Purchasing Procedures
Flow Chart: Supplies, General Services, & Equipment

**Below $500**
- Verbal or written approval from supervisor
- Requestor keeps record of purchases
- Supervisor approval of Requisition
- Purchase can be made

**$501 - $1,500**
- Attempt to obtain at least 3 oral or written bids or quotes
- Requisition required
- Supervisor approval of Requisition
- Purchase can be made

**$1,501 - $5,000**
- Negotiated prices
- Budgeted dept. purchase
- Must obtain at least 3 oral or written bids or quotes
- Submit PO Requisition with bids/quotes attached
- PO Requisition approved by supervisor
- PO Approved by Finance Director, PO processed and issued
- Purchase can be made

**$5,001 - $25,000**
- Informal bid or quote
- Must obtain at least 3 written bids or quotes
- Bids or quotes must be attached to PO Requisition
- PO Requisition approved by supervisor
- PO Approved by Finance Director, PO processed and issued
- Purchase can be made

**Above $25,000**
- Formal Bidding
- RFP
- Dept. head prepare staff report for City Council approval
- Department create PO Requisition with Dept. head approval
- Attach to PO Requisition: signed contract, agenda report, and signed resolution
- PO Approved by Finance Director, PO processed and issued
- Purchase can be made
CITY OF ST. HELENA

ORDINANCE NO. 2015-8

AMENDING CHAPTER 3.04 OF THE ST. HELENA MUNICIPAL CODE TO REVISE AND ENHANCE THE CITY’S REGULATIONS PROVIDING PURCHASE OF SUPPLIES, EQUIPMENT AND SERVICES AND PROCEDURES FOR PUBLIC WORKS PROJECTS.

The City Council of the City of St. Helena does hereby ordain as follows:

SECTION 1. Amendment of Chapter 3.04. Chapter 3.04 of Title 3 of the St. Helena Municipal Code is hereby amended to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 3.04 of the St. Helena Municipal Code is not a Project subject to, and also is exempt from, the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).

SECTION 3. Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 4: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Exhibit A of this ordinance be made a part of the St. Helena Municipal Code and that the text may be renumbered or relabeled and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 5: Effective Date. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 24th day of November, 2015, and was adopted at a regular meeting of the St. Helena City Council on the 8th day of December, 2015, by the following vote:
I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 24th day of November, 2015. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 8th day of December, 2015 by the following vote:

Mayor Galbraith:  
Vice Mayor White:  
Councilmember Crull:  
Councilmember Dohring:  
Councilmember Pitts:  

ATTEST:

Cindy Black, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney
EXHIBIT A

Chapter 3.04
PURCHASE OF SUPPLIES, EQUIPMENT AND SERVICES, AND PROCEDURES FOR PUBLIC WORKS PROJECTS

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Generally

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Supplies, General Services and Equipment

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3.04.070 Purchase orders.
3.04.080 Contracts.
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3.04.210 Bidding procedures for various project amounts.
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Professional Services

Sections:
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Article 1
Generally

3.04.010 Purpose / Objectives / Scope / Responsibilities.
The purpose of this chapter is to establish an efficient procedure for the purchase of supplies, equipment, and services, and to establish a procedure for performing or contracting for the construction of public works consistent with state law. These procedures are intended to allow the city to obtain the best professional services, to acquire quality supplies, general services and equipment, to construct public works at the lowest possible cost commensurate with quality needed, and to exercise positive financial control over purchases and also to define authority for the purchasing function. (Ord. 01-14 (part): prior code § 2.90.010) These procedures apply to all city employees. These procedures apply to all
purchases of supplies, equipment and services, including purchases made online or over the phone. Employees are responsible for reading and understanding the requirements of this chapter.

3.04.020 Definitions.
As used in this chapter:

“Bidder’s list” means a list of responsible prospective vendors capable of providing the items being bid upon.

“Contract” means an agreement, regardless of how titled, for the procurement of supplies, equipment or services, including without limitation a verbal or written agreement between the City and a contractor, the City and a service provider, and/or the City and a vendor.

“Emergency” means a sudden, unexpected occurrence that poses a clear and eminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

“Equipment” means furnishings, machinery, vehicles, rolling stock, and other personal property used in the city’s business.

“General services” are services such as janitorial, uniform cleaning, maintenance work and other services which do not require any unique skill, special background, or training. Obtaining such services at the lowest cost is the single most important factor in selection, as opposed to personal performance.

“Maintenance work” means:

1. Routine, recurring, and usual work for the cleaning, preservation or protection of any publicly owned or publicly operated facility for its intended purposes;

2. Minor repainting;

3. Resurfacing of streets and highways at less than one inch;

4. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems;

5. Work performed to keep, operate, and maintain publicly owned water or waste disposal systems including, but not limited to, dams and reservoirs.
“Professional or special services” means any work performed by an attorney, doctor, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, planner, consultant or those services such as computer services, and other services which require special performance criteria, specific experience, training, personal judgement, quality of work or factors other than simply obtaining the service at the lowest cost to the city.

“Public work” means a type of public construction project subject to the regulation of the State Public Contract Code, such as:

1. The erection, construction of, alteration, major painting, repair, or demolition of public buildings, streets, walkways, water and sewer facilities, drainage facilities, or other public facilities, whether owned, leased, or operated by the city;

2. Furnishing supplies for any of the above works or projects;

3. Public work does not include “maintenance work” as defined in this chapter.

“Purchase” includes the renting, leasing, purchasing, licensing, or a trade of equipment or supplies.

“Purchasing officer” means the finance director or his or her designated representative.

“Purchase Order” is a written contract for equipment, supplies, or services with a specified consultant, contractor, or vendor and is initiated by a purchase order requisition. A purchase order submitted by an authorized person becomes a legally binding contract. It can stand alone or include attachments for clarification purposes. A purchase order encumbers the specified amounts to provide specified equipment, supplies, services, and/or fixed assets. Regular purchasers may be paid through a one-time payment of an amount up to the purchase order amount at the conclusion of performance (delivery of supplies, services, etc.), and/or incremental (progress) payments as provided in the contract for each time items are purchased.

“Requisition” is a request to authorize the acquisition of equipment, supplies or services from a specified consultant, contractor, or vendor.

“Services” means the furnishing of labor, time or effort to perform or complete a designated task.

“Special equipment/supplies” means unique supplies, machinery, computers, or other equipment which are not generally and regularly ordered in bulk by the city and which must perform complex tasks, or integrate efficiently with existing equipment or supplies.
"Supplies" means office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the city's business, excepting supplies for a public work which is regulated under municipal code section 3.04.210.

"Uniform construction cost accounting procedures" means those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to the Public Contracts Code Sections 22030, et seq... (Ord. 01-14 (part): prior code § 2.90.020)

3.04.030 Staging prohibited.
Purchases and public works contracts shall not be knowingly staged or separated into smaller units or segments solely for the purpose of evading the competitive formal or informal bidding requirements of this chapter. (Ord. 01-14 (part): prior code § 2.90.030)

3.04.040 Appeals.
Any dispute, contention, or disagreement relative to interpretation, application or enforcement of this chapter shall be submitted to the city council for determination in accordance with the appeal provisions of Chapter 1.16 of this code. (Ord. 01-14 (part): prior code § 2.90.040)

Article 2
Supplies, General Services and Equipment

3.04.050 Purchasing officer—Powers and duties.
The duties of the purchasing officer may be combined with those duties of any other officer or position in the city. The purchasing officer shall have the authority to:

A. Purchase needed city supplies, general services, equipment and special equipment/supplies which are not included within the construction contract or proposed specifications for a construction contract of a public work being administered by any other city department;

B. Investigate, keep knowledgeable about, negotiate, and recommend on the execution of contracts or the purchasing of supplies, general services, and equipment pursuant to the procedures of this chapter and such administrative rules and regulations as prescribed by the city;

C. To keep informed of current developments concerning purchasing, prices, market conditions, and new products;

D. To prescribe and maintain such forms as necessary for the proper operation of this purchasing system;
E. To supervise the inspection of all supplies, general services, and equipment purchased under this chapter in order to assure conformance with city specifications;

F. To supervise the transfer of surplus and unused supplies and equipment or sale or disposal of such;

G. To maintain up-to-date bidders' list, vendors' catalogs, files and such other records as needed to perform these duties;

H. To ensure that purchasing specifications are open and non-restrictive to encourage full competition; and

I. To perform such other tasks as may be necessary for the proper conduct of purchasing of supplies, general services, and equipment. (Ord. 01-14 (part); prior code § 2.91.010)

3.04.060 Requisitions.
Except as authorized under Section 3.04.100(A), any department requesting supplies, general services, equipment, or special equipment/supplies shall submit to the immediate supervisor a requisition on the purchasing officer's approved form prior to initiating any procurement. (Ord. 01-14 (part); prior code § 2.91.020)

3.04.070 Purchase orders.
Except for departmental purchases as authorized in Section 3.04.100(A), purchases of supplies, general services, most special equipment/supplies and general equipment not covered within a construction contract or public works specification, may be made only by purchase orders issued by the purchasing officer and any other contractual document he or she determines is necessary. (Ord. 01-14 (part); prior code § 2.91.030)

3.04.080 Contracts.
The purchasing officer does not have the authority to sign contracts, nor to bind the city contractually. Contracts may only be entered into by the city manager. (Ord. 01-14 (part); prior code § 2.91.040). Subject to Section 3.04.340 Contracts may only be entered into by the city manager, contracts in excess of city manager authority require city council approval, without which such contract is not valid.

3.04.090 Encumbrance of funds.
Except in case of an emergency or where specific authority is first obtained from the city council or the city manager, the purchasing officer shall not issue any purchase order for purchasing of supplies, general services or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged. (Ord. 01-14 (part); prior code § 2.91.050)
3.04.100 Bidding procedures for various purchase amounts.
Except as authorized in Sections 3.04.140 and 3.04.150, or in the case of emergencies as described in
Section 3.04.170, the purchase of supplies, general services, equipment and special equipment/supplies,
not included in a construction contract or bid specification for a public work, shall be made as follows:

A. A purchase of five hundred dollars ($500.00) or less may be made by departmental purchase in
   accordance with Section 3.04.110.

B. A purchase greater than five hundred dollars ($500.00) to one thousand five hundred dollars
   ($1,500.00) may be made by departmental purchase in accordance with Section 3.04.110.

C. A purchase greater than one thousand five hundred dollars ($1,500.00) to twenty-five thousand
dollars ($25,000.00) may be made by an informal bid procedure in accordance with Section 3.04.120.

D. A purchase of more than twenty-five thousand dollars ($25,000.00) shall be made by formal bid
   procedure in accordance with Section 3.04.130. (Ord. 01-14 (part): prior code § 2.91.060)

3.04.110 Departmental purchases.
A department may, independently of the purchase officer, purchase specified and limited supplies,
equipment, special equipment/supplies and general services not included in a construction contract or bid
specification for a public work, as follows:

A. Purchases of five hundred dollars ($500.00) or less, requestor receives a verbal/written approval from
   supervisor, keeps a record of such purchases and exercises reasonable prudence in seeking price
   quotes and purchasing such items. All purchases shall be made with funds in an unencumbered
   appropriation. (Ord. 01-14 (part): prior code § 2.91.070)

B. Purchases greater than five hundred dollars ($500.00) to one thousand five hundred dollars
   ($1,500.00), requestor receives a verbal/written approval from supervisor, attempt to obtain at least 3
   oral or written bids or quotes, requires requisition approved by supervisor, department keeps a record
   of such purchases and exercises reasonable prudence in seeking price quotes and purchasing such
   items. All such purchases shall be made with funds in an unencumbered appropriation. (Ord. 01-14
   (part): prior code § 2.91.070)

3.04.120 Informal bid procedure.
The purchase of supplies, equipment, special equipment/supplies and general services not included in a
construction contract or bid specification for a public work with the estimated value greater than one
thousand five hundred dollars ($1,500.00), but not exceeding twenty five thousand dollars ($25,000.00),
shall be made by a Purchase Order as required by this chapter. Said purchases, subject to the
department head's discretion, based upon a small amount, or urgent need and timeliness, may be let without the formal bidding procedures described in Section 3.04.130. In such case, the following procedures shall be followed:

A. Solicitation of Bids. If it is determined that the request is of a sufficient size and time allows, the purchasing officer or designee, before issuing the purchase order to a specific contractor/vendor, shall:

   for purchases greater than one thousand five hundred dollars ($1,500.00) to five thousand dollars ($5,000.00) must obtain at least three oral or written bids or price quotes; for purchases greater than five thousand dollars ($5,000.00) to twenty-five thousand dollars ($25,000.00) shall obtain at least three written bids or price quotes. The purchasing officer or designee may negotiate to obtain the lowest possible contract amount from any vendor contacted who can provide supplies, general service, or equipment within the time constraints of the department's request. The purchasing officer or designee may solicit or determine bids of prospective vendors by written request, telephone, or may base award recommendations upon current catalogs or advertisements.

B. Local Preference. Quality and service being equal, a local preference of one percent shall be given to local bidders located within the city, the difference being the sales tax the city would receive on the sale in the case of vendors.

C. Maintenance of Records. After placing the order, a written record of the contract, bids, quotes or advertisements used or received shall be open public records and maintained by the purchasing officer or the department for a period of two years.

D. Award. The purchasing officer or designee shall award the contract to the lowest responsive and responsible bidder, vendor or offeror whose quote, bid, or proposal fulfills the purpose intended, provided the amount is within the unencumbered appropriation for that item, or reject such bids or proposals, or negotiate further for terms more favorable to the city. (Ord. 01-14 (part): prior code § 2.91.080)

3.04.130 Formal bid procedure.
For supplies, equipment, special equipment/supplies and general services not included in a construction contract or bid specification for a public work with an estimated value in excess of twenty-five thousand dollars ($25,000.00), purchases shall be made in accordance with the following formal written bid procedures:

A. Published Notices. A notice inviting bids shall be published at least ten (10) calendar days before the date of the opening of bids. The notice shall be published at least once in a newspaper of general circulation printed and published in the city, and also in appropriate trade publications, if any, circulated
within the general area. Such other notice as the purchasing officer or designee deems appropriate shall be made.

B. Notices Inviting Bids. Notices inviting bids shall include a general description of the goods, articles, services or equipment to be purchased, any required bidder’s security or performance bonds, state where bid blanks and specifications may be secured and the time and place for the opening of bids.

C. Bidder’s List. The purchasing officer or designee shall maintain a list of responsible bidders for various categories of supplies, equipment, and general services. A solicitation for a bid shall be sent to all responsible prospective contractors or suppliers whose names are on the bidder’s list for the category of equipment, supplies or general services subject to the bid request.

D. Bidder’s Security/Failure to Sign Contract. If the city requires a bidder’s bond or other form of security, the bidder’s security shall be prescribed in the notice inviting bids in an amount equal to ten percent (10%) of the bid amount. Bidder’s security shall be either a cash deposit with the city, a cashier’s or certified check payable to the city, or a bidder’s bond. Unsuccessful bidders shall be entitled to the return of bid security within sixty (60) days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of its bid security, as may be determined by the city council, upon the bidder’s refusal or failure to execute the contract within ten (10) days after the date of the award of the contract. On the refusal or failure of the lowest responsive and responsible bidder to execute the contract, the council may award the contract to the next lowest responsive, responsible bidder.

E. Bid Opening Procedure. Sealed bids shall be submitted to the city clerk’s office and shall be identified as to bidder, project, and “Bid” on the envelope. Bids shall be opened by city staff in public at the time and place stated and as described in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received, and shall be open for public inspection during regular business hours for a period of two years after the bid opening.

F. Local Preference. Quality and service being equal, a local preference of one percent shall be given to local bidders located within the city, the difference being the sales tax the city would receive on the sale in the case of vendors.

G. Bid Evaluation Procedures. All bids and bidders shall be analyzed by purchasing officer or designee and the responsible department for bidder’s qualifications and compliance with bid specifications. The purchasing officer or designee shall prepare a recommendation to the department for award or rejection; the department shall then prepare a recommendation for award or rejection to the city council.
H. Rejection of Bids. In its discretion, the city council may reject all bids and readvertise. If no bids are received, the city council may proceed with the procurement without further complying with this chapter using whatever method it deems appropriate, such as rebid, abandon acquisition, or negotiate a contract.

I. Award of Contracts. Contracts shall be awarded by the city council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended according to criteria designated in the solicitation, provided the award amount is within the unencumbered appropriation for that item. The city council may waive any minor bid irregularities.

J. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the council may accept either bid or accept the lowest bid made by negotiation with the tied bidders.

K. Performance Bonds. The city may require a performance bond in such amount as it shall find reasonably necessary to protect the public interest. If the city requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 01-14 (part): prior code § 2.91.090)

3.04.140 Special equipment/supplies; sole source purchases; and bid exceptions.

A. Special Equipment/Supplies. In purchasing any special equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions, the purchasing officer or department head may:

1. Limit bidding to a specific product type, or a brand name product; or

2. Utilize a request for proposal approach where warranties, servicing obligations, and product performance will be evaluated in addition to the price of the product, and the award of the contract is made by the council to the proposer it deems is in the best public interest.

B. Sole Source Purchases. Commodities or services that can be obtained from only one vendor, or one distributor authorized to sell in this area, are exempt from the competitive bidding requirements in Section 3.04.100 and are deemed sole source purchases. Sole source purchases may include proprietary items sold direct from the manufacturer. All sole source purchases shall be supported by written documentation indicating the facts and nature supporting the determination of a sole source, signed by the appropriate department head and forwarded to the purchasing officer. Approval of any sole source acquisition shall be obtained from the city council for an award of a contract or purchase order greater than twenty-five thousand dollars ($25,000.00).
C. Bid Exceptions. The competitive bid process is not applicable to certain purchases. The following are exempt from bid processes of this chapter:

1. Departmental purchases, as defined in Section 3.04.110;

2. Subscriptions;

3. Trade circulars or books;

4. Newspaper advertisements and notices;

5. Utility payments;


(Ord. 01-14 (part); prior code § 2.91.100)

3.04.150 Cooperative purchasing with other agencies.
The bidding requirements of Section 3.04.100 shall not apply to the purchasing of any equipment or supplies which the purchasing officer decides to obtain through a cooperative competitive bidding procedure prepared by and processed through another public, local, state, or federal governmental agency. If it is determined to be in the best interest of the city, the purchasing officer is authorized to “piggy-back” onto or join into an existing written purchase contract, which contract was obtained within the last twelve (12) months through a competitive bidding process prepared by and awarded by another public, local, state or federal government agency. However, the city council’s approval shall be required prior to and for the joining of a “piggy-back” purchase or cooperative purchase for a purchase greater than twenty-five thousand dollars ($25,000.00). (Ord. 01-14 (part); prior code § 2.91.110)

3.04.160 Recycled supply products specification.
If in procuring supplies a recycled product can achieve the necessary city performance standard, and if such recycled product is readily available, specifications should, if economically feasible, require products made with recycled materials be bid. If the department head determines that: (1) a recycled product lacks performance capabilities or needed quality levels; or (2) a sufficient amount of such recycled or reusable product is not currently available in the market, then a reduced percentage can be required, or the supply specification can be limited to nonrecycled or virgin materials. When recycled products are required, reasonable efforts shall be made to label the products as containing recycled materials. As used in this section, recycled products does not mean used products, but is limited to new products made with materials which have been recycled. (Ord. 01-14 (part); prior code § 2.91.120)
3.04.170 Emergencies.
Bidding procedures may be dispensed with in the case of an emergency. The city council delegates to the city manager the authority to declare a public emergency and enter into contracts for any purchase in accordance with section 3.04.340. The city manager’s authority is subject to confirmation by the city council at its next meeting for any purchase in excess of twenty-five thousand dollars ($25,000.00). (Ord. 01-14 (part): prior code § 2.91.130)

3.04.180 Surplus supplies and equipment.
All departments shall submit to the purchasing officer, at such times and in such forms as he or she may prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing officer may direct that the designated supplies or equipment be:

A. Transferred to another city department or agency;

B. Exchanged or traded in on new supplies and equipment; or

C. Disposed of in some other suitable manner, which may include sale at auction or deposit at a landfill. (Ord. 01-14 (part): prior code § 2.91.140)

3.04.190 Inspection and tests.
The purchasing officer or designee or department requesting the item shall inspect all deliveries of supplies and equipment to assure conformance with the contract or order specifications. The purchasing officer or designee, at his or her discretion, may require such reasonable chemical and physical tests of samples of supplies and equipment as he or she deems necessary to determine the quality in conformance with those specifications. (Ord. 01-14 (part): prior code § 2.91.150)

Article 3
Public Works Projects

3.04.200 Uniform construction cost accounting procedures.
The city council has elected to become subject to the Uniform Public Construction Cost Accounting Act and procedures as established by the California Uniform Construction Cost Accounting Commission in Public Contract Code Section 22000, et seq.. (Ord. 01-14 (part): prior code § 2.92.010)

3.04.210 Bidding procedures for various project amounts.
A. A public work project of forty-five thousand dollars ($45,000.00) or less may be performed by city force account, by negotiated contract, or by purchase order.
B. A public work project greater than forty-five thousand dollars ($45,000.00) and less than or equal to one hundred seventy-five thousand dollars ($175,000.00) may be let to contract by informal bid procedures.

C. A public work project of more than one hundred seventy-five thousand dollars ($175,000) shall, except as otherwise provided in this chapter, be let to contract by formal bidding procedure.

The described project costs limits of subsections (A) through (C) of this section shall be increased automatically as authorized pursuant to the adjustments made by the California Uniform Construction Cost Accounting Commission under Public Contracts Code Section 22034. (Ord. 01-14 (part); prior code § 2.92.020)

3.04.220 Negotiate contract or purchase order procedures.

For those projects qualifying under Section 3.04.210(A), the applicable department head shall obtain a cost estimate from the project engineer or architect prior to issuing a purchase order or negotiating a contract with a responsible contractor. For any city force account work, the department head shall first comply with the guidelines established by the California Uniform Construction Cost Accounting Commission in determining the cost of the public work. The city manager shall have the authority to award and to execute any contract for the public work qualifying under Section 3.04.210(A). (Ord. 01-14 (part); prior code § 2.92.030)

3.04.230 Informal bidding procedures.

For those projects which qualify under Section 3.04.210(B) for informal bidding, the following procedures shall be used:

A. Bidder’s List. The city 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 consistent with the Uniform Public Construction Cost Accounting Act rules.

B. Notice. The city clerk shall prepare a notice inviting bids.

1. Contents of Notice. The notice inviting bids shall include a general description of the services and/or articles to be purchased, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether bid deposit or bond and faithful performance bond will be required.

2. Mailing of Notice. Unless the product or service is proprietary, all contractors on the city’s list for the category of work being bid shall be mailed a notice inviting informal bids, or an
announcement/advertisement shall be placed in all construction trade journals, or both such mailing and advertising. The trade journals shall be those identified by the California Uniform Construction Cost Accounting Commission as appropriate for this area, in accordance with California Public Contract Code Section 22036.

3. Ten-day Notice. Notices inviting informal bids shall be posted at the city hall and mailed at least ten (10) calendar days before the due date of submission of bids to all firms or suppliers on the bidder’s list for the category of equipment, supplies, or general services being bid and to such other vendors as the public works director deems appropriate.

4. Proprietary Products or Services. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting bids may be sent exclusively to such contractor or contractors.

C. Award. The city council shall award the contract to the lowest responsive and responsible bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the solicitation. The council may waive any minor bid irregularities.

D. Bids in Excess of Statutory Amount. If all bids received are in excess of one hundred seventy-five thousand dollars ($175,000.00), the city council may by passage of a resolution by a four-fifths vote, award the contract up to one hundred eighty-seven thousand five hundred dollars ($187,500.00) to the lowest responsible bidder if it determines the cost estimate of the city was reasonable. (Ord. 01-14 (part); prior code § 2.92.040)

3.04.240 Formal bidding procedures.
For those projects which qualify under Section 3.04.210(C) for formal bidding, the following procedures shall be used:

A. Adoption of Plans. Prior to soliciting bids, the city council shall approve and adopt the plans, specifications and working details, and authorize the bid request for all public work projects in excess of one hundred seventy-five thousand dollars ($175,000.00).

B. Notice. The city clerk shall prepare a notice inviting bids.

1. Contents of Notice. The notice inviting bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project.
2. Publication of Notice. The notice shall be published at least once fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation, which is circulated within the jurisdiction of the city.

3. Mailing of Notice. The notice inviting formal bids shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified by the California Uniform Construction Cost Accounting Commission as appropriate for the area. The notice shall be mailed at least fifteen (15) calendar days before the date of opening the bids.

4. Other Notice. In addition to notice required by this section, the city may give other notice as it deems proper.

C. Bid Opening Procedure. Sealed bids shall be submitted to the city clerk's office and shall be identified as to bidder, project and bid on the envelope. Bids shall be opened by the city clerk's staff in public at the time and place stated and as described in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received, and shall be open for public inspection during regular business hours for a period of two years after the bid opening. The public works director shall make an analysis of the bids for compliance with bid specifications and thereafter make a recommendation for award or rejection.

D. Award. Contracts shall be awarded by the city council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended, according to criteria designated in the solicitation. The council may waive minor bid irregularities. (Ord. 01-14 (part): prior code § 2.92.050)

3.04.250 Bonds.
A. The city shall require labor and materials bonds for projects in excess of $25,000 in accordance with California Civil Code Section 9550, as may be amended from time to time. The city council may require bid security or bid bonds and/or performance bonds from an acceptable surety in such amounts as it finds reasonably necessary to protect the public interest. If the city requires a bond, the form and amount of the bond shall be described in the notice inviting bids.

B. Unsuccessful bidders shall be entitled to the return of bid security within sixty (60) days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of its bid security, as may be determined by the council, upon the bidder's refusal or failure to execute the contract within ten (10) days after the date of the award of the contract. On the refusal or failure of the lowest responsive and responsible bidder to execute the contract, the city council may award the contract to the next lowest responsible bidder. (Ord. 01-14 (part): prior code § 2.92.060)
3.04.260 No bids received.
If no bids are received through the formal or informal procedure, the project may be performed by city employees by force account or by negotiated contract without further complying with this chapter. (Ord. 01-14 (part): prior code § 2.92.070)

3.04.270 Tie bids.
If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may accept either bid or accept the lowest bid made by negotiation with the tied bidders. (Ord. 01-14 (part): prior code § 2.92.080)

3.04.280 Rejection of bids.
In its discretion, the council may reject any bids presented. If after the first invitation of bids all bids are rejected, the city shall state the reasons for the rejection and after reevaluating its cost estimates of the project, the city shall have the option of any of the following:

A. Abandoning the project;

B. Readvertising for bids in the manner described in this chapter; or

C. By passage of a resolution by a four-fifths vote of the council declaring that the project can be performed more economically by city employees, may have the project done by force account without further complying with this chapter. (Ord. 01-14 (part): prior code § 2.92.090)

3.04.290 Emergencies.
A. In cases of emergency as defined in this chapter, the city, pursuant to a four-fifths vote of the council may proceed at once to replace or repair any public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without adopting plans, specifications, working details, or giving notice for bids to provide contracts. The work may be done by day labor under the direction of the council, by contractor, or by a combination of the two.

B. The city manager may order any action under this section subject to the provisions of California Public Contract Code Section 22050. (Ord. 01-14 (part): prior code § 2.92.100)

3.04.300 Prevailing wages required.
Public works contracts are subject to prevailing wage requirements as set forth in Labor Code sections 1720, et seq., as may be amended from time to time. (Ord. 01-14 (part): prior code § 2.92.110)
3.04.310 Pre-qualification of bidders.
Prospective bidders on a public works contract may be required to be pre-qualified in accordance with procedures adopted by city council resolution, subject to the provisions of California Public Contract Code Section 20101. (Ord. 01-14 (part); prior code § 2.92.120)

Article 4
Professional Services

3.04.320 Award of professional service contracts based upon competence.
In contracting for those professional services as defined in Section 3.04.020, contracts should only be awarded to firms or persons who have demonstrated an adequate level of experience, competence, staffing and other professional qualifications necessary for more than a satisfactory performance of the services required. Once the department requesting the service has determined a firm has an adequate level of competence, the cost of the service may be considered. However, the lowest cost may not be the sole factor in deciding which firm or who shall be awarded the contract. It may be in the city’s best interest to award the contract to a higher priced professional services provider based on the scope of services available, unique skills, staffing levels, timing, prior experience, past working relationship and other factors required by the department or proposed by that professional services provider. The information needed for determining that level of competence, other qualifications and the procedure for selecting such services shall be determined by each city department responsible for recommending the professional service contract. (Ord. 01-14 (part); prior code § 2.93.010)

3.04.330 Request for proposal/qualification.
The acquiring of professional services shall be procured through negotiated contract and may include requests for proposals/qualifications. Contracting for professional services is decentralized and shall be the responsibility of the department head requesting the service. (Ord. 01-14 (part); prior code § 2.93.020)

3.04.340 Contracting authority.
The city manager shall approve professional service or consulting contracts up to and including twenty-five thousand dollars ($25,000.00). The city council shall approve professional service or consulting contracts greater than twenty-five thousand dollars ($25,000.00). (Ord. 01-14 (part); prior code § 2.93.030)