

**APPROVED**  
BY THE CITY COUNCIL

**MAY 18 1999**

OFFICE OF THE  
CITY CLERK



1.7

DEPARTMENT OF  
FINANCE

PROCUREMENT SERVICES DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

May 7, 1999

PS:Admin:99031:RBH:bd

5730 - 24TH STREET  
BUILDING FOUR  
SACRAMENTO, CA  
95822-3699

PH 916-433-6240  
FAX 916-399-0263

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING TITLES 57, 58, AND 59 OF THE SACRAMENTO CITY CODE RELATING TO CITY MANAGER CONTRACTING AUTHORITY**

**LOCATION AND COUNCIL DISTRICT:** City-wide

**STAFF RECOMMENDATION:**

This report recommends that the City Council adopt the attached Ordinance amending City Code Sections 57.02.201, 57.02.202, 57.03.301, 58.02.201, 58.02.202, 59.01.102, and 59.01.103 relating to City Manager contracting authority.

**CONTACT PERSON:** Bob Holbrook, Procurement Services Manager, 433-6202

**FOR COUNCIL MEETING OF:** May 18, 1999

**SUMMARY:**

This report recommends that the City Council amend Titles 57, 58, and 59 of the City Code relating to City Manager authority to issue contracts for the purchase of supplies and services and public projects. In June 1997, the City Council increased the amount at which Council approval of contracts is required from \$50,000 to \$100,000 with the proviso that the amount would revert to \$50,000 on July 1, 1999 unless the Council amends the Code to remove the "sunset provision". This report recommends that the sunset provision be removed from the subject Code Titles, and the current level of \$100,000 at which City Council approval of contracts is required be continued.

**COMMITTEE/COMMISSION ACTION:**

This item was heard by the Law & Legislation Committee on May 6, 1999. The Committee recommended the report be forwarded to the City Council for approval.

**BACKGROUND:**

In June 1997, the City Council increased the amount at which Council approval of contracts is required from \$50,000 to \$100,000 with the condition that the amount would revert to \$50,000 on July 1, 1999 unless the

Council amends the Code to remove the "sunset provision". This report recommends that the sunset provision be removed from the subject Code Titles, and the current level of \$100,000 at which City Council approval of contracts is required be continued. The benefits to the City of maintaining the current level include:

- ❖ Reduced administrative time for processing contracts by approximately 15 hours for each of the public projects and purchase contracts for supplies and services awarded for amounts between \$50,000 and \$100,000.
- ❖ Allows contracts to be awarded faster and public projects to start sooner than when contract approval by the City Council is required.
- ❖ Provides emerging business enterprise and small business enterprise (EBE/SBE) contractors more opportunities to participate in City contracting through the informal bidding process.
- ❖ Enhances City-wide efficiencies and decreases the burden on the general fund.

By Resolution No. 97-324, the Council adopted procedures that are followed for contracts of less than \$100,000 for both non-competitive awards and for "open market transactions" which require informal competitive bidding. The informal competitive bidding procedures require that the City Manager follow the same general requirements as those set forth for formal competitive bidding, except that such contracts do not require separate City Council approval.

During the nearly two years of experience with the current authorization levels, the above benefits have been realized and no problems have been identified as having resulted. Therefore, staff recommends that the City Council adopt the attached Ordinance which removes the sunset provision and continues the City Manager's contracting authority for transactions up to \$100,000.

#### **FINANCIAL CONSIDERATIONS:**

In the first year under the Manager's increased authority (FY-98), a total of 122 public projects and purchases with a value of \$50,000 or greater were processed, for a total amount of \$87,500,000. Of this total, the projects and purchases made under the Manager's increased authority included 48 transactions (40% of the total transactions) with a total value of \$4,000,000 (5% of the total dollars).

To date, through the first three quarters of the current fiscal year (FY-99), a total of 94 public projects and purchases with a value of \$50,000 or greater have been processed, for a total amount of \$40,200,000. Of this total, the projects and purchases made under the Manager's increased authority have included 42 transactions (45% of the total transactions) with a total value of \$2,900,000 (7% of the total dollars).

In summary, since the inception of the increase in the Manager's contract authority, a total of 216 public projects and purchases with a value of \$50,000 or greater have been processed, for a total amount of \$127,700,000. Of this total, the projects and purchases made under the Manager's increased authority have included 90 transactions (42% of the total transactions) with a total value of \$6,900,000 (5% of the total dollars). During this time, the Council reviewed and approved 126 projects and purchases (58% of the total transactions) with a total value of \$120,800,000 (95% of the total dollars). Therefore, while being relieved of the need to review nearly half of the average number of annual transactions, the Council has continued to review and approve approximately 95% of the dollar expenditures.

**POLICY CONSIDERATIONS:**

The recommendations in this report are in accordance with the provisions of the City Charter, Article XIV, which vests authority with the City Council to establish the levels at which competitive bidding shall be required.

**ENVIRONMENTAL CONSIDERATIONS:**

Maintaining the City Council's contract approval threshold at \$100,000 will have no environmental effects.

**ESBD CONSIDERATIONS:**

Maintaining the formal competitive bidding threshold at \$100,000 will provide EBE/SBE contractors and vendors with more opportunities to participate in the City's informally bid contracts.

Respectfully submitted,



Robert B. Holbrook  
Procurement Services Manager

**RECOMMENDATION APPROVED:**



ROBERT P. THOMAS  
City Manager

1 Attachment

**APPROVED**  
BY THE CITY COUNCIL

**MAY 18 1999**

OFFICE OF THE  
CITY CLERK

**ORDINANCE NO. 99-024**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING TITLES 57, 58 AND 59  
OF THE SACRAMENTO CITY CODE, RELATING TO CITY MANAGER  
CONTRACTING AUTHORITY**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Section 57.02.201 of the Sacramento City Code is amended to read as follows:

**57.02.201 Authority of city manager.**

Subject to the availability of funds and the procedures set forth in this title, the city manager is hereby authorized to bind the city, by written contract or purchase order, involving an expenditure under one hundred thousand dollars in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the purchase of supplies or nonprofessional services for the city.

**SECTION 2.**

Section 57.02.202 of the Sacramento City Code is amended to read as follows:

**57.02.202 Award of contracts by city council.**

Unless otherwise provided herein, all contracts for supplies or nonprofessional services involving an expenditure of one hundred thousand dollars or more shall be awarded by the city council. Such contracts shall be formal written agreements executed by the city manager on behalf of the city. The signature by the city manager shall constitute his certification that there remains unexpended and unapplied

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

balances of the appropriations or funds applicable thereto sufficient to pay the estimated expense of executing such contract.

**SECTION 3.**

Section 57.03.301 of the Sacramento City Code is amended to read as follows:

**57.03.301 When advertising required.**

Where the cost of supplies or nonprofessional services required by the city equals or exceeds the sum of one hundred thousand dollars, the city manager shall request that the city clerk call for formal bids therefor by advertising at least once in the official newspaper of the city not less than ten calendar days prior to the date set for receiving such bid. The city manager, when he or she deems it to be advisable, may require more than one advertising of the call for bids.

**SECTION 4.**

Section 58.02.201 of the Sacramento City Code is amended to read as follows:

**58.02.201 Authority of city manager.**

Subject to the availability of funds and the procedures set forth in this title, the city manager is hereby authorized to bind the city, by written contract or purchase order, involving an expenditure under one hundred thousand dollars in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the undertaking of a public project required by the city.

**SECTION 5**

Section 58.02.202 of the Sacramento City Code is amended to read as follows:

**58.02.202 Award of contracts by city council.**

Unless otherwise provided herein, all contracts for public projects involving an expenditure of one hundred thousand dollars or more shall be awarded by the city council. Such contracts shall be formal written agreements executed by the city manager on behalf of the city. The signature by the city manager shall constitute his certification

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

that there remains unexpended and unapplied balances of the appropriations or funds applicable thereto sufficient to pay the estimated expense of executing such contract.

**SECTION 6**

Section 59.01.102 of the Sacramento City Code is amended to read as follows:

**59.01.102 Authorization of agreements by city council.**

The city council shall authorize the execution of agreements for services where the amount to be expended under each such agreement equals or exceeds one hundred thousand dollars.

**SECTION 7**

Section 59.01.103 of the Sacramento City Code is amended to read as follows:

**Section 59.01.103 Authority of city manager.**

The city manager may, without the prior consent of the city council, execute agreements for services where the amount to be expended under each such agreement is less than one hundred thousand dollars.

**DATE PASSED FOR PUBLICATION:**

**DATE ENACTED:**

**DATE EFFECTIVE:**

**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE AMENDING TITLES 57, 58 AND 59 OF THE SACRAMENTO CITY CODE, RELATING TO CITY MANAGER CONTRACTING AUTHORITY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

### SECTION 1.

Section 57.02.201 of the Sacramento City Code is amended to read as follows:

#### **57.02.201 Authority of city manager.**

Subject to the availability of funds and the procedures set forth in this title, the city manager is hereby authorized to bind the city, by written contract or purchase order, involving an expenditure under one hundred thousand dollars in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the purchase of supplies or nonprofessional services for the city. ~~provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~

### SECTION 2.

Section 57.02.202 of the Sacramento City Code is amended to read as follows:

#### **57.02.202 Award of contracts by city council.**

Unless otherwise provided herein, all contracts for supplies or nonprofessional services involving an expenditure of one hundred thousand dollars or

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

(7)

more shall be awarded by the city council.  ~~; provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~ Such contracts shall be formal written agreements executed by the city manager on behalf of the city. The signature by the city manager shall constitute his certification that there remains unexpended and unapplied balances of the appropriations or funds applicable thereto sufficient to pay the estimated expense of execution executing such contract.

**SECTION 3.**

Section 57.03.301 of the Sacramento City Code is amended to read as follows:

**57.03.301 When advertising required.**

Where the cost of supplies or nonprofessional services required by the city equals or exceeds the sum of one hundred thousand dollars, the city manager shall request that the city clerk call for formal bids therefor by advertising at least once in the official newspaper of the city not less than ten calendar days prior to the date set for receiving such bid.  ~~; provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~ The city manager, when he or she deems it to be advisable, may require more than one advertising of the call for bids.

**SECTION 4.**

Section 58.02.201 of the Sacramento City Code is amended to read as follows:

**58.02.201 Authority of city manager.**

Subject to the availability of funds and the procedures set forth in this title, the city manager is hereby authorized to bind the city, by written contract or purchase order, involving an expenditure under one hundred thousand dollars in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the undertaking of a public project required by the city.  ~~; provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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**SECTION 5**

Section 58.02.202 of the Sacramento City Code is amended to read as follows:

**58.02.202 Award of contracts by city council.**

Unless otherwise provided herein, all contracts for public projects involving an expenditure of one hundred thousand dollars or more shall be awarded by the city council.  ~~; provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~ Such contracts shall be formal written agreements executed by the city manager on behalf of the city. The signature by the city manager shall constitute his certification that there remains unexpended and unapplied balances of the appropriations or funds applicable thereto sufficient to pay the estimated expense of executing such contract.

**SECTION 6**

Section 59.01.102 of the Sacramento City Code is amended to read as follows:

**59.01.102 Authorization of agreements by city council.**

The city council shall authorize the execution of agreements for services where the amount to be expended under each such agreement equals or exceeds one hundred thousand dollars.  ~~; provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~

**SECTION 7**

Section 59.01.103 of the Sacramento City Code is amended to read as follows:

**Section 59.01.103 Authority of city manager.**

The city manager may, without the prior consent of the city council, execute agreements for services where the amount to be expended under each such agreement is less than one hundred thousand dollars.  ~~; provided that, effective July 1, 1999, the~~

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FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

~~foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~

**DATE PASSED FOR PUBLICATION:**

**DATE ENACTED:**

**DATE EFFECTIVE:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 5/18/99



1.9<sup>1.7</sup>

DEPARTMENT OF  
FINANCE  
  
PROCUREMENT SERVICES DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

5730 - 24TH STREET  
BUILDING FOUR  
SACRAMENTO, CA  
95822-3699

PH 916-433-6240  
FAX 916-399-0263

May 6, 1999  
PS:Admin:99027:RBH:bd

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING TITLES 57, 58, AND 59 OF THE SACRAMENTO CITY  
CODE RELATING TO CITY MANAGER CONTRACTING AUTHORITY**

**LOCATION AND COUNCIL DISTRICT:** City-wide

**STAFF RECOMMENDATION:**

This report recommends that the item be passed for publication of title and continued to May 18, 1999.

**CONTACT PERSON:** Bob Holbrook, Procurement Services Manager, 433-6202

**FOR COUNCIL MEETING OF:** May 11, 1999

**SUMMARY:**

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

**COMMITTEE/COMMISSION ACTION:**

The attached proposed ordinance amendment was heard by the City Council's Law and Legislation Committee on May 6, 1999. The Committee recommended forwarding the proposed ordinance amendment to the City Council for approval.

**BACKGROUND:**

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must

first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,



Robert B. Holbrook  
Procurement Services Manager

RECOMMENDATION APPROVED:



ROBERT P. THOMAS  
City Manager

1 Attachment

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE AMENDING TITLES 57, 58 AND 59 OF THE SACRAMENTO CITY CODE, RELATING TO CITY MANAGER CONTRACTING AUTHORITY

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

### **SECTION 1.**

Section 57.02.201 of the Sacramento City Code is amended to read as follows:

#### **57.02.201 Authority of city manager.**

Subject to the availability of funds and the procedures set forth in this title, the city manager is hereby authorized to bind the city, by written contract or purchase order, involving an expenditure under one hundred thousand dollars in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the purchase of supplies or nonprofessional services for the city.

### **SECTION 2.**

Section 57.02.202 of the Sacramento City Code is amended to read as follows:

#### **57.02.202 Award of contracts by city council.**

Unless otherwise provided herein, all contracts for supplies or nonprofessional services involving an expenditure of one hundred thousand dollars or more shall be awarded by the city council. Such contracts shall be formal written agreements executed by the city manager on behalf of the city. The signature by the city manager shall constitute his certification that there remains unexpended and unapplied

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DATE ADOPTED: \_\_\_\_\_

(3)

balances of the appropriations or funds applicable thereto sufficient to pay the estimated expense of executing such contract.

**SECTION 3.**

Section 57.03.301 of the Sacramento City Code is amended to read as follows:

**57.03.301 When advertising required.**

Where the cost of supplies or nonprofessional services required by the city equals or exceeds the sum of one hundred thousand dollars, the city manager shall request that the city clerk call for formal bids therefor by advertising at least once in the official newspaper of the city not less than ten calendar days prior to the date set for receiving such bid. The city manager, when he or she deems it to be advisable, may require more than one advertising of the call for bids.

**SECTION 4.**

Section 58.02.201 of the Sacramento City Code is amended to read as follows:

**58.02.201 Authority of city manager.**

Subject to the availability of funds and the procedures set forth in this title, the city manager is hereby authorized to bind the city, by written contract or purchase order, involving an expenditure under one hundred thousand dollars in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the undertaking of a public project required by the city.

**SECTION 5**

Section 58.02.202 of the Sacramento City Code is amended to read as follows:

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that there remains unexpended and unapplied balances of the appropriations or funds applicable thereto sufficient to pay the estimated expense of executing such contract.

**SECTION 6**

Section 59.01.102 of the Sacramento City Code is amended to read as follows:

**59.01.102 Authorization of agreements by city council.**

The city council shall authorize the execution of agreements for services where the amount to be expended under each such agreement equals or exceeds one hundred thousand dollars.

**SECTION 7**

Section 59.01.103 of the Sacramento City Code is amended to read as follows:

**Section 59.01.103 Authority of city manager.**

The city manager may, without the prior consent of the city council, execute agreements for services where the amount to be expended under each such agreement is less than one hundred thousand dollars.

**DATE PASSED FOR PUBLICATION:**

**DATE ENACTED:**

**DATE EFFECTIVE:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

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# ORDINANCE NO.

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ON DATE OF \_\_\_\_\_

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Unless otherwise provided herein, all contracts for public projects involving an expenditure of one hundred thousand dollars or more shall be awarded by the city council.  ~~; provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~ Such contracts shall be formal written agreements executed by the city manager on behalf of the city. The signature by the city manager shall constitute his certification that there remains unexpended and unapplied balances of the appropriations or funds applicable thereto sufficient to pay the estimated expense of executing such contract.

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Section 59.01.102 of the Sacramento City Code is amended to read as follows:

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The city council shall authorize the execution of agreements for services where the amount to be expended under each such agreement equals or exceeds one hundred thousand dollars.  ~~; provided that, effective July 1, 1999, the foregoing amount shall be reduced from one hundred thousand dollars to fifty thousand dollars, unless the city council adopts an ordinance amending this section.~~

**SECTION 7**

Section 59.01.103 of the Sacramento City Code is amended to read as follows:

**Section 59.01.103 Authority of city manager.**

The city manager may, without the prior consent of the city council, execute agreements for services where the amount to be expended under each such agreement is less than one hundred thousand dollars.  ~~; provided that, effective July 1, 1999, the~~

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DATE ADOPTED: \_\_\_\_\_

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**DATE PASSED FOR PUBLICATION:**

**DATE ENACTED:**

**DATE EFFECTIVE:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

- 4 -

\_\_\_\_\_  
**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

(a)