



**TO:** Mayor and Councilmembers

**FROM:** Michael Jenkins, City Attorney  
Winnie Cai, Assistant City Attorney

**CONTACT:** Winnie Cai, Assistant City Attorney

**SUBJECT:** Amendments to Title 3, Chapter 3.05 of the Goleta Municipal Code  
Relating to the Purchasing System

**RECOMMENDATION:**

Introduce and conduct the first reading (by title only and waive further reading) of City Council Ordinance No. 20-\_\_ entitled "An Ordinance of the City Council of the City of Goleta Amending Title 3 Chapter 3.05 of the Goleta Municipal Code Relating to the Purchasing System."

**BACKGROUND:**

Chapter 3.05 of the Goleta Municipal Code establishes a municipal purchasing system, which prescribes the methods and procedures for the purchase of supplies and equipment, general and professional services, contracting for public works projects. Certain purchases occur within a department director's or City Manager's authority. All other purchases must be approved by Council, including:

1. General services contracts over \$30,000.
2. Supplies and equipment contracts over \$30,000.
3. Professional services contracts over \$30,000.
4. Public works contracts over \$60,000.
5. Amendments to contracts over \$30,000 and contracts under \$30,000 previously approved by Council.
6. Agreements to allocate City grant funds.
7. Agreements to receive grant funds from other government entities.

Chapter 3.05 also provides for competitive bidding requirements that apply to the procurement of services for "public works contracts," which are defined as "an agreement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind." (Public Contract Code, section 1101.) The Purchasing System follows the Uniform Construction Cost

Accounting Procedures as established by the Uniform Construction Cost Accounting Commission ("Commission"). (GMC section 3.05.150.) In 2018, the Commission increased the specific contract amounts subject to specific bidding procedures. The proposed ordinance amendment conforms the contract amounts in the GMC to the new amounts set by the Commission.

## **DISCUSSION:**

Staff proposes certain amendments to the purchasing ordinance in Chapter 3.05 in order to streamline operational processes and improve efficiencies, including:

- (1) increasing the City Manager's authority for supplies/equipment, general services and professional services to \$60,000,
- (2) allowing the City Manager to make nonfinancial amendments to contracts,
- (3) allowing the City Manager to enter into agreements with other entities to receive monies as tax revenue or grant funds;
- (4) allowing the City Manager to enter into agreements with other entities who the City Council has determined to be a recipient of a City grant,
- (5) conform the contract amounts of public work projects with the Commission's recommendations, and
- (6) allowing City Manager to join in the professional services contracts on regional efforts led by other government entities and to directly contract with other government entities for services without following the Request for Proposals process.

The proposed amendment is aimed at streamlining Council agendas and staff resources. Routine contract items could be executed at the staff level without burdening the agenda and consuming time in Council meetings, so that Council meetings can be focused on significant policy items that affect the larger community. Staff would not have to spend time preparing staff reports for routine contract items and would be able to focus on completing projects.

A redline of Chapter 3.05 is attached to this staff report as Attachment 1 and the full proposed ordinance (clean version) is attached as Attachment 2.

The following outlines the substantive changes to Chapter 3.05:

### **City Manager's Purchasing Authority**

The attached ordinance proposes that the City Manager's contract authority be increased from \$30,000 to \$60,000. This is the amount that makes sense in light of the contract amounts and types of contracts that have been approved over the last few years. Council may approve this amount or designate another amount. Increasing the City Manager's contract authority would significantly reduce the routine contract items that come to Council for necessary services and goods.

Staff researched and gathered the authority designated to City Managers in neighboring cities to compare against the City of Goleta's current City Manager authority and to determine the appropriate recommendation. City Manager's authority in the surrounding cities are indicated in Table 1.

*Table 1. City Manager Contract Authority in Neighboring Cities*

| <b>City</b>           | <b>Population</b> | <b>City Managers contract authority</b>                                   |
|-----------------------|-------------------|---|
| City of Santa Barbara | 92,101            | \$35,000  |
| City of Lompoc        | 43,712            | \$45,000  |
| City of Buellton      | 5,095             | \$20,000  |
| City of Carpinteria   | 13,684            | \$30,000  |
| City of Ventura       | 110,790           | Non-Professional Services- \$250,000;<br>Professional Services - \$50,000 |

#### **City Manager's Contract Amendment Authority**

The proposed ordinance proposes that the City Manager have the authority to make nonfinancial amendments to previously Council-approved contracts. This would help avoid bringing to Council contract amendments for term extensions, changes in scopes of work, rate increases that do not change the overall contract amount, and changes in subcontractors/subconsultants.

#### **Contracts Involving Allocation of County, State or Federal Funds**

The proposed ordinance recommends that the City Manager be granted authority to execute contracts involving the allocation of county, state or federal funds pursuant to a program previously approved by the City Council where the form of contract is standard and used in substantially the same form by all applicants. This proposal is intended to allow the City Manager to sign CDBG agreements after the City Council has determined the recipient and amount of the grant.

#### **Contracts Involving City Receipt of Grant Funds**

The proposed ordinance recommends that the City Manager be allowed to execute agreements whereby the City is solely receiving grant funds that have been awarded after the City Council has approved the grant application. Without the amendment, staff has had to bring last minute items to Council in order to receive grant funds, including the \$3.9M for the Butterfly Habitat Management Plan and \$13M for the Goleta Train Depot. In these instances, Council had already authorized staff to apply for the grants months before the grant agreement needed to be approved. Oftentimes, after the City has won the grant, it is given very little time to sign the agreement accepting the grant. It should be noted that the receipt of grant monies is always a welcome event and staff always shares the news with Council. This will continue to happen. The proposed amendment reduces the need to formally bring an agenda item and presentation to Council in a time crunch. These types of grant agreements are usually standard, and the City Attorney reviews all of them for legality and substantial conformance with Council's direction. If a particular provision of an agreement is extraordinary and requires a policy decision, staff would bring the agreement to Council.

#### **Public Work Project Purchasing Procedure**

The current Purchasing System provides:

- a. A public works contract of \$30,000 or less may be performed by City employees by force account, by negotiated contract, or by purchase order.
- b. A public work project over \$30,000 but less than \$125,000 may be let by informal bid procedures.

- c. A public work project of \$125,000.00 and over shall be let by formal bidding procedures. (GMC section 3.05.160.)

In January 1, 2019, the Commission increased the bid limits to the following:

- a. A Public Work project agreement entered by City employees increased from \$30,000.00 to \$60,000.00.
- b. The informal bid procedure for a Public Work project of \$125,000 or less increased to \$200,000.
- c. The formal bid procedure for a Public Work project of \$125,000.00 or more increased to \$200,000.00.

Since the Goleta Municipal Code section 3.05.150 provides that the City is subject to Uniform Construction Accounting Act, the proposed ordinance conforms the project amounts into Goleta Municipal Code section 3.05.160. It should be noted that Goleta Municipal Code section 3.05.160 provides that project cost limits are increased automatically as authorized by the California Uniform Construction Cost Accounting Commission. The increased bid limits have already been used by staff. This amendment is brought purely to conform our regulations with the most updated numbers.

In addition, in the section dealing with public works projects, a bid protest procedure and requirements for notice and a public hearing to determine the bid protest in conformance with the Public Contract Code was included.

#### **Professional Services Contracts – Joining Professional Services Contracts Held by Other Agencies and Contracting with Other Agencies for Direct Services**

Additional provisions were added to memorialize two practices that the City has engaged in since incorporation. One practice is the entry into professional services contracts with other government entities, mainly the County of Santa Barbara, to agree to pay portions of a professional services contract held by the County in order to perform a regional municipal function, such as stormwater monitoring or community choice energy analysis.

Another practice that the City has engaged in has been directly contracting with other entities to provide professional services. For example, the City directly enters into a contract with the Santa Barbara County Mosquito Vector District to identify and spray certain City property to prevent mosquito infestation. Other examples include contracts with the County to provide police services, tobacco prevention program implementation, and animal control.

#### **ALTERNATIVES:**

The City Council could elect not to adopt the proposed ordinance amending the purchasing system. In that event, staff would continue to operate under the current purchasing regulations as outlined in Title 3 Chapter 3.05 of the Goleta Municipal Code.

## **FISCAL IMPACTS:**

There no fiscal impacts associated with the proposed ordinance other than the staff time spent on working on this item. It should be noted that any changes to the budget appropriations or budgeted revenues will still require City Council approval. For example, should the City receive and execute a grant award agreement of \$2 million, a budget adjustment for both revenues and expenditures will still require City Council approval. These types of adjustments will continue to be provided in the Quarterly Financial Review staff reports.

**Reviewed By:**

**Legal Review By:**

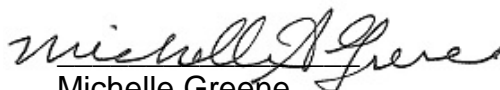
**Approved By:**



Kristine Schmidt  
Assistant City Manager



Michael Jenkins  
City Attorney



Michelle Greene  
City Manager

## **ATTACHMENT:**

1. Proposed Text of Title 3 Chapter 3.05 of the Goleta Municipal Code (Track Changes)
2. Proposed Text of Title 3 chapter 3.05 of the Goleta Municipal Code (Clean Version)
3. Introduce and conduct the first reading (by title only and waive further reading) of City Council Ordinance No. 19-\_\_ entitled "An Ordinance of the City Council of the City of Goleta Amending Title 3 Chapter 3.05 of the Goleta Municipal Code Relating to the City of Goleta Purchasing System."

**ATTACHMENT 1:**

Proposed Text of Title 3 Chapter 3.05 of the Goleta Municipal Code (Track Changes)

**GOLETA MUNICIPAL CODE**  
**Title 3 REVENUE AND FINANCE**

**Chapter 3.05 PURCHASING SYSTEM**

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**Article I. Administration**

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**3.05.010 Purpose.**

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The purpose of this chapter is to establish an efficient procedure for the purchase of supplies, services, and equipment, and to establish a procedure for performing or contracting for the construction of public works consistent with state law, which procedures shall not be overly time consuming and cumbersome, while allowing the City to obtain the best professional services, and acquire quality supplies, general services, equipment in an overall economic manner, and also to construct public works at the lowest reasonable cost. (Ord. 09-12 § 3)

**3.05.020 Definitions.**

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“Agreement” shall mean a contract.

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

“Contract” shall mean an agreement between the City and another party for the acquisition of goods, supplies or services. Contract may include a purchase order, public works contract, professional services agreement or general services agreement.

“Equipment” shall mean 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 and other services which do not require any unique skill, special background, training, and obtaining such services at the lowest cost is the single most important factor in selection, as opposed to personal performance.

“Maintenance work” shall mean:

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, power, or waste disposal systems including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

“Professional” or “special services” shall mean any work performed by an attorney, doctor, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, consultant or those services which require special performance criteria, specific experience, training, personal judgment, quality of work or factors other than simply obtaining the service at the lowest cost to the City. Professional and special services are not subject to the informal, formal or competitive bidding requirements of this chapter and may be procured through negotiated contract or requests for proposal process.

“Public work” shall mean 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 or materials for any of the above works or projects.

3. A public work does not include maintenance work as defined in this chapter.

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

“Purchasing Officer,” for the purposes of this chapter, shall be the City Manager or his or her designated representative.

“Purchase order” shall mean a document issued by the City to a vendor, indicating types, quantities, and agreed prices for products or services the vendor will provide to the City. Open purchase orders shall mean purchase orders that are issued to one vendor for multiple purchases up to one pre-established dollar limit within the same fiscal year.

“Special equipment/supplies” shall mean 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” shall mean office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the City’s business, excepting supplies or materials for a public work which is regulated under the California [Public Contract Code](#) Sections 20160, et seq.

“Uniform Construction Cost Accounting Procedures” shall mean those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to Section 22010, et seq., of the California [Public Contract Code](#).

“Vendor” shall mean a party contracting with the City of Goleta. (Ord. 09-12 § 3)

### **3.05.030 Purchasing Officer—Powers and Duties.**

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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 be the City Manager or such other City employee designated by the City Manager to be the Purchasing Officer. The Purchasing Officer shall have the authority to:

A. Ensure that the purchasing or contracting for needed City supplies, general services, equipment, and special equipment/supplies, which are not included within a construction contract or proposed specifications for a construction contract of a public work, is conducted in conformance with the terms and procedures prescribed in this chapter;

B. Keep informed of current developments concerning purchasing, prices, market conditions, and new products;

C. Prescribe and maintain such forms as necessary for the proper operation of this purchasing system;

D. Ensure the inspection of all supplies, general services, and equipment purchased under this chapter;

E. Supervise the transfer of surplus and unused supplies and equipment or sale or disposal of such;

F. Ensure that purchasing specifications are open and nonrestrictive to encourage full competition; and

G. Perform such other tasks as may be necessary for the proper conduct of purchasing of supplies, general services, and equipment. (Ord. 09-12 § 3)

### **3.05.040 Methods of Purchasing.**

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All purchases must be made in accordance with the provisions of this chapter. Subject to the provisions of this chapter, except for petty cash purchases of goods, equipment or general services for an amount less than \$150.00, purchases shall be made through one of the following methods: written contract, purchase order, or City



credit card transaction. The Purchasing Officer shall prescribe rules and procedures for the use of these purchasing methods. (Ord. 09-12 § 3)

### **3.05.050 Written Contracts.**

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All written contracts for purchases in excess of \$10,000.00 shall be on a form approved by the City Attorney. (Ord. 09-12 § 3)

### **3.05.060 Encumbrance of Funds.**

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Except in cases of urgency as described in Section 3.05.120, neither the Purchasing Officer nor any employee shall issue any purchase order, authorize the execution of any contract, or enter any contract for purchasing of supplies, services or equipment, unless sufficient funds to pay for the purchase have been appropriated by the City Council and remain uncommitted for any other purchase. (Ord. 09-12 § 3)

### **3.05.070 City Manager Authorization.**

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The City Manager, and his or her designee, is authorized to authorized to enter into the following types of contracts:

- A. Contracts involving the allocation of county, state or federal funds pursuant to a program previously approved by the City Council where the form of contract is standard and used in substantially the same form by all applicants and has been approved by the City Attorney.
- B. Contracts that involve the receipt of grant funds from another government entity and does not require the expenditure of City funds.
- C. Contracts for services, supplies and equipment for a sum not to exceed \$60,000 for which the procurement processes outlined in this Chapter has been followed unless otherwise specified, funds have been budgeted in the current year budget and where the form of the contract has been approved by the City Attorney.
- D. Contracts or amendments to contracts which the City Council has expressly authorized the City Manager to execute; and
- E. Amendments to contracts previously approved by the City Council that does not involve the expenditure of City fund or modify the amount of the contract in strict compliance with a specific line item in the approved City budget. This may include but is not limited to term extensions, change in subcontractors/consultants, and change in scope of services.
- F. Contracts required of a project application as a condition of approval of a permit, license, or other grant of approval not involving expenditure of city funds and for which the project applicant has deposited cash with the City in the maximum value of the contract. Examples of such contracts may be for:
  - 1. The preparation of California Environmental Quality Act (CEQA) studies or reports,
  - 2. Economic analysis of a project,
  - 3. Peer review of a project economic analysis (pro forma), or
  - 4. Peer review of an environmental study or report, or
  - 5. Monitoring of compliance with environmental impact mitigation measures, or
  - 6. Monitoring of compliance with conditions of approval.

## **Article II. Supplies, General Services and Equipment**

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### **~~3.5.70~~ 3.05.080 Purchasing Procedure for Supplies, General Services, Equipment and Special Equipment/Supplies.**

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Except as authorized in Section 3.05.150, or in the case of urgencies as described in Section 3.05.120, the purchase of supplies, general services, equipment and special equipment/supplies, not included in the construction contract or bid specification for a public work, shall be made as follows:

A. Departmental Purchases. A department may purchase supplies, equipment, special equipment/supplies and general services independently of the Purchasing Officer of a value less than \$10,000.00, provided such department keeps a record of such purchases and exercises reasonable prudence in seeking price quotes and purchasing such items.

1. For purchases up to \$2,499.99, the approval of the Department Director or designee is required. No bids are required.

2. All purchases over \$2,500.00 require a purchase order or written contract. Purchases between \$2,500.00 and \$10,000.00 require approval by the Department Director and the Purchasing Officer or their designee. Three informal quotes are required for all purchases over \$2,500.00 but less than \$10,000.00.

B. City Manager Purchases. Purchases for supplies, equipment or general services for an amount over \$10,000.00 but less than \$60,000, must be approved by the City Manager. Three informal written bids must be obtained based on written specifications.

Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer. 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.

The Purchasing Officer, or designee, shall award the purchase contract to the lowest responsive and responsible bidder, vendor or offerer whose quote, bid, or proposal fulfills the purpose intended, or reject such bids or proposals, or negotiate further for more acceptable terms to the City.

C. Informal Bid Procedures. Purchases for supplies, general services or equipment with an estimated value of \$60,000, but less than \$125,000.00, shall be made on an informal written bidding procedure as follows:

1. Ten-Day Notice. Notices inviting informal bids shall be posted at least 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 Purchasing Officer deems appropriate. Such notice shall be posted on a public bulleting board at City Hall and on the City of Goleta website.

2. Notice Contents. Except as authorized by Section 3.05.200, the notice shall at least describe the supply, general service, or equipment needed in general and generic terms, any required bidder's security or performance bonds, how special bid specifications can be obtained, required written sealed bids, state the closing date, place, and time for submission of informal bids.

3. Bid and Performance Bonds. The City may require bidder's security equal to 10% of the bid amount and/or a performance bond in such amount as it shall find reasonably necessary to protect the public interest. If the City requires either or both of such security and bond, the form and amount of the security and bond shall be described in the notice inviting bid.

4. 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 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's failure or refusal to comply with the purchase order, or to execute a written contract within 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 responsible bidder.

5. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk or his or her designee, at the time and place stated in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received and then opened.

6. Bid Evaluation Procedure. All bids shall be analyzed by the Department for compliance with bid specifications, and the Department shall prepare an analysis of the bid process for submittal to the City

Council. Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer or designee. The Department shall then prepare a recommendation to Council for award or rejection of bid.

7. No Bids Received. In the event no bids are received, the Department Director requesting the purchase shall have the option of any of the following:

- a. Abandoning the purchase;
- b. Rebidding the purchase on an informal basis; or
- c. The Department Director may request the City Council to allow the obtaining of the item, supply, service or equipment on a direct negotiated contract basis.

8. Rebidding. If the Purchasing Officer determines bids are unacceptably high, or specifications were misleading, the Purchasing Officer may reject any bids presented and the item may be rebid.

9. Award. The City Council shall reject all bids or award the purchase contract to the lowest responsive and responsible bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the solicitation and the contract award amount is within the unencumbered appropriation for that item. The Council may waive any minor bid irregularities. If all bids received are \$125,000.00 or over, the City Council may, by a four-fifths vote, award the bid to the lowest responsible bidder whose bid is no greater than \$137,500.00 if it determines the cost estimate of the public agency was reasonable. If bids are rejected, Council may seek a new bid or instruct that the purchase be made on a direct negotiated contract basis.

D. Formal Bid Procedures. For supplies, general services, or equipment with an estimated value in excess of \$125,000.00 and over, purchases shall be made in accordance with the following formal written bid procedures:

1. Published Notices. A notice inviting bids shall be published at least 14 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 deems appropriate may be made, such as posting on a public bulletin board at City Hall and on the City of Goleta website.

i. Notices Inviting Bids. Notices inviting bids shall include a general description of the goods, articles, services or equipment to be purchased, state where bid blanks and specifications may be secured and the time and place for the opening of bids;

ii. Bidder's List. The departments shall maintain lists of responsible bidders for various categories of supplies or equipment. 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; and

2. 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 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.

3. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk 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 in the notice inviting bids. A written record and tabulation shall be made at the 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.

4. Bid Evaluation Procedures. Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer or designee. All bids shall be analyzed by the Department for compliance with bid specifications. The Department shall prepare

a recommendation for award or rejection to the City Council.

5. Rejection of Bids. If the City Council determines that bids are excessively high or that specifications were unclear, or if no bids are received, the Council may reject all bids presented and use whatever method it deems appropriate, such as rebid, abandon acquisition, or negotiate a contract.

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

7. 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 re-advertising for bids, the Council may accept either bid or accept the lowest bid made by negotiation with the tied bidders.

8. 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. 09-12 § 3)

### ~~3.5.80~~ **3.05.090 Purchasing Procedure for Special Equipment/Supplies—Use of Brand Names or Requests for Proposals—Sole Source Purchases—Bid Exceptions.**

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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 the Santa Barbara County area, are exempt from the competitive bidding requirements in Section 3.05.080 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. The Purchasing Officer shall make the final determination to award sole source purchases based on the documentation submitted.

C. Bid Exceptions. The competitive bid process is not applicable to certain purchases. The following are exempt from bid processes of this chapter:

1. Department purchases, as defined in Section 3.05.080(A);
2. Travel/expense advances;
3. Subscriptions;
4. Trade circulars or books;
5. Insurance premium;
6. Insurance claims;
7. Reimbursement of expenses;
8. Petty cash reimbursement;
9. Medical payments;
10. Newspaper advertisements and notices;
11. Dues to approved organizations;
12. General services or equipment/special equipment/supplies from other government agencies;

13. Utility payments;
14. Courier/delivery messenger services;
15. Land;
16. Buildings;
17. Debt services;
18. Grants;
19. Claims settlement. (Ord. 09-12 § 3)

#### 3.5.99 3.05.100 Cooperative Purchasing with Other Agencies.

A. The bidding requirements of Section 3.05.080 shall not apply to the purchasing of any equipment or supplies which the Purchasing Officer decides to obtain through a cooperative competitive bidding procedure, being prepared by and processed through another local, state, or federal governmental agency. If the Purchasing Officer determines it 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 12 months through a competitive bidding process prepared by and awarded by another local, state or federal government agency. Approval of a “piggy-back” or cooperative purchase shall be obtained from City Council for an award of a purchase of \$60,000.00 or over.

B. Multiple Awarded Bids. Multiple awarded bids are generally conducted by larger government agencies. A competitive bidding process is conducted for a specified product. Several vendors whose product meets the specification are awarded the contract. Maximum item price and contract terms are established. If the Purchasing Officer determines it to be in the City’s best interest, the Purchasing Officer is authorized to use Federal, State or other government agency multiple awarded contracts. Staff must obtain quotes from at least three vendors on the list and award the bid to the lowest responsible bidder. Approval shall be obtained from City Council of purchases of \$60,000.00 and over. (Ord. 09-12 § 3)

#### 3.05.110 Recycled, Energy Efficient or Environmentally Friendly Supply Products Specification.

If in procuring supplies a recycled, energy efficient or environmentally friendly 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, energy efficient or environmentally friendly materials be bid. If the Department Director determines that (1) a recycled, energy efficient or environmentally friendly product lacks performance capabilities or needed quality levels, or (2) a sufficient amount of said product is not currently available in the market, then a reduced percentage can be required, or the supply specification can be limited to non-recycled, non-energy efficient or non-environmentally friendly materials. (Ord. 09-12 § 3)

#### 3.05. 120 Urgencies.

The bidding procedures of Section 3.05.080 may be dispensed with in the case of urgency. Urgency shall exist when the service, repair, or replacements are immediately necessary to permit the continued performance of the operations or services of the City, or to avoid the immediate danger to life, health, or property. The City Council delegates the City Manager to declare a public urgency subject to confirmation by the City Council at its next meeting for any purchase in excess of \$60,000. (Ord. 09-12 § 3)

#### 3.05. 130 Inspection and Tests.

The Purchasing Officer 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, at his or her discretion, may require such 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. 09-12 § 3)

### **3.05.140 Staging of Purchases Prohibited.**

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Purchases and public works contracts shall not be knowingly staged or separated into smaller units or segments for the purpose of evading the competitive formal or informal bidding requirements of this chapter. (Ord. 09-12 § 3)

### **~~3.5.140~~ 3.05.150 Alternative Purchasing Procedure for General Services.**

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A. General services shall be procured either through the bid process outlined in Section [3.05.080](#) with the emphasis on awarding to the “lowest responsible responsive bidder” or through the Request for Proposal process outlined in Section [3.05250](#) with emphasis on factors other than price.

B. Factors to Consider. If it is determined that all vendors providing a service classification can equally provide the service satisfactorily, then a bid process would be appropriate. However if other factors other than price need to be considered in awarding the contract, the request for proposal process would be appropriate. Examples of areas other than price that may be important in awarding the contract include: experience level, competence, resources/equipment, staffing levels, and services available/time factors. Other qualifications and procedures for selecting such services may be determined by each City department responsible for recommending the service contract. (Ord. 09-12 § 3)

## **Article III. Public Work Projects Purchasing Procedures**

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### **3.05.160 Uniform Construction Cost Accounting Procedures.**

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The City Council has elected to become subject to the Uniform Construction Cost Accounting Procedures as established by the California Uniform Construction Cost Accounting Commission. (Ord. 09-12 § 3)

### **3.05.170 Bidding Procedures for Various Project Amounts.**

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A. A public work project of less than \$60,000.00 may be performed by City employees by force account, by negotiated contract, or by purchase order.

B. A public work project of an estimated value of \$ \$60,000.00 but less than \$200,000.00 may be let to contract by informal bid procedures as set forth in this chapter.

C. A public work project of \$ \$200,000.00 and over shall, except as otherwise provided in this chapter, be let to contract by formal bidding procedure as set forth in this chapter.

The described project costs limits of subsections A through C in this section shall be increased automatically as authorized pursuant to the adjustments made by the California Uniform Construction Cost Accounting Commission under Section 22020 of the [Public Contract Code](#). (Ord. 09-12 § 3)

### **3.05.180 Adoption of Plans.**

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At the earliest point practicable but prior to award in every instance, the City Council shall approve and adopt the plans, specifications and working details. (Ord. 09-12 § 3)

### **~~3.5.180~~ 3.05.190 Negotiated Contract or Purchase Order Procedures.**

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A. For those projects qualifying under subsection A of Section 3.05.170, the project manager 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 project manager shall first comply with the guidelines established by the California Uniform Construction Cost Accounting Commission in determining the cost of the public work.

B. The City Manager shall have the authority to award and to execute any contract for the public work qualifying under subsection A of Section 3.05.170. (Ord. 09-12 § 3)

### **3.5.190 3.05.200 Informal Bidding Procedures.**

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For those projects which qualify under subsection B of Section 3.05.170 for informal bidding, the following procedures shall be used:

A. Bidder 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 State Uniform Construction Cost Accounting rules.

B. 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 specified in this section, 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.

C. Bidder's Security/Failure to Sign Contract. Bidder's security shall be prescribed in the notice inviting bids in an amount equal to 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.

D. Minimum Time Period. All mailing of notices to contractors and announcement/ advertisements published in the construction trade journals pursuant to subsection B of this section shall be completed not less than 10 calendar days before bids are due.

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

F. Performance/Labor/Materials Bonds. A labor and materials bond, plus a performance bond shall be required, from a surety company acceptable to City, in amounts equivalent to the total contract amount.

G. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk, or his or her designee in public at the time and place stated 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 one year after the bid opening. The project manager shall make an analysis of the bids for compliance with bid specifications and, thereafter, make a recommendation for award or rejection. Such recommendation shall be made available for all bidders.

H. Public Access. The submitted bid packages shall be considered public records available for inspection at the time a recommendation for award or rejection is made. Disclosure of the information prior to a recommendation for award or rejection may prejudice the public interest if it is necessary to rebid the project.

I. Protest. Any party may lodge a protest to the award of a contract. Such a party shall have the opportunity to present information in support of their position to the awarding authority prior to the award of the contract. If any party fails to appear and present information prior to the award of the contract, they shall be deemed to have waived their right to protest the award of the contract.

J. Award. The City Council shall award the contract or reject the bids, or it may delegate this authority to the City Manager or other appropriate person. The Council may waive minor bid irregularities.

K. Bids in Excess of Statutory Amount. If all bids received are \$200,000.00 or over, the City Council may by passage of a resolution by a four-fifths vote, award the contract up to \$220,000.00 to the lowest responsible bidder if it determines the cost estimate of the City was reasonable. (Ord. 09-12 § 3)

### **3.5.200 3.05.210 Formal Bidding Procedures.**

For those projects requiring formal bidding under Section 3.05.170(C), the following procedures shall be used:

A. Authorization. The City Council shall authorize all requests for formal bids prior to publication of a notice inviting bids.

B. Publication. A notice shall be published at least once 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the City. The notice inviting formal bids shall also be 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 30 calendar days before the date of opening the bids. The notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. In addition to notice required by this section, the City may give such other notice as it deems proper.

C. Bidder's Security. Bidder's security/failure to sign contract. Bidder's security shall be prescribed in the notice inviting bids in an amount equal to 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.

D. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk, or his or her designee, in public at the time and place stated 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 one year after the bid opening. The project manager shall make an analysis of the bids for compliance with bid specifications and, thereafter, make a recommendation for award or rejection. Such recommendation shall be made available for all bidders.

E. Public Access. The submitted bid packages shall be considered public records available for inspection at the time a recommendation for award or rejection is made. Disclosure of the information prior to a recommendation for award or rejection may prejudice the public interest if it is necessary to rebid the project.

F. Protest. Any party may lodge a protest to the award of a contract. Such a party shall have the opportunity to present information in support of their position to the awarding authority prior to the award of the contract. If any party fails to appear and present information prior to the award of the contract, they shall be deemed to have waived their right to protest the award of the contract.

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

H. 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 or re-advertising for bids, the Council may accept either bid.

I. Performance/Labor/Materials Bonds. A labor and materials bond, plus a performance bond shall be required, from an acceptable surety, in such amounts and in such a form as the City finds reasonably necessary to



protect the public interest.

J. No Bids. If no bids are received, the project may be performed by City employees by force account, or by informal bidding procedures without further complying with this chapter. (Ord. 09-12 § 3)

### 3.5.240 3.05.220 Rejection of Bids.

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In its discretion, the City Council may reject all bids presented. If after the first invitation for bids, all bids are rejected, the City shall state the reasons for the rejection. The City shall have the option of either of the following:

A. Abandoning the project or re-advertising for bids in the manner described by this chapter.

B. By passage of a resolution by a four-fifths vote of the City 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. 09-12 § 3)

### 3.05.230 Emergencies—Procedure.

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In cases of emergency, as determined by the City Council, including, but not limited to, states of emergency defined in Section 8558 of the [Government Code](#), when repair or replacements are necessary to permit the continued conduct of the operation of services of the City, or to avoid danger to life or property, the Council, by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or give notice for bids to let contracts. The work may be done by day labor under the direction of the Council, by contract, or by a combination of the two. The Council delegates to the City Manager, the power to declare a public emergency subject to confirmation by the Council by a four-fifths vote, at its next meeting. (Ord. 09-12 § 3)

### 3.05.240 Staging of Public Works.

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Public work contracts shall not be knowingly staged or separated into smaller units or segments for the purpose of evading the competitive bidding requirements of this chapter. (Ord. 09-12 § 3)

### 3.05.250 Bid Protest Procedure Applicable to Public Works Construction Projects.

#### a. Filing a Bid Protest.

1 A bidder on a city public works project or any other interested person may object, by following the procedure provided in this section, to the award of the contract for the project to the person or entity that submitted the low bid based on grounds that the low bidder is not responsible or that the bid is not responsive.

2. The apparent low bidder on a city public works project may object, by following the procedure provided in this section, to the city staff's determination that its bid is not responsive or that it is not a responsible bidder.

3. A bid protest as described in both paragraphs (1) and (2) above shall be filed in writing with the City Clerk and shall set forth the reasons for the objection. Any documents which support the objection must be filed together with the protest.

4. A bid protest as described in paragraph (1) above shall be filed with the City Clerk no later than seventy-two hours after the opening of the bids.

5. A bid protest as described in paragraph (2) above shall be filed with the City Clerk no later than

seventy-two hours after city staff informs the apparent low bidder by email or facsimile that it intends to recommend that its bid be rejected and the contract awarded to another bidder.

b. Notice of Hearing of Protest.

1. Upon receipt of a protest challenging a low bidder pursuant to paragraph (a)(1) of this section, the City Clerk shall mail and fax or email a copy of the protest to the low bidder, together with any supporting documents filed with the protest, along with a statement advising the low bidder of the date, time, and place when and where the City Council will meet to consider the bids received in connection with the project. The notice shall advise the low bidder that it may appear at the City Council meeting and that it will be given an opportunity at that meeting to rebut the charges made in the protest. The City Clerk shall also send a letter to the person who protested the award of the contract, advising of the date, time, and place when and where the City Council will meet to consider the bids and the protest. Multiple protests will be consolidated and considered concurrently.

2. Upon receipt of a protest by an apparent low bidder challenging the staff's determination that it is not responsible or that its bid is not responsive pursuant to paragraph (a)(2) of this section, the City Clerk shall mail and fax or email a letter advising the apparent low bidder of the date, time, and place when and where the City Council will meet to consider the bids received in connection with the project and advising the apparent low bidder that it may appear at the City Council meeting and that it will be given an opportunity at that meeting to rebut the staff's determination that it is not a responsible bidder or that its bid is not responsive.

C. Hearing the Bid Protest. At the hearing, the City Council shall follow the following procedure:

1. At the time set for consideration of the bids received in connection with the project, the City Council shall first hear a staff report.

2. Following the staff presentation, in the case where another bidder or interested person is protesting the low bid, the City Council will allow the protester to make its presentation, and then the Council will allow the low bidder to rebut the arguments and evidence produced by the protester.

3. In the case where staff is recommending rejection of an apparent low bid, the apparent low bidder will be allowed to present evidence rebutting the staff's recommendation.

4. The City Council may, in its discretion, permit rebuttals and surrebuttals by the parties. The City Council is not required to abide by formal rules of evidence.

5. At the conclusion of the hearing, the City Council will decide which bidder is the lowest responsible bidder based on the evidence produced at the hearing and award the contract to that bidder or, alternatively, exercise its right to reject all bids.

6. In deciding whether a bidder is "responsible," the City Council must consider the bidder's trustworthiness, and the quality, fitness and capacity of the bidder to satisfactorily perform the work required to be performed for the project. Evidence of pervasive and significant violations of the prevailing wage laws of the State of California by the bidder on a city project or on public works projects involving other public agencies must warrant a finding by the City Council that the bidder is not responsible. In deciding whether a bid is responsive, the City Council must determine that the bid is complete, responsive to the bid instructions and does not contain any nonwaivable defects.

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**Article IV. Professional Services**

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**i. 3.05.260 Award of Professional Service Contracts Based upon Competence.**

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1. Factors to Consider. In contracting for those professional services, such contracts should only be awarded to firms or persons who have demonstrated "adequate competence" meaning: an adequate level of experience, competence, resources/equipment, staffing and other professional qualifications necessary for more than a satisfactory performance of the services required in the time period needed. 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 contractor 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 contractor. 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.

2. Request for Proposal/Qualifications. 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. The Purchasing Officer may be contacted to assist in the formal request for proposal/qualification (RFP/Q) process.

3. Services Under \$2,500.00. A Department Director may award professional service or consulting services/contracts up to \$2,500.00 with qualified consultants/firms on file with the City. Award may be given by contract or verbal authorization.

4. Contracts Between \$2,500.00 and \$10,000.00. A Department Director and the Purchasing Officer may award professional service or consulting contracts between \$2,500.00 and \$10,000.00 with qualified consultants/firms on file with the City.

5. Contracts Over \$10,000.00 but Less Than \$60,000. In a non-urgent situation, the requesting department should contact a minimum of three consultants/firms. Unless the City Council authorized the entering into or the award of a specific service contract, the City Manager shall have the authority to award and execute the contract.

6. Contracts \$60,000 and Over. In a non-urgent situation, departments shall utilize a sealed request for proposal process essentially meeting the following requirements:

a. RFP/Q Solicitation Process. A formal Sealed Request for Proposal Qualification (herein "RFP/Q") document should be developed for solicitation of professional services contracts for \$60,000 and over.

b. Advertisement. The department should advertise in appropriate publications and/or use the professional services listings, as available, during the solicitation process.

c. Fourteen-Day Notice. Notice inviting RFP/Qs

should be posted at the City Hall and on the City's website at least 14 calendar days before the due date of submission of the RFP/Q.

d. Notice Contents. The notice shall at least describe the general type of service needed, how the RFP/Q minimum scope of work can be obtained, the requirement of a written sealed proposal, state the closing date, place, and time for submission of the RFP/Q.

e. Solicitation Procedure. Sealed request for proposals/qualifications should be submitted to the department. RFP/Qs need not be opened publicly. All proposals shall be analyzed by the department for compliance with RFP/Q requirements, value of the total scope of services and a recommendation made to City Council for selection, or for follow up interviews of those submitting a proposal,

f. Award. Professional service contracts \$60,000 and over may only be awarded by the City Council.

7. Urgencies. The sealed request for proposals/qualifications procedures may be dispensed with in the case of urgency as determined by City Council. The City Council delegates the City Manager to declare urgency subject to confirmation by the City Council at its next meeting for any purchase of \$60,000 and over. (Ord. 12-14 § 2; Ord. 11-07 § 2; Ord. 09-12 § 3)

#### ~~3.5.94~~ 3.05.270 Cooperative Purchasing with Other Agencies.

A. The purchasing requirements of Section 3.05.250 shall not apply to the purchasing of any professional service which the Purchasing Officer decides to obtain with another government entity. If the Purchasing Officer determines it to be in the best interest of the City, the Purchasing Officer is authorized to "piggy-back" onto or join another government entity's written purchase contract, which contract was obtained through a procurement process required by that government agency. The City Council shall approve any professional services contract with an amount that is \$60,000 and over.

B. The purchasing requirements of Section 3.05.250 shall not apply to the purchasing of any professional service which the Purchasing Officer decides to obtain directly from another public agency. The City Council shall approve any professional services contract with an amount that is \$60,000 and over.

C. Urgencies. If a local emergency has been declared, the City Manager may make purchases \$60,000 and over under this Section 3.05.260 subject to confirmation by the City Council at its next meeting.

## **ATTACHMENT 2:**

Proposed Text of Title 3 chapter 3.05 of the Goleta Municipal Code (Clean Version)

**GOLETA MUNICIPAL CODE**  
**Title 3 REVENUE AND FINANCE**

**Chapter 3.05 PURCHASING SYSTEM**

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**Article I. Administration**

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**3.05.010 Purpose.**

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The purpose of this chapter is to establish an efficient procedure for the purchase of supplies, services, and equipment, and to establish a procedure for performing or contracting for the construction of public works consistent with state law, which procedures shall not be overly time consuming and cumbersome, while allowing the City to obtain the best professional services, and acquire quality supplies, general services, equipment in an overall economic manner, and also to construct public works at the lowest reasonable cost. (Ord. 09-12 § 3)

**3.05.020 Definitions.**

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“Agreement” shall mean a contract.

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

“Contract” shall mean an agreement between the City and another party for the acquisition of goods, supplies or services. Contract may include a purchase order, public works contract, professional services agreement or general services agreement.

“Equipment” shall mean 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 and other services which do not require any unique skill, special background, training, and obtaining such services at the lowest cost is the single most important factor in selection, as opposed to personal performance.

“Maintenance work” shall mean:

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, power, or waste disposal systems including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

“Professional” or “special services” shall mean any work performed by an attorney, doctor, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, consultant or those services which require special performance criteria, specific experience, training, personal judgment, quality of work or factors other than simply obtaining the service at the lowest cost to the City. Professional and special services are not subject to the informal, formal or competitive bidding requirements of this chapter and may be procured through negotiated contract or requests for proposal process.

“Public work” shall mean 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 or materials for any of the above works or projects.

3. A public work does not include maintenance work as defined in this chapter.

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

“Purchasing Officer,” for the purposes of this chapter, shall be the City Manager or his or her designated representative.

“Purchase order” shall mean a document issued by the City to a vendor, indicating types, quantities, and agreed prices for products or services the vendor will provide to the City. Open purchase orders shall mean purchase orders that are issued to one vendor for multiple purchases up to one pre-established dollar limit within the same fiscal year.

“Special equipment/supplies” shall mean 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” shall mean office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the City’s business, excepting supplies or materials for a public work which is regulated under the California [Public Contract Code](#) Sections 20160, et seq.

“Uniform Construction Cost Accounting Procedures” shall mean those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to Section 22010, et seq., of the California [Public Contract Code](#).

“Vendor” shall mean a party contracting with the City of Goleta. (Ord. 09-12 § 3)

### **3.05.030 Purchasing Officer—Powers and Duties.**

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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 be the City Manager or such other City employee designated by the City Manager to be the Purchasing Officer. The Purchasing Officer shall have the authority to:

- A. Ensure that the purchasing or contracting for needed City supplies, general services, equipment, and special equipment/supplies, which are not included within a construction contract or proposed specifications for a construction contract of a public work, is conducted in conformance with the terms and procedures prescribed in this chapter;
- B. Keep informed of current developments concerning purchasing, prices, market conditions, and new products;
- C. Prescribe and maintain such forms as necessary for the proper operation of this purchasing system;
- D. Ensure the inspection of all supplies, general services, and equipment purchased under this chapter;
- E. Supervise the transfer of surplus and unused supplies and equipment or sale or disposal of such;
- F. Ensure that purchasing specifications are open and nonrestrictive to encourage full competition; and
- G. Perform such other tasks as may be necessary for the proper conduct of purchasing of supplies, general services, and equipment. (Ord. 09-12 § 3)

### **3.05.040 Methods of Purchasing.**

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All purchases must be made in accordance with the provisions of this chapter. Subject to the provisions of this chapter, except for petty cash purchases of goods, equipment or general services for an amount less than \$150.00, purchases shall be made through one of the following methods: written contract, purchase order, or City

credit card transaction. The Purchasing Officer shall prescribe rules and procedures for the use of these purchasing methods. (Ord. 09-12 § 3)

### **3.05.050 Written Contracts.**

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All written contracts for purchases in excess of \$10,000.00 shall be on a form approved by the City Attorney. (Ord. 09-12 § 3)

### **3.05.060 Encumbrance of Funds.**

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Except in cases of urgency as described in Section [3.05.120](#), neither the Purchasing Officer nor any employee shall issue any purchase order, authorize the execution of any contract, or enter any contract for purchasing of supplies, services or equipment, unless sufficient funds to pay for the purchase have been appropriated by the City Council and remain uncommitted for any other purchase. (Ord. 09-12 § 3)

### **3.05.070 City Manager Authorization.**

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The City Manager, and his or her designee, is authorized to authorized to enter into the following types of contracts:

- A. Contracts involving the allocation of county, state or federal funds pursuant to a program previously approved by the City Council where the form of contract is standard and used in substantially the same form by all applicants and has been approved by the City Attorney.
- B. Contracts that involve the receipt of grant funds from another government entity and does not require the expenditure of City funds.
- C. Contracts for services, supplies and equipment for a sum not to exceed \$60,000 for which the procurement processes outlined in this Chapter has been followed unless otherwise specified, funds have been budgeted in the current year budget and where the form of the contract has been approved by the City Attorney.
- D. Contracts or amendments to contracts which the City Council has expressly authorized the City Manager to execute; and
- E. Amendments to contracts previously approved by the City Council that does not involve the expenditure of City fund or modify the amount of the contract in strict compliance with a specific line item in the approved City budget. This may include but is not limited to term extensions, change in subcontractors/consultants, and change in scope of services.
- F. Contracts required of a project application as a condition of approval of a permit, license, or other grant of approval not involving expenditure of city funds and for which the project applicant has deposited cash with the City in the maximum value of the contract. Examples of such contracts may be for:
  - 1. The preparation of California Environmental Quality Act (CEQA) studies or reports,
  - 2. Economic analysis of a project,
  - 3. Peer review of a project economic analysis (pro forma), or
  - 4. Peer review of an environmental study or report, or
  - 5. Monitoring of compliance with environmental impact mitigation measures, or
  - 6. Monitoring of compliance with conditions of approval.

## **Article II. Supplies, General Services and Equipment**

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### **3.05.080 Purchasing Procedure for Supplies, General Services, Equipment and Special Equipment/Supplies.**

Except as authorized in Section [3.05.150](#), or in the case of urgencies as described in Section [3.05.120](#), the purchase of supplies, general services, equipment and special equipment/supplies, not included in the construction contract or bid specification for a public work, shall be made as follows:



- A. Departmental Purchases. A department may purchase supplies, equipment, special equipment/supplies and general services independently of the Purchasing Officer of a value less than \$10,000.00, provided such department keeps a record of such purchases and exercises reasonable prudence in seeking price quotes and purchasing such items.
1. For purchases up to \$2,499.99, the approval of the Department Director or designee is required. No bids are required.
  2. All purchases over \$2,500.00 require a purchase order or written contract. Purchases between \$2,500.00 and \$10,000.00 require approval by the Department Director and the Purchasing Officer or their designee. Three informal quotes are required for all purchases over \$2,500.00 but less than \$10,000.00.
- B. City Manager Purchases. Purchases for supplies, equipment or general services for an amount over \$10,000.00 but less than \$60,000, must be approved by the City Manager. Three informal written bids must be obtained based on written specifications.

Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer. 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.

The Purchasing Officer, or designee, shall award the purchase contract to the lowest responsive and responsible bidder, vendor or offerer whose quote, bid, or proposal fulfills the purpose intended, or reject such bids or proposals, or negotiate further for more acceptable terms to the City.

- C. Informal Bid Procedures. Purchases for supplies, general services or equipment with an estimated value of \$60,000, but less than \$125,000.00, shall be made on an informal written bidding procedure as follows:
1. Ten-Day Notice. Notices inviting informal bids shall be posted at least 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 Purchasing Officer deems appropriate. Such notice shall be posted on a public bulleting board at City Hall and on the City of Goleta website.
  2. Notice Contents. Except as authorized by Section [3.05.200](#), the notice shall at least describe the supply, general service, or equipment needed in general and generic terms, any required bidder's security or performance bonds, how special bid specifications can be obtained, required written sealed bids, state the closing date, place, and time for submission of informal bids.
  3. Bid and Performance Bonds. The City may require bidder's security equal to 10% of the bid amount and/or a performance bond in such amount as it shall find reasonably necessary to protect the public interest. If the City requires either or both of such security and bond, the form and amount of the security and bond shall be described in the notice inviting bid.
  4. 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 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's failure or refusal to comply with the purchase order, or to execute a written contract within 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 responsible bidder.
  5. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk or his or her

designee, at the time and place stated in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received and then opened.

6. Bid Evaluation Procedure. All bids shall be analyzed by the Department for compliance with bid specifications, and the Department shall prepare an analysis of the bid process for submittal to the City Council. Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer or designee. The Department shall then prepare a recommendation to Council for award or rejection of bid.
7. No Bids Received. In the event no bids are received, the Department Director requesting the purchase shall have the option of any of the following:
  - i. Abandoning the purchase;
  - ii. Rebidding the purchase on an informal basis; or
  - iii. The Department Director may request the City Council to allow the obtaining of the item, supply, service or equipment on a direct negotiated contract basis.
8. Rebidding. If the Purchasing Officer determines bids are unacceptably high, or specifications were misleading, the Purchasing Officer may reject any bids presented and the item may be rebid.
9. Award. The City Council shall reject all bids or award the purchase contract to the lowest responsive and responsible bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the solicitation and the contract award amount is within the unencumbered appropriation for that item. The Council may waive any minor bid irregularities. If all bids received are \$125,000.00 or over, the City Council may, by a four-fifths vote, award the bid to the lowest responsible bidder whose bid is no greater than \$137,500.00 if it determines the cost estimate of the public agency was reasonable. If bids are rejected, Council may seek a new bid or instruct that the purchase be made on a direct negotiated contract basis.

D. Formal Bid Procedures. For supplies, general services, or equipment with an estimated value in excess of \$125,000.00 and over, purchases shall be made in accordance with the following formal written bid procedures:

1. Published Notices. A notice inviting bids shall be published at least 14 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 deems appropriate may be made, such as posting on a public bulletin board at City Hall and on the City of Goleta website.
  - i. Notices Inviting Bids. Notices inviting bids shall include a general description of the goods, articles, services or equipment to be purchased, state where bid blanks and specifications may be secured and the time and place for the opening of bids;
  - ii. Bidder's List. The departments shall maintain lists of responsible bidders for various categories of supplies or equipment. 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; and
2. 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 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.

3. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk 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 in the notice inviting bids. A written record and tabulation shall be made at the 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.
4. Bid Evaluation Procedures. Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer or designee. All bids shall be analyzed by the Department for compliance with bid specifications. The Department shall prepare a recommendation for award or rejection to the City Council.
5. Rejection of Bids. If the City Council determines that bids are excessively high or that specifications were unclear, or if no bids are received, the Council may reject all bids presented and use whatever method it deems appropriate, such as rebid, abandon acquisition, or negotiate a contract.
6. Award of Contracts. Contracts shall be awarded by the Council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended according to criteria designated in the solicitation, and, provided the award amount is within the unencumbered appropriation for that item. The Council may waive any minor bid irregularities.
7. 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 re-advertising for bids, the Council may accept either bid or accept the lowest bid made by negotiation with the tied bidders.
8. 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. 09-12 § 3)

### **3.05.090 Purchasing Procedure for Special Equipment/Supplies—Use of Brand Names or Requests for Proposals—Sole Source Purchases—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 the Santa Barbara County area, are exempt from the competitive bidding requirements in Section 3.05.080 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. The Purchasing Officer shall make the final determination to award sole source purchases based on the documentation submitted.

- C. Bid Exceptions. The competitive bid process is not applicable to certain purchases. The following are exempt from bid processes of this chapter:
  1. Department purchases, as defined in Section 3.05.080(A);
  2. Travel/expense advances;
  3. Subscriptions;

4. Trade circulars or books;
5. Insurance premium;
6. Insurance claims;
7. Reimbursement of expenses;
8. Petty cash reimbursement;
9. Medical payments;
10. Newspaper advertisements and notices;
11. Dues to approved organizations;
12. General services or equipment/special equipment/supplies from other government agencies;
13. Utility payments;
14. Courier/delivery messenger services;
15. Land;
16. Buildings;
17. Debt services;
18. Grants;
19. Claims settlement. (Ord. 09-12 § 3)

#### **3.05.100 Cooperative Purchasing with Other Agencies.**

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- A. The bidding requirements of Section 3.05.080 shall not apply to the purchasing of any equipment or supplies which the Purchasing Officer decides to obtain through a cooperative competitive bidding procedure, being prepared by and processed through another local, state, or federal governmental agency. If the Purchasing Officer determines it 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 12 months through a competitive bidding process prepared by and awarded by another local, state or federal government agency. Approval of a “piggy-back” or cooperative purchase shall be obtained from City Council for an award of a purchase of \$60,000.00 or over.
- B. Multiple Awarded Bids. Multiple awarded bids are generally conducted by larger government agencies. A competitive bidding process is conducted for a specified product. Several vendors whose product meets the specification are awarded the contract. Maximum item price and contract terms are established. If the Purchasing Officer determines it to be in the City’s best interest, the Purchasing Officer is authorized to use Federal, State or other government agency multiple awarded contracts. Staff must obtain quotes from at least three vendors on the list and award the bid to the lowest responsible bidder. Approval shall be obtained from City Council of purchases of \$60,000.00 and over. (Ord. 09-12 § 3)

#### **3.05.110 Recycled, Energy Efficient or Environmentally Friendly Supply Products Specification.**

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If in procuring supplies a recycled, energy efficient or environmentally friendly 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, energy efficient or environmentally friendly materials be bid. If the Department Director determines that (1) a recycled, energy efficient or environmentally friendly product lacks performance capabilities or needed quality levels, or (2) a sufficient amount of said product is not currently available in the market, then a reduced percentage can be required, or the supply specification can be limited to non-recycled, non-energy efficient or non-environmentally friendly materials. (Ord. 09-12 § 3)

### **3.05. 120 Urgencies.**

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The bidding procedures of Section 3.05.080 may be dispensed with in the case of urgency. Urgency shall exist when the service, repair, or replacements are immediately necessary to permit the continued performance of the operations or services of the City, or to avoid the immediate danger to life, health, or property. The City Council delegates the City Manager to declare a public urgency subject to confirmation by the City Council at its next meeting for any purchase in excess of \$60,000. (Ord. 09-12 § 3)

### **3.05. 130 Inspection and Tests.**

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The Purchasing Officer 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, at his or her discretion, may require such 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. 09-12 § 3)

### **3.05.140 Staging of Purchases Prohibited.**

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Purchases and public works contracts shall not be knowingly staged or separated into smaller units or segments for the purpose of evading the competitive formal or informal bidding requirements of this chapter. (Ord. 09-12 § 3)

### **3.05.150 Alternative Purchasing Procedure for General Services.**

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- A. General services shall be procured either through the bid process outlined in Section 3.05.080 with the emphasis on awarding to the "lowest responsible responsive bidder" or through the Request for Proposal process outlined in Section 3.05250 with emphasis on factors other than price.
- B. Factors to Consider. If it is determined that all vendors providing a service classification can equally provide the service satisfactorily, then a bid process would be appropriate. However if other factors other than price need to be considered in awarding the contract, the request for proposal process would be appropriate. Examples of areas other than price that may be important in awarding the contract include: experience level, competence, resources/equipment, staffing levels, and services available/time factors. Other qualifications and procedures for selecting such services may be determined by each City department responsible for recommending the service contract. (Ord. 09-12 § 3)

## **Article III. Public Work Projects Purchasing Procedures**

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### **3.05.160 Uniform Construction Cost Accounting Procedures.**

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The City Council has elected to become subject to the Uniform Construction Cost Accounting Procedures as established by the California Uniform Construction Cost Accounting Commission. (Ord. 09-12 § 3)

### **3.05.170 Bidding Procedures for Various Project Amounts.**

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- A. A public work project of less than \$60,000.00 may be performed by City employees by force account, by negotiated contract, or by purchase order.
- B. A public work project of an estimated value of \$ \$60,000.00 but less than \$200,000.00 may be let to contract by informal bid procedures as set forth in this chapter.
- C. A public work project of \$ \$200,000.00 and over shall, except as otherwise provided in this

chapter, be let to contract by formal bidding procedure as set forth in this chapter.

The described project costs limits of subsections A through C in this section shall be increased automatically as authorized pursuant to the adjustments made by the California Uniform Construction Cost Accounting Commission under Section 22020 of the [Public Contract Code](#). (Ord. 09-12 § 3)

### **3.05.180 Adoption of Plans.**

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At the earliest point practicable but prior to award in every instance, the City Council shall approve and adopt the plans, specifications and working details. (Ord. 09-12 § 3)

### **3.05.190 Negotiated Contract or Purchase Order Procedures.**

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- A. For those projects qualifying under subsection A of Section [3.05.170](#), the project manager 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 project manager shall first comply with the guidelines established by the California Uniform Construction Cost Accounting Commission in determining the cost of the public work.
- B. The City Manager shall have the authority to award and to execute any contract for the public work qualifying under subsection A of Section [3.05.170](#). (Ord. 09-12 § 3)

### **3.05.200 Informal Bidding Procedures.**

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For those projects which qualify under subsection B of Section [3.05.170](#) for informal bidding, the following procedures shall be used:

- A. Bidder 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 State Uniform Construction Cost Accounting rules.
- B. 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 specified in this section, 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.
- C. Bidder's Security/Failure to Sign Contract. Bidder's security shall be prescribed in the notice inviting bids in an amount equal to 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.
- D. Minimum Time Period. All mailing of notices to contractors and announcement/ advertisements published in the construction trade journals pursuant to subsection B of this section shall be completed not less than 10 calendar days before bids are due.
- E. Notice Contents. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.
- F. Performance/Labor/Materials Bonds. A labor and materials bond, plus a performance bond shall be required, from a surety company acceptable to City, in amounts equivalent to the total contract amount.
- G. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk, or his or her designee in



public at the time and place stated 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 one year after the bid opening. The project manager shall make an analysis of the bids for compliance with bid specifications and, thereafter, make a recommendation for award or rejection. Such recommendation shall be made available for all bidders.

- H. Public Access. The submitted bid packages shall be considered public records available for inspection at the time a recommendation for award or rejection is made. Disclosure of the information prior to a recommendation for award or rejection may prejudice the public interest if it is necessary to rebid the project.
- I. Protest. Any party may lodge a protest to the award of a contract. Such a party shall have the opportunity to present information in support of their position to the awarding authority prior to the award of the contract. If any party fails to appear and present information prior to the award of the contract, they shall be deemed to have waived their right to protest the award of the contract.
- J. Award. The City Council shall award the contract or reject the bids, or it may delegate this authority to the City Manager or other appropriate person. The Council may waive minor bid irregularities.
- K. Bids in Excess of Statutory Amount. If all bids received are \$200,000.00 or over, the City Council may by passage of a resolution by a four-fifths vote, award the contract up to \$220,000 to the lowest responsible bidder if it determines the cost estimate of the City was reasonable. (Ord. 09-12 § 3)

### **3.05.210 Formal Bidding Procedures.**

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For those projects requiring formal bidding under Section 3.05.170(C), the following procedures shall be used:

- A. Authorization. The City Council shall authorize all requests for formal bids prior to publication of a notice inviting bids.
- B. Publication. A notice shall be published at least once 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the City. The notice inviting formal bids shall also be 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 30 calendar days before the date of opening the bids. The notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. In addition to notice required by this section, the City may give such other notice as it deems proper.
- C. Bidder's Security. Bidder's security/failure to sign contract. Bidder's security shall be prescribed in the notice inviting bids in an amount equal to 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.
- D. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk, or his or her designee, in public at the time and place stated 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 one year after the bid opening. The project manager shall make an analysis of the bids for compliance with bid specifications and, thereafter, make a recommendation for award or rejection. Such recommendation shall be made available for all bidders.
- E. Public Access. The submitted bid packages shall be considered public records available for inspection at the time a recommendation for award or rejection is made. Disclosure of the information prior to

a recommendation for award or rejection may prejudice the public interest if it is necessary to rebid the project.

- F. Protest. Any party may lodge a protest to the award of a contract. Such a party shall have the opportunity to present information in support of their position to the awarding authority prior to the award of the contract. If any party fails to appear and present information prior to the award of the contract, they shall be deemed to have waived their right to protest the award of the contract.
- G. Award of Contracts/Minor Irregularities. Contracts shall be awarded by the Council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended, according to criteria designated in the solicitation and, provided, the award amount is within the unencumbered appropriation for that item. The Council may waive minor bid irregularities.
- H. 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 or re-advertising for bids, the Council may accept either bid.
- I. Performance/Labor/Materials Bonds. A labor and materials bond, plus a performance bond shall be required, from an acceptable surety, in such amounts and in such a form as the City finds reasonably necessary to protect the public interest.
- J. No Bids. If no bids are received, the project may be performed by City employees by force account, or by informal bidding procedures without further complying with this chapter. (Ord. 09-12 § 3)

#### **3.05.220 Rejection of Bids.**

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In its discretion, the City Council may reject all bids presented. If after the first invitation for bids, all bids are rejected, the City shall state the reasons for the rejection. The City shall have the option of either of the following:

- A. Abandoning the project or re-advertising for bids in the manner described by this chapter.
- B. By passage of a resolution by a four-fifths vote of the City 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. 09-12 § 3)

#### **3.05.230 Emergencies—Procedure.**

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In cases of emergency, as determined by the City Council, including, but not limited to, states of emergency defined in Section 8558 of the [Government Code](#), when repair or replacements are necessary to permit the continued conduct of the operation of services of the City, or to avoid danger to life or property, the Council, by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or give notice for bids to let contracts. The work may be done by day labor under the direction of the Council, by contract, or by a combination of the two. The Council delegates to the City Manager, the power to declare a public emergency subject to confirmation by the Council by a four-fifths vote, at its next meeting. (Ord. 09-12 § 3)

#### **3.05.240 Staging of Public Works.**

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Public work contracts shall not be knowingly staged or separated into smaller units or segments for the purpose of evading the competitive bidding requirements of this chapter. (Ord. 09-12 § 3)

#### **3.05.250 Bid Protest Procedure Applicable to Public Works Construction Projects.**

- A. Filing a Bid Protest. A bidder on a city public works project or any other interested person may object, by following the procedure provided in this section, to the award of the contract for the project to the person or entity that submitted the low bid based on grounds that the low bidder is not responsible or that the bid is not responsive.
  - 1. The apparent low bidder on a city public works project may object, by following the procedure provided in this



- section, to the city staff's determination that its bid is not responsive or that it is not a responsible bidder.
2. A bid protest as described in both paragraphs (1) and (2) above shall be filed in writing with the City Clerk and shall set forth the reasons for the objection. Any documents which support the objection must be filed together with the protest.
  3. A bid protest as described in paragraph (1) above shall be filed with the City Clerk no later than seventy-two hours after the opening of the bids.
  4. A bid protest as described in paragraph (2) above shall be filed with the City Clerk no later than seventy-two hours after city staff informs the apparent low bidder by email or facsimile that it intends to recommend that its bid be rejected and the contract awarded to another bidder.
- B. Notice of Hearing of Protest.
1. Upon receipt of a protest challenging a low bidder pursuant to paragraph (a)(1) of this section, the City Clerk shall mail and fax or email a copy of the protest to the low bidder, together with any supporting documents filed with the protest, along with a statement advising the low bidder of the date, time, and place when and where the City Council will meet to consider the bids received in connection with the project. The notice shall advise the low bidder that it may appear at the City Council meeting and that it will be given an opportunity at that meeting to rebut the charges made in the protest. The City Clerk shall also send a letter to the person who protested the award of the contract, advising of the date, time, and place when and where the City Council will meet to consider the bids and the protest. Multiple protests will be consolidated and considered concurrently.
  2. Upon receipt of a protest by an apparent low bidder challenging the staff's determination that it is not responsible or that its bid is not responsive pursuant to paragraph (a)(2) of this section, the City Clerk shall mail and fax or email a letter advising the apparent low bidder of the date, time, and place when and where the City Council will meet to consider the bids received in connection with the project and advising the apparent low bidder that it may appear at the City Council meeting and that it will be given an opportunity at that meeting to rebut the staff's determination that it is not a responsible bidder or that its bid is not responsive.
- C. Hearing the Bid Protest. At the hearing, the City Council shall follow the following procedure:
1. At the time set for consideration of the bids received in connection with the project, the City Council shall first hear a staff report.
  2. Following the staff presentation, in the case where another bidder or interested person is protesting the low bid, the City Council will allow the protester to make its presentation, and then the Council will allow the low bidder to rebut the arguments and evidence produced by the protester.
  3. In the case where staff is recommending rejection of an apparent low bid, the apparent low bidder will be allowed to present evidence rebutting the staff's recommendation.
  4. The City Council may, in its discretion, permit rebuttals and surrebuttals by the parties. The City Council is not required to abide by formal rules of evidence.
  5. At the conclusion of the hearing, the City Council will decide which bidder is the lowest responsible bidder based on the evidence produced at the hearing and award the contract to that bidder or, alternatively, exercise its right to reject all bids.
  6. In deciding whether a bidder is "responsible," the City Council must consider the bidder's trustworthiness, and the quality, fitness and capacity of the bidder to satisfactorily perform the work required to be performed for the project. Evidence of pervasive and significant violations of the prevailing wage laws of the State of California by the bidder on a city project or on public works projects involving other public agencies must warrant a finding by the City Council that the bidder is not responsible. In deciding whether a bid is responsive, the City Council must determine that the bid is complete, responsive to the bid instructions and does not contain any nonwaivable defects.

## **Article IV. Professional Services**

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### **3.05.260 Award of Professional Service Contracts Based upon Competence.**

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- A. Factors to Consider. In contracting for those professional services, such contracts should only be awarded to firms or persons who have demonstrated "adequate competence" meaning: an adequate level of experience, competence, resources/equipment, staffing and other professional qualifications necessary for more than a satisfactory performance of the services required in the time period needed. 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 contractor 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 contractor. 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.

- B. Request for Proposal/Qualifications. 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. The Purchasing Officer may be contacted to assist in the formal request for proposal/qualification (RFP/Q) process.
- C. Services Under \$2,500.00. A Department Director may award professional service or consulting services/contracts up to \$2,500.00 with qualified consultants/firms on file with the City. Award may be given by contract or verbal authorization.
- D. Contracts Between \$2,500.00 and \$10,000.00. A Department Director and the Purchasing Officer may award professional service or consulting contracts between \$2,500.00 and \$10,000.00 with qualified consultants/firms on file with the City.
- E. Contracts Over \$10,000.00 but Less Than \$60,000. In a non-urgent situation, the requesting department should contact a minimum of three consultants/firms. Unless the City Council authorized the entering into or the award of a specific service contract, the City Manager shall have the authority to award and execute the contract.
- F. Contracts \$60,000 and Over. In a non-urgent situation, departments shall utilize a sealed request for proposal process essentially meeting the following requirements:
  - 1. RFP/Q Solicitation Process. A formal Sealed Request for Proposal Qualification (herein "RFP/Q") document should be developed for solicitation of professional services contracts for \$60,000 and over.
  - 2. Advertisement. The department should advertise in appropriate publications and/or use the professional services listings, as available, during the solicitation process.
  - 3. Fourteen-Day Notice. Notice inviting RFP/Qs should be posted at the City Hall and on the City's website at least 14 calendar days before the due date of submission of the RFP/Q.
  - 4. Notice Contents. The notice shall at least describe the general type of service needed, how the RFP/Q minimum scope of work can be obtained, the requirement of a written sealed proposal, state the closing date, place, and time for submission of the RFP/Q.
  - 5. Solicitation Procedure. Sealed request for proposals/qualifications should be submitted to the department. RFP/Qs need not be opened publicly. All proposals shall be analyzed by the department for compliance with RFP/Q requirements, value of the total scope of services and a recommendation made to City Council for selection, or for follow up interviews of those submitting a proposal,
  - 6. Award. Professional service contracts \$60,000 and over may only be awarded by the City Council.
- G. Urgencies. The sealed request for proposals/qualifications procedures may be dispensed with in the case of urgency as determined by City Council. The City Council delegates the City Manager to declare urgency subject to confirmation by the City Council at its next meeting for any purchase of \$60,000 and over. (Ord. 12-14 § 2; Ord. 11-07 § 2; Ord. 09-12 § 3)

#### **3.05.270 Cooperative Purchasing with Other Agencies.**

- A. The purchasing requirements of Section 3.05.250 shall not apply to the purchasing of any professional service which the Purchasing Officer decides to obtain with another government entity. If the Purchasing Officer determines it to be in the best interest of the City, the Purchasing Officer is authorized to "piggy-back" onto or join another government entity's written purchase contract, which contract was obtained through a procurement process required by that government agency. The City Council shall approve any

professional services contract with an amount that is \$60,000 and over.

- B. The purchasing requirements of Section 3.05.250 shall not apply to the purchasing of any professional service which the Purchasing Officer decides to obtain directly from another public agency. The City Council shall approve any professional services contract with an amount that is \$60,000 and over.
- C. Urgencies. If a local emergency has been declared, the City Manager may make purchases \$60,000 and over under this Section 3.05.260 subject to confirmation by the City Council at its next meeting.

### **ATTACHMENT 3:**

Introduce and conduct the first reading (by title only and waive further reading) of City Council Ordinance No. 19-\_\_ entitled “An Ordinance of the City Council of the City of Goleta Amending Title 3 Chapter 3.05 of the Goleta Municipal Code Relating to the City of Goleta Purchasing System.”

## **ORDINANCE NO. 20-\_\_**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLE 3 CHAPTER 3.05 OF THE GOLETA MUNICIPAL CODE RELATING TO THE CITY OF GOLETA PURCHASING SYSTEM**

The City Council of the City of Goleta does ordain as follows:

#### **SECTION 1: CODE AMENDMENT**

Chapter 3.05 (Purchasing System) of Title 3 (Revenue and Finance) is hereby amended to read as follows:

#### **Chapter 3.05 PURCHASING SYSTEM**

##### **Article I. Administration**

##### **3.05.010 Purpose.**

The purpose of this chapter is to establish an efficient procedure for the purchase of supplies, services, and equipment, and to establish a procedure for performing or contracting for the construction of public works consistent with state law, which procedures shall not be overly time consuming and cumbersome, while allowing the City to obtain the best professional services, and acquire quality supplies, general services, equipment in an overall economic manner, and also to construct public works at the lowest reasonable cost.

##### **3.05.020 Definitions.**

“Agreement” shall mean a contract.

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

“Contract” shall mean an agreement between the City and another party for the acquisition of goods, supplies or services. Contract may include a purchase order, public works contract, professional services agreement or general services agreement.

“Equipment” shall mean 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 and other services which do not require any unique skill, special background, training, and obtaining such services at the lowest cost

is the single most important factor in selection, as opposed to personal performance.

“Maintenance work” shall mean:

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, power, or waste disposal systems including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

“Professional” or “special services” shall mean any work performed by an attorney, doctor, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, consultant or those services which require special performance criteria, specific experience, training, personal judgment, quality of work or factors other than simply obtaining the service at the lowest cost to the City. Professional and special services are not subject to the informal, formal or competitive bidding requirements of this chapter and may be procured through negotiated contract or requests for proposal process.

“Public work” shall mean 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 or materials for any of the above works or projects.
3. A public work does not include maintenance work as defined in this chapter.

“Purchase” shall include the renting, leasing, purchasing, licensing, or a trade of equipment or supplies. “Purchasing Officer,” for the purposes of this chapter, shall be the City Manager or his or her designated representative.

“Purchase order” shall mean a document issued by the City to a vendor, indicating types, quantities, and agreed prices for products or services the vendor will provide to the City. Open purchase orders shall mean purchase orders that are issued to one vendor for multiple purchases up to one pre-established dollar limit within the same fiscal year.

“Special equipment/supplies” shall mean 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” shall mean office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the City’s business, ~~excepting supplies or materials~~ for a public work which is regulated under the California Public Contract Code Sections 20160, et seq.

“Uniform Construction Cost Accounting Procedures” shall mean those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to Section 22010, et seq., of the California Public Contract Code.

“Vendor” shall mean a party contracting with the City of Goleta.

### **3.05.030 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 be the City Manager, or such other City employee designated by the City Manager to be the Purchasing Officer. The Purchasing Officer shall have the authority to:

- A. Ensure that the purchasing or contracting for needed City supplies, general services, equipment, and special equipment/supplies, which are not included within a construction contract or proposed specifications for a construction contract of a public work, is conducted in conformance with the terms and procedures prescribed in this chapter;
- B. Keep informed of current developments concerning purchasing, prices, market conditions, and new products;
- C. Prescribe and maintain such forms as necessary for the proper operation of this purchasing system;
- D. Ensure the inspection of all supplies, general services, and equipment purchased under this chapter;
- E. Supervise the transfer of surplus and unused supplies and equipment or sale

or disposal of such;

- F. Ensure that purchasing specifications are open and nonrestrictive to encourage full competition; and
- G. Perform such other tasks as may be necessary for the proper conduct of purchasing of supplies, general services, and equipment.

#### **3.05.040 Methods of Purchasing.**

All purchases must be made in accordance with the provisions of this chapter. Subject to the provisions of this chapter, except for petty cash purchases of goods, equipment or general services for an amount less than \$150.00, purchases shall be made through one of the following methods: written contract, purchase order, or City credit card transaction. The Purchasing Officer shall prescribe rules and procedures for the use of these purchasing methods.

#### **3.05.050 Written Contracts.**

All written contracts for purchases in excess of \$10,000.00 shall be on a form approved by the City Attorney.

#### **3.05.060 Encumbrance of Funds.**

Except in cases of urgency as described in Section 3.05.120, neither the Purchasing Officer nor any employee shall issue any purchase order, authorize the execution of any contract, or enter any contract for purchasing of supplies, services or equipment, unless sufficient funds to pay for the purchase have been appropriated by the City Council and remain uncommitted for any other purchase.

#### **3.05.070 City Manager Authorization.**

The City Manager, and his or her designee, is authorized to authorized to enter into the following types of contracts:

- A. Contracts involving the allocation of county, state or federal funds pursuant to a program previously approved by the City Council where the form of contract is standard and used in substantially the same form by all applicants and has been approved by the City Attorney.
- B. Contracts that involve the receipt of grant funds from another government entity and does not require the expenditure of City funds.
- C. Contracts for services, supplies and equipment for a sum not to exceed \$60,000 for which the procurement processes outlined in this Chapter has been followed unless otherwise specified, funds have been budgeted in the current year budget and where the form of the contract has been approved by the City Attorney.
- D. Contracts or amendments to contracts which the City Council has expressly



- authorized the City Manager to execute; and
- E. Amendments to contracts previously approved by the City Council that does not involve the expenditure of City fund or modify the amount of the contract in strict compliance with a specific line item in the approved City budget. This may include but is not limited to term extensions, change in subcontractors/consultants, and change in scope of services.
  - F. Contracts required of a project application as a condition of approval of a permit, license, or other grant of approval not involving expenditure of city funds and for which the project applicant has deposited cash with the City in the maximum value of the contract. Examples of such contracts may be for:
    - 1. The preparation of California Environmental Quality Act (CEQA) studies or reports,
    - 2. Economic analysis of a project,
    - 3. Peer review of a project economic analysis (pro forma), or
    - 4. Peer review of an environmental study or report, or
    - 5. Monitoring of compliance with environmental impact mitigation measures, or
    - 6. Monitoring of compliance with conditions of approval.

## **Article II. Supplies, General Services and Equipment**

### **3.05.080 Purchasing Procedure for Supplies, General Services, Equipment and Special Equipment/Supplies.**

Except as authorized in Section 3.05.150, or in the case of urgencies as described in Section 3.05.120, the purchase of supplies, general services, equipment and special equipment/supplies, not included in the construction contract or bid specification for a public work, shall be made as follows:

- A. Departmental Purchases. A department may purchase supplies, equipment, special equipment/supplies and general services independently of the Purchasing Officer of a value less than \$10,000.00, provided such department keeps a record of such purchases and exercises reasonable prudence in seeking price quotes and purchasing such items.
  - 1. For purchases up to \$2,499.99, the approval of the Department Director or designee is required. No bids are required.
  - 2. All purchases over \$2,500.00 require a purchase order or written contract. Purchases between \$2,500.00 and \$10,000.00 require approval by the Department Director and the Purchasing Officer or

their designee. Three informal quotes are required for all purchases over \$2,500.00 but less than \$10,000.00.

- B. City Manager Purchases. Purchases for supplies, equipment or general services for an amount over \$10,000.00 but less than \$60,000, must be approved by the City Manager. Three informal written bids must be obtained based on written specifications.

Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer. 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.

The Purchasing Officer, or designee, shall award the purchase contract to the lowest responsive and responsible bidder, vendor or offerer whose quote, bid, or proposal fulfills the purpose intended, or reject such bids or proposals, or negotiate further for more acceptable terms to the City.

- C. Informal Bid Procedures. Purchases for supplies, general services or equipment with an estimated value of \$60,000, but less than \$125,000.00, shall be made on an informal written bidding procedure as follows:

1. Ten-Day Notice. Notices inviting informal bids shall be posted at least 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 Purchasing Officer deems appropriate. Such notice shall be posted on a public bulletin board at City Hall and on the City of Goleta website.
2. Notice Contents. Except as authorized by Section 3.05.200, the notice shall at least describe the supply, general service, or equipment needed in general and generic terms, any required bidder's security or performance bonds, how special bid specifications can be obtained, required written sealed bids, state the closing date, place, and time for submission of informal bids.
3. Bid and Performance Bonds. The City may require bidder's security equal to 10% of the bid amount and/or a performance bond in such amount as it shall find reasonably necessary to protect the public

interest. If the City requires either or both of such security and bond, the form and amount of the security and bond shall be described in the notice inviting bid.

4. 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 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's failure or refusal to comply with the purchase order, or to execute a written contract within 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 responsible bidder.
5. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk or his or her designee, at the time and place stated in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received and then opened.
6. Bid Evaluation Procedure. All bids shall be analyzed by the Department for compliance with bid specifications, and the Department shall prepare an analysis of the bid process for submittal to the City Council. Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer or designee. The Department shall then prepare a recommendation to Council for award or rejection of bid.
7. No Bids Received. In the event no bids are received, the Department Director requesting the purchase shall have the option of any of the following:
  - i. Abandoning the purchase;
  - ii. Rebidding the purchase on an informal basis; or
  - iii. The Department Director may request the City Council to

allow the obtaining of the item, supply, service or equipment on a direct negotiated contract basis.

8. Rebidding. If the Purchasing Officer determines bids are unacceptably high, or specifications were misleading, the Purchasing Officer may reject any bids presented and the item may be rebid.
  9. Award. The City Council shall reject all bids or award the purchase contract to the lowest responsive and responsible bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the solicitation and the contract award amount is within the unencumbered appropriation for that item. The Council may waive any minor bid irregularities. If all bids received are \$125,000.00 or over, the City Council may, by a four-fifths vote, award the bid to the lowest responsible bidder whose bid is no greater than \$137,500.00 if it determines the cost estimate of the public agency was reasonable. If bids are rejected, Council may seek a new bid or instruct that the purchase be made on a direct negotiated contract basis.
- D. Formal Bid Procedures. For supplies, general services, or equipment with an estimated value in excess of \$125,000.00 and over, purchases shall be made in accordance with the following formal written bid procedures:
1. Published Notices. A notice inviting bids shall be published at least 14 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 deems appropriate may be made, such as posting on a public bulletin board at City Hall and on the City of Goleta website.
    - i. Notices Inviting Bids. Notices inviting bids shall include a general description of the goods, articles, services or equipment to be purchased, state where bid blanks and specifications may be secured and the time and place for the opening of bids;
    - ii. Bidder's List. The departments shall maintain lists of responsible bidders for various categories of supplies or equipment. 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; and

2. 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 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.
3. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk 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 in the notice inviting bids. A written record and tabulation shall be made at the 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.
4. Bid Evaluation Procedures. Quality and service being equal, a local preference of up to five percent may be given to local vendors located within the City of Goleta at the discretion of the Purchasing Officer or designee. All bids shall be analyzed by the Department for compliance with bid specifications. The Department shall prepare a recommendation for award or rejection to the City Council.
5. Rejection of Bids. If the City Council determines that bids are excessively high or that specifications were unclear, or if no bids are received, the Council may reject all bids presented and use whatever method it deems appropriate, such as rebid, abandon acquisition, or negotiate a contract.
6. Award of Contracts. Contracts shall be awarded by the Council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended according to criteria designated in the solicitation,

and, provided the award amount is within the unencumbered appropriation for that item. The Council may waive any minor bid irregularities.

7. 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 re-advertising for bids, the Council may accept either bid or accept the lowest bid made by negotiation with the tied bidders.
8. 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.

**3.05.090 Purchasing Procedure for Special Equipment/Supplies—Use of Brand Names or Requests for Proposals—Sole Source Purchases—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 the Santa Barbara County area, are exempt from the competitive bidding requirements in Section 3.05.080 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. The Purchasing Officer shall make the final determination to award sole source

purchases based on the documentation submitted.

- C. Bid Exceptions. The competitive bid process is not applicable to certain purchases. The following are exempt from bid processes of this chapter:
1. Department purchases, as defined in Section 3.05.080(A);
  2. Travel/expense advances;
  3. Subscriptions;
  4. Trade circulars or books;
  5. Insurance premium;
  6. Insurance claims;
  7. Reimbursement of expenses;
  8. Petty cash reimbursement;
  9. Medical payments;
  10. Newspaper advertisements and notices;
  11. Dues to approved organizations;
  12. General services or equipment/special equipment/supplies from other government agencies;
  13. Utility payments;
  14. Courier/delivery messenger services;
  15. Land;
  16. Buildings;
  17. Debt services;
  18. Grants;
  19. Claims settlement.

**3.05.100 Cooperative Purchasing with Other Agencies.**

- A. The bidding requirements of Section 3.05.080 shall not apply to the purchasing of any equipment or supplies which the Purchasing Officer decides to obtain through a cooperative competitive bidding procedure, being prepared by and processed through another local, state, or federal governmental agency. If the Purchasing Officer determines it 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 12

months through a competitive bidding process prepared by and awarded by another local, state or federal government agency. Approval of a “piggy-back” or cooperative purchase shall be obtained from City Council for an award of a purchase of \$60,000.00 or over.

- B. Multiple Awarded Bids. Multiple awarded bids are generally conducted by larger government agencies. A competitive bidding process is conducted for a specified product. Several vendors whose product meets the specification are awarded the contract. Maximum item price and contract terms are established. If the Purchasing Officer determines it to be in the City’s best interest, the Purchasing Officer is authorized to use Federal, State or other government agency multiple awarded contracts. Staff must obtain quotes from at least three vendors on the list and award the bid to the lowest responsible bidder. Approval shall be obtained from City Council of purchases of \$60,000.00 and over.

#### **3.05.110 Recycled, Energy Efficient or Environmentally Friendly Supply Products Specification.**

If in procuring supplies a recycled, energy efficient or environmentally friendly 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, energy efficient or environmentally friendly materials be bid. If the Department Director determines that (1) a recycled, energy efficient or environmentally friendly product lacks performance capabilities or needed quality levels, or (2) a sufficient amount of said product is not currently available in the market, then a reduced percentage can be required, or the supply specification can be limited to non-recycled, non-energy efficient or non-environmentally friendly materials.

#### **3.05.120 Urgencies.**

The bidding procedures of Section 3.05.080 may be dispensed with in the case of urgency. Urgency shall exist when the service, repair, or replacements are immediately necessary to permit the continued performance of the operations or services of the City, or to avoid the immediate danger to life, health, or property. The City Council delegates the City Manager to declare a public urgency subject to confirmation by the City Council at its next meeting for any purchase in excess of \$60,000.

#### **3.05. 130 Inspection and Tests.**



The Purchasing Officer 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, at his or her discretion, may require such 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.

#### **3.05.140 Staging of Purchases Prohibited.**

Purchases and public works contracts shall not be knowingly staged or separated into smaller units or segments for the purpose of evading the competitive formal or informal bidding requirements of this chapter.

#### **3.05.150 Alternative Purchasing Procedure for General Services.**

- A. General services shall be procured either through the bid process outlined in Section 3.05.080 with the emphasis on awarding to the “lowest responsible responsive bidder” or through the Request for Proposal process outlined in Section 3.05.250 with emphasis on factors other than price.
- B. Factors to Consider. If it is determined that all vendors providing a service classification can equally provide the service satisfactorily, then a bid process would be appropriate. However, if other factors other than price need to be considered in awarding the contract, the request for proposal process would be appropriate. Examples of areas other than price that may be important in awarding the contract include: experience level, competence, resources/equipment, staffing levels, and services available/time factors. Other qualifications and procedures for selecting such services may be determined by each City department responsible for recommending the service contract.

### **Article III. Public Work Projects Purchasing Procedure**

#### **3.05.160 Uniform Construction Cost Accounting Procedures.**

The City Council has elected to become subject to the Uniform Construction Cost Accounting Procedures as established by the California Uniform Construction Cost Accounting Commission.

#### **3.05.170 Bidding Procedures for Various Project Amounts.**

- A. A public work project of less than \$60,000.00 may be performed by City employees by force account, by negotiated contract, or by

purchase order.

- B. A public work project of an estimated value of \$ \$60,000.00 but less than \$200,000.00 may be let to contract by informal bid procedures as set forth in this chapter.
- C. A public work project of \$ \$200,000.00 and over shall, except as otherwise provided in this chapter, be let to contract by formal bidding procedure as set forth in this chapter.

The described project costs limits of subsections A through C in this section shall be increased automatically as authorized pursuant to the adjustments made by the California Uniform Construction Cost Accounting Commission under Section 22020 of the Public Contract Code.

### **3.05.180 Adoption of Plans.**

At the earliest point practicable but prior to award in every instance, the City Council shall approve and adopt the plans, specifications and working details.

### **3.05.190 Negotiated Contract or Purchase Order Procedures.**

- A. For those projects qualifying under subsection A of Section 3.05.170, the project manager 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 project manager shall first comply with the guidelines established by the California Uniform Construction Cost Accounting Commission in determining the cost of the public work.
- B. The City Manager shall have the authority to award and to execute any contract for the public work qualifying under subsection A of Section 3.05.170.

### **3.05.200 Informal Bidding Procedures.**

For those projects which qualify under subsection B of Section 3.05.170 for informal bidding, the following procedures shall be used:

- A. Bidder 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 State Uniform Construction Cost Accounting rules.
- B. 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 specified in this section, 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.

- C. Bidder's Security/Failure to Sign Contract. Bidder's security shall be prescribed in the notice inviting bids in an amount equal to 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.
- D. Minimum Time Period. All mailing of notices to contractors and announcement/ advertisements published in the construction trade journals pursuant to subsection B of this section shall be completed not less than 10 calendar days before bids are due.
- E. Notice Contents. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.
- F. Performance/Labor/Materials Bonds. A labor and materials bond, plus a performance bond shall be required, from a surety company acceptable to City, in amounts equivalent to the total contract amount.
- G. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk, or his or her designee in public at the time and place stated 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 one year after the bid opening. The project manager shall make an analysis of the bids for compliance with bid specifications and, thereafter, make a recommendation for award or rejection. Such recommendation shall be made available for all bidders.
- H. Public Access. The submitted bid packages shall be considered public records available for inspection at the time a recommendation for award

or rejection is made. Disclosure of the information prior to a recommendation for award or rejection may prejudice the public interest if it is necessary to rebid the project.

- I. Protest. Any party may lodge a protest to the award of a contract. Such a party shall have the opportunity to present information in support of their position to the awarding authority prior to the award of the contract. If any party fails to appear and present information prior to the award of the contract, they shall be deemed to have waived their right to protest the award of the contract.
- J. Award. The City Council shall award the contract or reject the bids, or it may delegate this authority to the City Manager or other appropriate person. The Council may waive minor bid irregularities.
- K. Bids in Excess of Statutory Amount. If all bids received are \$200,000.00 or over, the City Council may by passage of a resolution by a four-fifths vote, award the contract up to \$220,000.00 to the lowest responsible bidder if it determines the cost estimate of the City was reasonable.

### **3.05.210 Formal Bidding Procedures.**

For those projects requiring formal bidding under Section 3.05.170(C), the following procedures shall be used:

- A. Authorization. The City Council shall authorize all requests for formal bids prior to publication of a notice inviting bids.
- B. Publication. A notice shall be published at least once 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the City. The notice inviting formal bids shall also be 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 30 calendar days before the date of opening the bids. The notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. In addition to notice required by this section, the City may give such other notice as it deems proper.
- C. Bidder's Security. Bidder's security/failure to sign contract. Bidder's security shall be prescribed in the notice inviting bids in an amount equal to 10% of the amount bid. 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 60 days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his or her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within 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 responsible bidder.

- D. Bid Opening Procedure. Sealed bids shall be submitted to the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk, or his or her designee, in public at the time and place stated 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 one year after the bid opening. The project manager shall make an analysis of the bids for compliance with bid specifications and, thereafter, make a recommendation for award or rejection. Such recommendation shall be made available for all bidders.
- E. Public Access. The submitted bid packages shall be considered public records available for inspection at the time a recommendation for award or rejection is made. Disclosure of the information prior to a recommendation for award or rejection may prejudice the public interest if it is necessary to rebid the project.
- F. Protest. Any party may lodge a protest to the award of a contract. Such a party shall have the opportunity to present information in support of their position to the awarding authority prior to the award of the contract. If any party fails to appear and present information prior to the award of the contract, they shall be deemed to have waived their right to protest the award of the contract.
- G. Award of Contracts/Minor Irregularities. Contracts shall be awarded by the Council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended, according to criteria designated in the solicitation and, provided, the award amount is within the unencumbered appropriation for that item. The Council may waive minor bid irregularities.

- H. 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 or re-advertising for bids, the Council may accept either bid.
- I. Performance/Labor/Materials Bonds. A labor and materials bond, plus a performance bond shall be required, from an acceptable surety, in such amounts and in such a form as the City finds reasonably necessary to protect the public interest.
- J. No Bids. If no bids are received, the project may be performed by City employees by force account, or by informal bidding procedures without further complying with this chapter.

#### **3.05.220 Rejection of Bids.**

In its discretion, the City Council may reject all bids presented. If after the first invitation for bids, all bids are rejected, the City shall state the reasons for the rejection. The City shall have the option of either of the following:

- A. Abandoning the project or re-advertising for bids in the manner described by this chapter.
- B. By passage of a resolution by a four-fifths vote of the City 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.

#### **3.05.230 Emergencies—Procedure.**

In cases of emergency, as determined by the City Council, including, but not limited to, states of emergency defined in Section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of the operation of services of the City, or to avoid danger to life or property, the Council, by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or give notice for bids to let contracts. The work may be done by day labor under the direction of the Council, by contract, or by a combination of the two. The Council delegates to the City Manager, the power to declare a public emergency subject to confirmation by the Council by a four-fifths vote, at its next meeting.

#### **3.05.240 Staging of Public Works.**

Public work contracts shall not be knowingly staged or separated into smaller units or segments for the purpose of evading the competitive bidding requirements of this chapter.

#### **3.05.250 Bid Protest Procedure Applicable to Public Works Construction Projects.**

- A. Filing a Bid Protest. A bidder on a city public works project or any other

interested person may object, by following the procedure provided in this section, to the award of the contract for the project to the person or entity that submitted the low bid based on grounds that the low bidder is not responsible or that the bid is not responsive.

1. The apparent low bidder on a city public works project may object, by following the procedure provided in this section, to the city staff's determination that its bid is not responsive or that it is not a responsible bidder.
2. A bid protest as described in both paragraphs (1) and (2) above shall be filed in writing with the City Clerk and shall set forth the reasons for the objection. Any documents which support the objection must be filed together with the protest.
3. A bid protest as described in paragraph (1) above shall be filed with the City Clerk no later than seventy-two hours after the opening of the bids.
4. A bid protest as described in paragraph (2) above shall be filed with the City Clerk no later than seventy-two hours after city staff informs the apparent low bidder by email or facsimile that it intends to recommend that its bid be rejected and the contract awarded to another bidder.

B. Notice of Hearing of Protest.

1. Upon receipt of a protest challenging a low bidder pursuant to paragraph (a)(1) of this section, the City Clerk shall mail and fax or email a copy of the protest to the low bidder, together with any supporting documents filed with the protest, along with a statement advising the low bidder of the date, time, and place when and where the City Council will meet to consider the bids received in connection with the project. The notice shall advise the low bidder that it may appear at the City Council meeting and that it will be given an opportunity at that meeting to rebut the charges made in the protest. The City Clerk shall also send a letter to the person who protested the award of the contract, advising of the date, time, and place when and where the City Council will meet to consider the bids and the protest. Multiple protests will be consolidated and considered concurrently.
2. Upon receipt of a protest by an apparent low bidder challenging the staff's determination that it is not responsible or that its bid is not responsive pursuant to paragraph (a)(2) of this section, the City Clerk shall mail and fax or email a letter advising the apparent low bidder of the date, time, and place when and where the City Council will meet to consider the bids received in connection with the project and advising the apparent low bidder that it may appear at the City Council meeting and that it will be given an opportunity at that meeting to rebut the staff's determination that it is not a responsible bidder or that its bid is not responsive.

C. Hearing the Bid Protest. At the hearing, the City Council shall follow the following procedure:

1. At the time set for consideration of the bids received in connection with the project, the City Council shall first hear a staff report.

2. Following the staff presentation, in the case where another bidder or interested person is protesting the low bid, the City Council will allow the protester to make its presentation, and then the Council will allow the low bidder to rebut the arguments and evidence produced by the protester.
3. In the case where staff is recommending rejection of an apparent low bid, the apparent low bidder will be allowed to present evidence rebutting the staff's recommendation.
4. The City Council may, in its discretion, permit rebuttals and surrebuttals by the parties. The City Council is not required to abide by formal rules of evidence.
5. At the conclusion of the hearing, the City Council will decide which bidder is the lowest responsible bidder based on the evidence produced at the hearing and award the contract to that bidder or, alternatively, exercise its right to reject all bids.
6. In deciding whether a bidder is "responsible," the City Council must consider the bidder's trustworthiness, and the quality, fitness and capacity of the bidder to satisfactorily perform the work required to be performed for the project. Evidence of pervasive and significant violations of the prevailing wage laws of the State of California by the bidder on a city project or on public works projects involving other public agencies must warrant a finding by the City Council that the bidder is not responsible. In deciding whether a bid is responsive, the City Council must determine that the bid is complete, responsive to the bid instructions and does not contain any nonwaivable defects.

#### **Article IV. Professional Services**

##### **3.05.260 Award of Professional Service Contracts Based upon Competence.**

- A. Factors to Consider. In contracting for those professional services, such contracts should only be awarded to firms or persons who have demonstrated "adequate competence" meaning: an adequate level of experience, competence, resources/equipment, staffing and other professional qualifications necessary for more than a satisfactory performance of the services required in the time period needed. 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 contractor 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 contractor. 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.
- B. Request for Proposal/Qualifications. 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. The Purchasing Officer may be contacted to assist in the formal request for proposal/qualification (RFP/Q) process.
  - C. Services Under \$2,500.00. A Department Director may award professional service or consulting services/contracts up to \$2,500.00 with qualified consultants/firms on file with the City. Award may be given by contract or verbal authorization.
  - D. Contracts Between \$2,500.00 and \$10,000.00. A Department Director and the Purchasing Officer may award professional service or consulting contracts between \$2,500.00 and \$10,000.00 with qualified consultants/firms on file with the City.
  - E. Contracts Over \$10,000.00 but Less Than \$60,000. In a non-urgent situation, the requesting department should contact a minimum of three consultants/firms. Unless the City Council authorized the entering into or the award of a specific service contract, the City Manager shall have the authority to award and execute the contract.
  - F. Contracts \$60,000 and Over. In a non-urgent situation, departments shall utilize a sealed request for proposal process essentially meeting the following requirements:
    - 1. RFP/Q Solicitation Process. A formal Sealed Request for Proposal Qualification (herein "RFP/Q") document should be developed for solicitation of professional services contracts for \$60,000 and over.
    - 2. Advertisement. The department should advertise in appropriate publications and/or use the professional services listings, as available, during the solicitation process.
    - 3. Fourteen-Day Notice. Notice inviting RFP/Qs should be

posted at the City Hall and on the City's website at least 14 calendar days before the due date of submission of the RFP/Q.

4. Notice Contents. The notice shall at least describe the general type of service needed, how the RFP/Q minimum scope of work can be obtained, the requirement of a written sealed proposal, state the closing date, place, and time for submission of the RFP/Q.
5. Solicitation Procedure. Sealed request for proposals/qualifications should be submitted to the department. RFP/Qs need not be opened publicly. All proposals shall be analyzed by the department for compliance with RFP/Q requirements, value of the total scope of services and a recommendation made to City Council for selection, or for follow up interviews of those submitting a proposal,
6. Award. Professional service contracts \$60,000 and over may only be awarded by the City Council.

G. Urgencies. The sealed request for proposals/qualifications procedures may be dispensed with in the case of urgency as determined by City Council. The City Council delegates the City Manager to declare urgency subject to confirmation by the City Council at its next meeting for any purchase of \$60,000 and over.

#### **3.05.270 Cooperative Purchasing with Other Agencies.**

- A. The purchasing requirements of Section 3.05.250 shall not apply to the purchasing of any professional service which the Purchasing Officer decides to obtain with another government entity. If the Purchasing Officer determines it to be in the best interest of the City, the Purchasing Officer is authorized to "piggy-back" onto or join another government entity's written purchase contract, which contract was obtained through a procurement process required by that government agency. The City Council shall approve any professional services contract with an amount that is \$60,000 and over.
- B. The purchasing requirements of Section 3.05.250 shall not apply to the purchasing of any professional service which the Purchasing Officer decides to obtain directly from another public agency. The City Council shall approve any professional services contract with an amount that is \$60,000 and over.

- C. Urgencies. If a local emergency has been declared, the City Manager may make purchases \$60,000 and over under this Section 3.05.260 subject to confirmation by the City Council at its next meeting.

**SECTION 2. CERTIFICATION OF CITY CLERK**

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

**SECTION 3. EFFECTIVE DATE**

This ordinance shall take effect on the 31<sup>st</sup> day following adoption by the City Council.

**INTRODUCED ON** the \_\_\_\_ day of \_\_\_\_\_ 2020.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
PAULA PEROTTE  
MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

\_\_\_\_\_  
MICHAEL JENKINS  
CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF GOLETA )

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 20-\_\_ was introduced on \_\_\_\_\_, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the \_\_\_\_\_, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

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DEBORAH S. LOPEZ  
CITY CLERK