1094.6 of the Code of Civil Procedure.

4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

**EXHIBIT "A"**

**REQUEST FOR PREQUALIFICATION OF BIDDERS**

**[ATTACHED BEHIND THIS PAGE]**