

BLUE FOLDER ITEM

Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.

CHARTER REVIEW ADVISORY COMMITTEE MEETING OCTOBER 5, 2022

**I.2 DISCUSSION AND POSSIBLE ACTION REGARDING THE FOLLOWING ARTICLES
RELATED TO CONTRACTS AND PURCHASES:**

- 1. ARTICLE XX, SECTION 20.1, APPROVAL OF DEMANDS**
- 2. ARTICLE VIII, SECTION 8.3 (C), MAYOR, PRESIDING ON CONTRACT SIGNATURES**
- 3. ARTICLE XIX, GENERAL PROVISIONS, FOCUSING ON THE FOLLOWING SECTIONS:**
 - SECTION 19, PUBLIC WORKS, CONTRACTS ON BID LIMITS**
 - SECTION 19.1, COMPETITIVE BIDDING WHEN NOT REQUIRED ON MAINTENANCE-REPAIR AND MATERIALS UNDER \$5K**
 - SECTION 19.7, CONTRACTS, PROGRESS PAYMENTS ON RETENTION PERCENTAGE**
 - SECTION 19.9, MUNICIPAL PURCHASES**

CONTACT: MIKE WITZANSKY, CITY MANAGER

- CARSON CITY PROCUREMENT GUIDELINES ON PROFESSIONAL SERVICES**
- CITY ATTORNEY, MIKE WEBB'S REDLINES OF SECTIONS 19, 8.3, 19.1, 19.7 & 19.9**

(c) Professional and Personal Services Procurement. The procurement of the professional services of any architect, landscape architect, engineer, artist, environmental consultant, land surveyor, construction project manager, accountant, appraiser, financial advisor, attorney, or other provider of professional services involving a high degree of technical or individual skill shall be based on demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services, and a fair and reasonable price, after notice to a number of potential offerors adequate to permit reasonable competition consistent with the nature and requirements of the procurement, or pursuant to issuance of a request for proposals or qualifications. Offerors shall provide evidence that the person or firm carrying out contract responsibilities possesses the expertise and experience to perform the requisite professional services. The contract file shall contain a written summary of the basis on which notice to potential offerors was given and on which the award was made. Professional services contracts, except as authorized below, shall be awarded in accordance with subsections (a) and (b) of this Section. Professional service contracts of less than \$25,000 may be awarded in accordance with subsection (a) or (b) of this Section by purchase order on the written recommendation of the department or division head. Professional services contracts for the preparation of environmental reports or special studies regarding private projects, when the project applicant has deposited the full amount of the contract, may be awarded by the City Engineer or the Community Development Director

Sec. 19. Public works, contracts.

Every contract involving an expenditure of more than ~~two hundred fifty~~ thousand dollars (\$~~520~~0,000.00) for public works projects, including the construction of improvements of public buildings, streets, drains, sewers, utilities, parks and playgrounds shall be let either to: (1) the lowest responsible bidder, after notice by publication in the official newspaper by one or more insertions, the first of which shall be published at least ten (10) days before the time for opening bids; or (2) the best value design-builds entity or best value design-build-operate entity responding to a request for proposals.

Public works projects of ~~two hundred fifty~~ thousand dollars (\$~~520~~0,000.00) or less may be let to contract by informal bid procedures as shall be set by the City Council by ordinance.

Public works projects of ~~sixty fifteen~~ thousand dollars (\$~~1560~~0,000.00) or less may be performed by employees of the City, by force account, by negotiated contract or by purchase order.

The Council may reject any and all bids received whenever in the opinion of the City Council:

- (a) The bid or bids do not strictly comply with the notice and specifications.
- (b) The Council finds and determines that the proposed project or purchase should be abandoned.
- (c) The Council finds and determines that the materials may be purchased more reasonably on the open market and the work done cheaper by day or City labor.
- (d) The Council determines that the bids are higher than anticipated and a new call for bids would result in savings to the City.
- (e) The Council determines that it would be in the best interest of the City to delay the work or purchase for an indefinite period of time.
- (f) The best interests of the City would be served by a rejection of all bids.
- (g) The proposal is not suitable for the project.

Sec. 19. Public works, contracts.

In June of every odd numbered year, the City Council shall set or affirm a threshold value for how public works contracts are to be awarded. Every contract involving an expenditure of equal to or more than fifty thousand dollars (\$50,000.00) this threshold value for public works projects, including the construction of improvements of public buildings, streets, drains, sewers, utilities, parks and playgrounds shall be let either to: (1) the lowest responsible bidder, after notice by publication in the official newspaper by one or more insertions, the first of which shall be published at least ten (10) days before the time for opening bids; or (2) the best value design-builds entity or best value design-build-operate entity responding to a request for proposals.

~~Public works projects of fifty thousand dollars (\$50,000.00) or less may be let to contract by informal bid procedures as shall be set by the City Council by ordinance.~~

Public works projects below the threshold value of fifteen thousand dollars (\$15,000.00) or less may be performed by employees of the City, by force account, by negotiated contract, ~~or by purchase order~~, or by using procedures set by the City Council by ordinance.

The Council may at any time amend the threshold value by a four-fifths (4/5) vote.

Formatted: Indent: First line: 0.5"

The Council may reject any and all bids received whenever in the opinion of the City Council:

- (a) The bid or bids do not strictly comply with the notice and specifications.
- (b) The Council finds and determines that the proposed project or purchase should be abandoned.
- (c) The Council finds and determines that the materials may be purchased more reasonably on the open market and the work done cheaper by day or City labor.
- (d) The Council determines that the bids are higher than anticipated and a new call for bids would result in savings to the City.
- (e) The Council determines that it would be in the best interest of the City to delay the work or purchase for an indefinite period of time.
- (f) The best interests of the City would be served by a rejection of all bids.
- (g) The proposal is not suitable for the project.

Sec. 8.3. Mayor, presiding officer.

The Mayor~~He~~ shall be the executive head of the City of Redondo Beach for the purposes hereinafter set forth:

- (a) The Mayor~~He~~ shall preside over the meetings of the City Council.
- (b) The Mayor~~He~~ shall be the representative of the City for all ceremonial purposes.
- (c) The Mayor~~He~~ shall sign, on behalf of the City, all contracts, ordinances, resolutions and warrants except when the City Council, by ordinance, has authorized the City Manager, or other officer or other employee to approve and sign a written contract on behalf of the City.~~as hereinafter set forth.~~
- (d) The Mayor~~He~~ shall approve all bonds as to amounts.
- (e) The Mayor~~He~~ shall perform such other duties as may be prescribed by this Charter or as may be assigned ~~to him~~ by the City Council.

Commented [MW1]: Do you want to limit this authorization to only when done by ordinance? Otherwise, the Council could also approve it for a specific contract, or by Resolution authorizing the City Manager to execute agreements up to a certain amount, etc.

Sec. 19.1. Competitive bidding, when not required.

It shall not be necessary for the City Council to publish notice calling for bids or to receive bids as required in Article XIX, Section 19, in the following cases:

- (a) Where the proposed work consists of maintenance or repair, as defined by the City Council by ordinance or resolution.
- (b) When the City Council, upon recommendation of the City Manager, finds and determines that the work may be done more reasonably either on a daily basis or by the use of City labor, and/or materials may be purchased as cheaply on the open market.
- (c) When the City Council by four-fifths (4/5) vote expressed in its official minutes finds and determines that an emergency exists and it is necessary to immediately contract for such work and/or materials in order to protect and preserve life or property.
- (d) When the proposed services are not competitive or are to be furnished by a public utility.
- ~~(e) On all purchases of supplies or materials under \$5,000.00, providing such purchases are approved by the City Manager.~~

Commented [MW1]: This exception no longer needed because of previous changes to the Charter.

Sec. 19.7. Contracts, progress payments.

All contracts entered into by or on behalf of the City of Redondo Beach may provide for percentage payments at various stages of the work contracted for provided, however, that at least ~~five (5)~~~~ten (10)~~ per-cent of the total sums payable by the City of Redondo Beach under any public works contract shall be withheld until the work is approved by the department head and accepted by the City Council. The City Council shall not accept complete performance under any contract until satisfactory evidence is furnished that all labor and material liens have been completely satisfied by the contractor.

Sec. 19.9. Municipal purchases.

The City Council by ordinance, upon recommendation of the City Manager, shall provide for the purchase of all equipment, materials, supplies, labor, or services by the City through the City Manager or through some official, employee or department recommended by him, subject to other provisions of this Charter, and in accordance with such regulations as may be deemed advisable by the City Manager and the City Council.