

ORDINANCE 2022-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE CHAPTER 2-8, ‘PURCHASING PROCEDURES’ TO REVISE SUBSECTIONS 2-8-020 (G) & (H); 2-8-050 (D), (E), (F) & (G); 2-8-060 (A); 2-8-071; 2-8-072 (A); AND 2-8-073 (A) TO INCREASE THE FORMAL BID LIMIT REQUIRING CITY COUNCIL APPROVAL AND TO MAKE ADDITIONAL REVISIONS TO THE MUNICIPAL CODE TO ENHANCE CITY OPERATIONS, IMPROVE EFFICIENCIES AND TO BRING THE CITY IN COMPLIANCE WITH THE CALIFORNIA PUBLIC CONTRACT CODE

(EXEMPT FROM CEQA)

WHEREAS, the San Juan Bautista City Council amended the City Code in 2019 to adopt the California Uniform Public Construction Cost Accounting Act; and

WHEREAS, Reginal Government Services, the consultant engaged by the City to review City policies and procedures, has recommended increasing the formal award approval limit by the City Council from \$20,000 to \$50,000 to account for the escalating cost of goods and services; and

WHEREAS, Regional Government Services has recommended certain other changes to the Municipal Code to enhance City operations, improve efficiencies bring the City in compliance with the California Public Contract Code; and

WHEREAS, the San Juan Bautista City Council desires to revise Chapter 2-8 of the City Code to increase the formal award approval limit threshold and to effect other changes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

Section 2-8-020 shall be revised as follows:

Subparagraph (G) shall be revised so as to replace “Recommend” with “Authorize” and to include “or disposal,” so that Section shall read as follows:

“(G) Authorize the transfer of surplus or unused supplies and equipment between departments as needed, and the sale or disposal of surplus supplies and equipment.”

Subparagraph (H) shall be revised so as to include reference to the City participation in public procurement cooperative consortiums, so that Section shall read as follows:

“(H) Join with other governmental agencies and public procurement cooperative consortiums in joint purchasing endeavors where the purchasing procedures substantially conform to this Chapter and State law.”

Section 2-8-050 shall be revised as follows:

Subparagraph (D) shall be revised so as to include, in conjunction with or as an alternative to sending notice inviting informal bids to construction trade journals, sending notices inviting informal bids directly to qualified contractors for the category of work being bid, so that Section shall read as follows:

“(D) Notice. A notice inviting informal bids shall be sent to: (1) all contractors on the City’s list of qualified contractors for the category of work being bid, and/or (2) the construction trade journals as specified in Section 22036 of the Public Contract Code and as named by the California Uniform Construction Cost Accounting Commission.”

Subparagraph (E) shall be revised so as to change to the reference to Public Contract Code Section 22034(f) to Public Contract Code Section 22034(d), so that Section shall read as follows:

“(E) Authority to Award Bid. The authority to award informal contracts is hereby delegated to the City Manager unless all informal bids received are in excess of two hundred thousand dollars (\$200,000), in which case the City Council may, by passage of a resolution by a four-fifths (4/5) vote, award the contract at the amount set forth in Section 22034(d) of the Public Contract Code or less to the lowest responsible bidder, if it determines the cost estimate of the responsible department head was reasonable.”

Subparagraph (F) shall be revised so as to include a change requiring the City to follow formal bidding procedure for projects equal to or greater than two hundred thousand dollars (\$200,000) as specified in Public Contract Code Section 22032(c), so that Section shall read as follows:

“(F) Formal Bids. The City shall follow the following formal bidding procedure for public projects equal to or greater than two hundred thousand dollars (\$200,000), or as specified in Section 22032(c) of the Public Contract Code.”

Subparagraph (F) Section (2)(b) shall be revised so as to include a change in the time for mailing of notice of formal bid to construction trade journals from 30 to 15 days, so that Section shall read as follows:

“(b) The notice inviting formal bids shall be mailed to construction trade journals specified in Section 22036 of the Public Contract Code and as named by the State’s Uniform Construction Cost Accounting Commission, at least fifteen (15) calendar days before the date of opening the bids.”

Subparagraph (F) Section (2)(c) shall be revised so as to provide for posting of the notice inviting formal bids at three designated locations within the City in the event no newspaper is circulated within its jurisdiction, so that Section shall read as follows:

“(c) The notice inviting formal bids shall be published in a newspaper of general circulation printed and published within the jurisdiction of the City, or, if none exists, in a newspaper of general circulation which is circulated within the jurisdiction of the City, at least fourteen (14) calendar days before the date of opening the bids; or, if there is no newspaper which is circulated within the jurisdiction of the City, publication shall be by posting the notice in at least three places within the jurisdiction of the City as have been designated by ordinance or regulation of the City as places for the posting of its notices.”

Subparagraph (G) Section (9) shall be revised so as to provide an option for the City to use an electronic bid management system in lieu of sealed bids being submitted to the City Clerk and opened in public, so that Section shall read as follows:

“(9) Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening. A secure, server-based system, or other appropriate media, may be used in lieu of sealed bids opened in public, provided the City Manager has approved the system for accuracy, confidentiality, and reliability.”

Section 2-8-060 shall be revised as follows:

Subparagraph (A) shall be revised so as to provide for open market procedures for the purchase of supplies, services, equipment and the sale of personal property when the estimated value, exclusive of sales tax and freight, exceeds fifty thousand dollars (\$50,000), so that Section shall read as follows:

“(A) Purchases of supplies, services, equipment and the sale of personal property that do not fall under SJBMC 2-8-050 shall be by the open market procedures described in this Section when the estimated value, exclusive of sales tax and freight, exceeds fifty thousand dollars (\$50,000). Open market procedures may be dispensed with only when an emergency requires that an order be placed with the nearest available source or when the supply, service, or equipment can be obtained from only one (1) vendor. The City Manager shall solicit open market quotes or bids by written requests to prospective vendors, by telephone, email, or by public notice posted at the City’s designated posting places.”

Section 2-8-70 shall be renumbered as follows:

To renumber Section 2-8-70 as Section 2-8-070.

Section 2-8-71 shall be renumbered as follows:

To renumber Section 2-8-71 as Section 2-8-071.

2-8-071 shall be revised as follows:

Section 2-8-071 shall be revised so as to replace “only” with “except” in the title to provide that purchase orders for supplies, services, equipment, or materials may not be issued unless an unencumbered appropriation exists against which the purchase is to be charged, so that Section shall read as follows:

“2-8-071 Encumbrance of funds, except in cases of emergency.

Except in cases of emergency, a purchase order for supplies, services, equipment, or materials may not be issued unless there exists an unencumbered appropriation against which the purchase is to be charged.”

Section 2-8-72 shall be renumbered as follows:

To renumber Section 2-8-72 as Section 2-8-072.

Section 2-8-072 shall be revised as follows:

Subparagraph (A) shall be revised to provided that purchases and contracts for supplies services, equipment, and materials and the sale of personal property exceeding fifty thousand dollars (\$50,000) shall be by written contract, so that Section shall read as follows:

“(A) Purchases and contracts, exceeding fifty thousand dollars (\$50,000), for supplies, services, equipment, and materials, and the sale of personal property shall be by written contract with . . .”

[Remainder of Section 2-8-072 (A) continues unchanged.]

Section 2-8-73 shall be renumbered as follows:

To renumber Section 2-8-73 as Section 2-8-073.

Section 2-8-073 shall be revised as follows:

Subparagraph (A) Section 1 shall be revised to provided that purchases for supplies services, equipment, and materials and the sale of personal property shall be approved by the City Manager if such purchases do not exceed fifty thousand dollars (\$50,000), so that Section shall read as follows:

“(1) The City Manager, if such purchases or sales do not exceed fifty thousand dollars (\$50,000).”

Subparagraph (A) Section 2 shall be revised to provided that purchases for supplies services, equipment, and materials and the sale of personal property shall be approved by the City Council, upon recommendation of the City Manager, if such purchases exceed fifty thousand dollars (\$50,000), so that Section shall read as follows:

“(2) The City Council, upon recommendation of the City Manager, if such purchases or sales exceed fifty thousand dollars (\$50,000).”

The **FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of March, 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the 19th day of April, 2022 by the following vote:

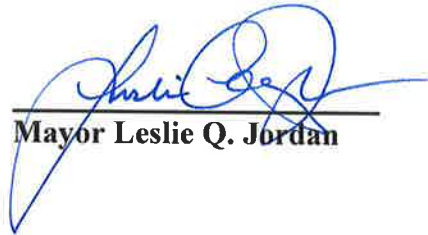
AYES: Jordan, Edge, Flores, Freels, Freeman

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



Mayor Leslie Q. Jordan



Don Reynolds, Acting Deputy City Clerk

APPROVED AS TO FORM:



Robert Rathie, City Attorney