

ORDINANCE NO. 99-024

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 18 1999

**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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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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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: May 11, 1999

DATE ENACTED: May 18, 1999

DATE EFFECTIVE: June 17, 1999

ATTEST:


CITY CLERK


MAYOR

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the sum of all such change orders for any single contract shall not exceed ten (10) percent of the original contract price.

*1 Million
8% max*
C. For contracts originally awarded for a price of one million dollars (\$1,000,000.00) but less than ten million dollars (\$10,000,000.00), the city manager shall have authority to issue change orders provided, that the sum of all such change orders for any single contract shall not exceed eight percent of the original contract price.

*10 Mill
6% max*
D. For contracts originally awarded for a price of ten million dollars (\$10,000,000.00) or more, the city manager shall have the authority to issue change orders, provided, that the sum of all such change orders for any single contract shall not exceed six percent of the original contract price.

E. Notwithstanding the foregoing, any single change order which exceeds one hundred thousand dollars

*Needs
CC
approval*
(~~\$100,000.00~~) shall require council approval.

F. Notwithstanding the foregoing, in the event that it becomes necessary in the discretion of the city manager to issue change orders in order to:

1. Prevent interruption of the work which would result in a substantial increase in cost to the city; or

2. Protect the work or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work, from substantial and immediate danger of injury; or

3. Protect, where damage or injury has occurred, the work, or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work from further or additional damage or injury or deterioration caused by man, nature or other source;

Then, the city manager shall have authority to issue change orders in such sums as may reasonably be necessary for such purposes; provided, however, in the event any such action exceeds the specific authority set forth in the foregoing, the city manager shall report to the city council regarding any such action as soon as reasonably possible but in no event more than thirty (30) days.

G. The authority of the city manager to issue additional change orders to an accumulative total as specified above shall be restored to the extent that prior change orders issued and negotiated pursuant to the authority of the city manager shall have been specifically subsequently ratified and authorized by the city council. (Prior code § 58.06.602)

3.60.220 Limitation.

Notwithstanding anything to the contrary in the foregoing, the authority of the city manager to issue change orders shall be limited to the scope of the original con-

tract unless in the judgment of the city manager change orders exceeding the scope of the original contract are necessary to protect the safety of human life and the environment at or near the site of the work. (Prior code § 58.06.603)

3.60.230 Assessment districts.

Notwithstanding anything to the contrary in the foregoing, the authority of the city manager to issue change orders for assessment district proceedings shall be governed by the provisions of any statute, ordinance or other law authorizing such proceeding. (Prior code § 58.06.604)

3.60.240 Variance.

Notwithstanding any other provision of this article, the city council may by resolution increase the above limitations of authority to issue change orders where the circumstances surrounding a public project are such that a variance is appropriate. (Prior code § 58.06.605)

Article VII. Substitution of Securities

3.60.250 Fee for substitution of securities for withheld funds on contracts.

In any case where a contractor requests substitution of securities for withheld funds pursuant to Section 22300 of the Public Contract Code any and all costs, fees or other charges which are authorized or required shall be paid by the contractor. (Prior code § 58.07.701)

Article VIII. Participation of Small and Emerging Business Enterprises

3.60.260 Small and emerging business enterprise program.

The city council may from time to time adopt by resolution a program or programs to promote and provide incentives for the participation of small and emerging business enterprises in city contracts or agreements awarded under the provisions of Chapters 3.56, 3.60 or 3.64 of this title. For purposes of this article, the terms "SBE" and "EBE" shall refer to any business entity that is defined as a small business enterprise or emerging business enterprise, respectively, by said program(s). The city manager may from time to time adopt administrative procedures to implement the provisions of said program(s). (Ord. 99-007 § 4 (part): prior code § 58.08.801)

3.60.270 SBE/EBE participation levels.

The specifications or request for bids or proposals for any contract or agreement awarded under the provisions of Chapters 3.60 or 3.64 of this title may establish mini-

Chapter 3.60

CONTRACTS FOR PUBLIC PROJECTS

Sections:

- Article I. In General
- 3.60.010 Definitions.
- 3.60.020 Determination of lowest responsible bidder.
- 3.60.030 Contract splitting prohibited.
- 3.60.040 Administrative procedures.
- 3.60.050 Collusion with bidder.
- 3.60.060 Unauthorized contracts—Exceptions.
- 3.60.070 Emergency contracts.
- 3.60.075 Exemption of the City of Sacramento from various provisions of the California Public Contract Code.
- Article II. Authority of City Manager
- 3.60.080 Authority of city manager.
- 3.60.090 Award of contracts by city council.
- 3.60.100 Control procedures—Documents required.
- Article III. Bid Procedure
- 3.60.110 When advertising required.
- 3.60.120 Independent price determination.
- 3.60.130 Standard specifications.
- 3.60.140 Opening of bids—Awards.
- 3.60.150 Alternative award upon failure of bidder to enter into contract.
- 3.60.160 Readvertisement.
- Article IV. Exceptions to Competitive Bidding
- 3.60.170 Generally.
- Article V. Wages Paid Under Contract with City
- 3.60.180 Payment of prevailing rate of wages—Maximum hours of labor—Penalties.
- 3.60.190 Apprentices.
- Article VI. Change Orders
- 3.60.200 Definitions.
- 3.60.210 Authority of city manager.
- 3.60.220 Limitation.
- 3.60.230 Assessment districts.
- 3.60.240 Variance.

- Article VII. Substitution of Securities
- 3.60.250 Fee for substitution of securities for withheld funds on contracts.

- Article VIII. Participation of Small and Emerging Business Enterprises
- 3.60.260 Small and emerging business enterprise program.
- 3.60.270 SBE/EBE participation levels.
- 3.60.280 Sheltered market program.
- 3.60.290 MBE/WBE/DBE bid requirements.
- 3.60.300 Provision of false information a misdemeanor.
- 3.60.310 Information to be provided under penalty of perjury.

- Article IX. Debarment of Contractors
- 3.60.320 Application.
- 3.60.330 Definitions.
- 3.60.340 Debarment—Effect.
- 3.60.350 Notice.
- 3.60.360 Grounds for debarment.
- 3.60.370 Existence of grounds.
- 3.60.380 Scope of debarment.
- 3.60.390 Period of debarment.
- 3.60.400 Debarment procedures.
- 3.60.410 Appeal of a debarment decision.
- 3.60.420 Requirement to submit information.
- 3.60.430 Doing business with debarred person.
- 3.60.440 Renewal of existing contracts.
- 3.60.450 List of debarred persons.

- Article X. Bid Protest Procedures
- 3.60.460 Application.
- 3.60.470 Definitions.
- 3.60.480 Form of bid protest.
- 3.60.490 Submission of bid protest to city.
- 3.60.500 Time for filing a bid protest.
- 3.60.510 Investigation by city.
- 3.60.520 Hearing of bid protest by a hearing examiner.
- 3.60.530 Consideration of bid protest by the city council.
- 3.60.540 Conduct of the city council meeting.
- 3.60.550 Providing written notice.
- 3.60.560 Information in request for bids.