

RESOLUTION NO. 2003-231

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF APR 29 2003

A RESOLUTION INCREASING THE BID PROTEST FEE AND DESIGNATING BID PROTEST HEARING EXAMINERS

WHEREAS, Section 3.60.490 of the Sacramento City Code requires a bidder filing a protest on a public works construction contract bid to deposit with the City Clerk a bid protest fee in an amount established by resolution of the City Council; and

WHEREAS, Section 3.60.520 A of the Sacramento City Code, as amended by Ordinance No. 2003-015 adopted by the City Council on April 29, 2003, provides that bid protests shall be heard by a hearing examiner from a panel of hearing examiners designated for this purpose by resolution of the City Council; and

WHEREAS, Section 3.60.520 G of the Sacramento City Code provides that the bid protest fee shall be used to pay all costs incurred by the City for the hearing and hearing examiner; and

WHEREAS, on October 1, 1998, the City Council adopted Resolution No. 98-491, to establish the bid protest fee, in the amount of \$250, and appoint the panel of hearing examiners; and

WHEREAS, the current amount of the bid protest fee is not sufficient to pay the costs of a hearing and hearing examiner, and the current panel of hearing examiners is outdated; and

WHEREAS, the City Council now desires to increase the bid protest fee to pay such costs and designate a new panel of hearing examiners.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

- 1. The amount of the bid protest fee required to be deposited with the City Clerk under Sacramento City Code Section 3.60.490 shall be \$750.

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2. Pursuant to Section 3.60.520 A of the Sacramento City Code, as amended by Ordinance No. 2003-015, the attorney hearing officers provided by the Institute for Administrative Justice of the University of Pacific, McGeorge School of Law (the "Institute") to hear appeals of various other decisions by City staff and City Boards are hereby designated as the panel of hearing examiners to hear bid protests. When it is necessary to select a hearing officer for this purpose, City staff shall request the Institute to provide an attorney hearing officer to hear the bid protest and issue a decision as provided in Section 3.60.520 of the Sacramento City Code. The bid protest fee shall be used to pay the cost of the hearing examiner as specified in Section 3.60.520 G of the Sacramento City Code.
3. Based upon the information presented to it in the staff report, at hearing, and other information in the public record, and in compliance with Public Resources Code Section 21080(b)(8), the City Council finds that the bid protest fee is being increased in order to meet operating expenses.
4. This Resolution shall replace and supercede Resolution No. 98-491.
5. This Resolution shall become effective on the date that Ordinance No. 2003-015 becomes effective.


MAYOR

ATTEST:


CITY CLERK

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