

ORDINANCE NO. 1271
ORDINANCE NO. WWD-16

A JOINT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AND THE BOARD OF DIRECTORS OF THE VENTURA COUNTY WATERWORKS DISTRICT NO. 8 AMENDING CHAPTER 9 OF TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF SIMI VALLEY ESTABLISHING REVISED PROCEDURES FOR PURCHASING SUPPLIES AND EQUIPMENT; CONTRACTING FOR MAINTENANCE SERVICES, PUBLIC PROJECTS, AND CONSULTANT SERVICES; AND DISPOSING OF CITY-OWNED PERSONAL PROPERTY AND ADOPTING THE PROCEDURES FOR THE VENTURA COUNTY WATERWORKS DISTRICT NO. 8; AND REPEALING ORDINANCE NOS. 1203, 1224, WWD-12, AND WWD-13

THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AND THE BOARD OF DIRECTORS OF THE VENTURA COUNTY WATERWORKS DISTRICT NO. 8 DO ORDAIN AS FOLLOWS:

SECTION 1: Chapter 9 of Title 2 of the Simi Valley Municipal Code is hereby amended to read as follows:

CHAPTER 9. PURCHASING SUPPLIES AND EQUIPMENT; CONTRACTING FOR MAINTENANCE SERVICES, PUBLIC PROJECTS, AND CONSULTANT SERVICES; AND DISPOSING OF CITY-OWNED PERSONAL PROPERTY.

Article 1. General

Sec. 2-9.101. Purpose.

The purpose of this chapter is to establish procedures for purchasing supplies and equipment; contracting for maintenance and consultant services; contracting for public projects in conformance with the requirements of Article 3 of Chapter 2 of the Public Contract Code of the State; and disposing of City-owned personal property.

Sec. 2-9.102. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "City" shall mean and include the City of Simi Valley, the Ventura County Waterworks District No. 8, and such other districts, authorities, or agencies as may be governed by the members of the Council.

(b) "Council" shall mean and include the City Council of the City of Simi Valley, the Board of Directors of the Ventura County Waterworks District No. 8, and the governing boards of such other districts, authorities, or agencies as may be governed by the members of the Council.

(c) "City Manager" shall mean and include the City Manager of the City of Simi Valley, the District Manager of the Ventura County Waterworks District No. 8, and the general manager or chief executive officer of such other districts, authorities, or agencies as may be governed by the members of the Council, and his or her designee.

(d) "City Attorney" shall mean and include the City Attorney of the City of Simi Valley, the District Counsel of the Ventura County Waterworks District No. 8, and the chief legal officer of such other districts, authorities, or agencies as may be governed by the members of the Council.

(e) "Public Contract Code" shall mean the Public Contract Code of the State.

(f) "Commission" shall mean the California Uniform Construction Cost Accounting Commission as established by Section 22010 of Chapter 2 of the Public Contract Code.

(g) "Supplies" shall mean materials, tools, and other goods or commodities used in the conduct of City business.

(h) "Equipment" shall mean furnishings, vehicles, rolling stock, and other personal property items used in the conduct of City business.

(i) "Public Project" shall mean the following as defined in Chapter 2, Section 22002 of the Public Contract Code:

(1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility;

(2) Painting or repainting of any publicly owned, leased, or operated facility;

(3) In the case of a publicly owned utility system, "Public Project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher;

(4) "Public Project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

(i) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes;

(ii) Minor repainting;

(iii) Resurfacing of streets and highways at less than one inch;

(iv) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems;

(v) Work performed to keep, operate and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

(5) "Facility" shall mean any plant, building, structure, ground facility, utility system, subject to the limitation found in subsection (i)(3) of this section, real property, streets and highways, or other public work improvement.

(j) "Bidders list" shall mean a list of responsible prospective vendors capable of providing the items being bid.

(k) "Contractors list" shall mean a list of contractors qualified to perform or construct Public Projects identified according to categories of work which shall be developed and maintained by the Department of Public Works using the minimum criteria established by the Commission for the development and maintenance of such lists.

(l) "Consultant" shall mean any specially trained and experienced person, firm, or corporation providing special services or advice on financial, economic, accounting, architectural, engineering, legal, insurance, data processing, personnel, administrative, or similar matters. Consultant shall also include all contracts for outside assistance and contract help on an individual basis or through an outside agency.

(m) "Purchase" shall include rental, lease, or trade.

(n) "Responsible" bidder shall mean a bidder who has demonstrated the attribute of trustworthiness, as well as the quality, fitness, capacity, and experience to satisfactorily perform the proposed work as specified.

(o) "Responsive" bidder shall mean that the bidder promises to do what the bidding instructions demand.

(p) "Purchasing Agent" shall mean the purchasing officer for the City of Simi Valley, the Ventura County Waterworks District #8, and such other districts,

authorities, agencies, or boards as may be governed by the members of the City Council.

(q) "Department Head" shall mean the director of any department, office, or agency of the City, as may be designated by the City Manager.

Sec. 2-9.103. Purchasing Agent: Office created: Appointment.

The position of Purchasing Agent is hereby created. The Purchasing Agent shall be appointed by the City Manager.

Sec. 2-9.104. Purchasing Agent: Duties.

The duties of the Purchasing Agent may be combined with those of any other office or position. The Purchasing Agent shall have authority to:

(a) Promulgate and enforce such administrative rules and regulations as required and necessary to carry out the intent and purposes of this chapter;

(b) Purchase or contract for the supplies, equipment, maintenance services, or Public Projects required by any requesting agency in accordance with the purchasing procedures set forth in this chapter and other administrative rules and regulations as may be established;

(c) Act to procure for the City the needed quality in supplies, equipment, maintenance services, and Public Projects at the least expense to the City;

(d) Endeavor to obtain as full and open competition as possible on all purchases and contracts;

(e) Keep informed of the current developments in the field of purchasing and contract administration as well as prices, market conditions, and new products;

(f) Prescribe and maintain such forms as are reasonably necessary for the operation of the provisions of this chapter and other administrative rules and regulations as may be established;

(g) Supervise the inspection of all supplies and equipment to determine their conformance with the specifications set forth in the order to contract;

(h) Obtain chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. The City may pay the costs of such tests or may require that the costs of such tests be paid by the bidder;

(i) Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which have become unsuitable for City use; and

(j) Maintain bidders lists, vendor catalog files, and other records needed for the efficient operation of the purchasing function.

Sec. 2-9.105. Exemptions from centralized purchasing.

The Purchasing Agent may authorize any Department Head to purchase or contract for specified supplies, equipment, maintenance services, and Public Projects independently of the Purchasing Agent, but the Purchasing Agent shall require that such purchases or contracts be made in conformance with the procedures established by this chapter, and other administrative rules and regulations as may be established, and may further require periodic reports from such agency regarding the purchases and contracts made under such authorization. The Purchasing Agent may authorize Department Heads signature authority for purchases or contracts as described in this paragraph up to a limit of \$7,500. Such authority, if authorized generally for Department Heads as provided herein, will also apply to the City Attorney.

Sec. 2-9.106. Requisitions.

Using departments and agencies shall submit purchase and contract requests for supplies, equipment, maintenance services, and Public Projects to the Purchasing Agent by standard requisition procedures prior to initiating any procurement, except for those exemptions authorized in Section 2-9.105 of this article.

Sec. 2-9.107. Encumbrance of funds.

Except in cases of emergency, the Purchasing Agent shall not issue any purchase order for supplies, equipment, maintenance services, and Public Projects unless there exists an unencumbered appropriation against which such purchase is to be charged.

Sec. 2-9.108. Staging of purchases.

Purchases and contracts shall not be staged or separated into smaller units of work for the purpose of evading the competitive bidding procedures or authority limits of this chapter.

Sec. 2-9.109. Exceptions

The competitive bidding procedures set forth in this chapter are not applicable to certain purchases. The following are exempt from the competitive bidding requirements of this chapter, but are subject to all other purchasing procedures, including but not limited to authority limits, unless otherwise noted below.

- (a) Travel expenses
- (b) Subscriptions
- (c) Trade journals or books
- (d) Newspaper advertisements and notices
- (e) Reimbursement of expenses
- (f) Medical payments
- (g) Insurance
- (h) Insurance claims
- (i) Conference fees
- (j) Banking services
- (k) Temporary outside employment assistance on an individual basis or through an outside agency

- (l) Postage
- (m) Courier/delivery services
- (n) Utility connection/installation/service charges
- (o) Dues to approved organizations
- (p) Payments to other government entities/agencies
- (q) Land
- (r) Debt services/collections
- (s) Claim settlements
- (t) Grants

Items (f) (“Medical payments”), (g) (“Insurance”), (j) (“Banking services”), (l) (“Postage”), (n) (“Utility connection/installation/service charges”), (p) (“Payments to other government entities/agencies”) and (r) (“Debt services/collections”) are further not subject to the authority limits in this chapter, to the extent such obligations or expenses customarily exceed those authority limits in the ordinary course of City business, as determined by the City Manager, and are within budgeted amounts; and further, aggregate terms of the contracts of such items after renewal in the course of business may exceed the contract term limits elsewhere set forth in this chapter. Although not subject to the competitive bidding processes of this chapter, all existing policies, procedures, laws, and/or regulations shall be followed for the above referenced purchases.

Sec. 2-9.110. General Contracting Provisions.

(a) Contract Authority Limits. For purposes of this chapter, contract or purchasing authority directly provided through this chapter to specified city officials accrues on a yearly basis. Any purchases, or renewals of contracts or purchases, or services with the same party or parties for the same or related project or item within any twelve (12) month period which in the aggregate would exceed the contract authority limits in this chapter, require approval by the City Council, or if such purchase is subject to the authority of the Purchasing Agent, by the City Manager, unless either 1) a new competitive process has been used; or 2) an exemption from competitive process under Section 2-9.201(e) applies; or 3) in the case of a Department Head purchase exceeding aggregate limits, the purchase is approved by the Purchasing Agent. Contracts are valued by the amount of compensation provided or received by the City, and including any optional renewals; contracts based on a commission or percentage basis are valued on a reasonable estimate of the likely compensation to be received or provided. After consecutive renewals up to an aggregate term of three (3) years, for contracts or purchases in which at least one year’s expenditure exceeds \$7,500, if a new competitive process has not been used or an exemption therefrom does not apply to a contract; or more than six (6) months have not passed after the expiration of the contract or purchase, and further provided that, the total amount expended exceeds the one year authority limit for the signing authority, any further renewals must be approved by the City Council, if subject to the City Manager’s authority, or the City Manager, if subject to the Purchasing Agent’s authority.

(b) Contract Term. Any contract with a term longer than five (5) years including any optional renewals, regardless of contract amount, shall be approved by the City Council, unless otherwise specified in this chapter.

(c) Change Orders and Amendments. The City Manager has authority to approve change orders and amendments to contracts approved by the City Council up to 10% or \$100,000 of the original contract amount, whichever is less, and may further amend the term of such contracts, when the work is reasonably related to the scope of work authorized under the original contract.

(d) Delegation. City personnel authorized in this chapter may delegate the authority granted in this Chapter whenever such delegation is deemed necessary or desirable for the efficient administration of purchasing and contracting activities.

(e) Purchases Involving Grant Funds. The Purchasing Agent can authorize contracting, bidding and purchasing procedures required by the terms of any federal or state grant terms which may differ from the requirements of this chapter.

(f) Gifts or Grants to City. The City Manager may accept, and sign any necessary documents related thereto, gifts or grants to the City which do not exceed \$10,000, and which do not involve policy decisions or significant additional expenditures as determined by the City Manager.

(g) Method of Contracting. The City may utilize purchase orders, purchasing cards, written contracts, or verbal purchases (in the case of verbal purchases only, up to a limit of \$1,000). The Purchasing Agent, with the approval of the City Manager, may specify further parameters and limits for each method of contracting. The City Attorney shall review and approve all standard purchase order forms to be utilized by the City, and shall approve as to form any written contract above an amount set by the Purchasing Agent.

(h) Regulatory Penalties. The City Manager is authorized to accept, pay and sign all documents related to regulatory penalties or fines incurred in the regular course of business up to \$10,000, unless policy decisions are implicated in the payment of such penalties as determined by the City Manager.

(i) Land or Real Estate Interests. The sale, purchase, acceptance or rental of real estate or interests in land, excepting licenses, shall be approved by the City Council, except that the City Manager may approve transactions involving certain real property interests, including but not limited to fee interests, easements, offers of dedication and rights of entry ("Development Real Estate Interests"), provided that such Development Real Estate Interests are part of or directly related to a land use action, environmental mitigation, public works project, entitlement or agreement previously approved by the City, including but not limited to subdivision maps, building permits, or zone changes, or if the right of entry or easement is temporary for a City purpose such as maintenance or other work for the public benefit. When any transaction involving real property is approved by an official specifically authorized under this Code, the City Manager or the City Council, the City Manager or designee is authorized to sign any certificate of acceptance required under Government Code 27281 to be recorded.

Article 2. Purchasing and Contracting for Supplies, Equipment, Maintenance Services, and Public Projects

Sec. 2-9.201. Purchasing and contracting procedures.

Purchases and contracts for supplies, equipment, maintenance services, and Public Projects shall be made pursuant to the following competitive bidding procedures which follow in this Article. The estimated value of purchases and contracts shall include sales tax and freight.

(a) *Bidding waived based on estimated value.* Purchases and contracts of an estimated value in the amount of \$7,500 or less may be made without competitive process.

(b) *Open market bidding procedures.* Purchases and contracts of an estimated value in the amount of \$45,000 or less may be made by open market bidding procedures pursuant to the provisions of Section 2-9.204 of this article, except as otherwise provided in this section.

(c) *Informal bidding procedures.* Purchases and contracts of an estimated value in the amount of \$175,000 or less may be made by informal bidding procedures pursuant to the provisions of Sections 2-9.205 and 2-9.206 of this article, except as otherwise provided in this section.

(d) *Formal bidding procedures.* Purchases and contracts of an estimated value in an amount greater than \$175,000 shall be made by formal bidding procedures pursuant to the provisions of Sections 2-9.205 and 2-9.207 of this article, except as otherwise provided in this section.

(e) *Exceptions.* The bidding procedures and force account restrictions set forth in this article shall be dispensed with when bidding would be impossible, impractical, or incongruent; in an emergency; when the price is controlled by law; when the commodity, maintenance service, or project can only be provided or performed by one vendor (including in cases in which standardization of City equipment would result in savings to the City); or when the estimated value of the purchase or contract is \$7,500 or less. For the purposes of this section:

(1) "Impossible" shall mean actual impossibility or extreme and unreasonable difficulty or expense.

(2) "Impractical" shall mean incapable of being performed by the bid procedure.

(3) "Incongruous" shall mean not suitable to the bid procedure.

(4) "Emergency" shall mean circumstances or conditions that pose an immediate threat to the public health, welfare, or safety as determined by the City

Manager, including, but not limited to, states of emergency as defined in Section 8558 of the Government Code of the State.

(f) *Cooperative agreements.* No provision of this article shall be interpreted or construed to prohibit or prevent the City from purchasing or contracting for supplies, equipment, maintenance services, or Public Projects by contracts, arrangements, and agreements for cooperative purchasing programs not otherwise prohibited by law with any Federal government agency, the State, the County, the Simi Valley Unified School District, the Rancho Simi Recreation and Park District, any other public agencies, or with any cooperative purchasing alliance acting on behalf of governmental entities. Any such contract, agreement, or arrangement otherwise subject to open market or informal bidding procedures shall be first approved by the Purchasing Agent and if subject to formal bidding procedures shall be first approved by the City Council, or by the City Manager in accordance with the stated purchasing authorities set forth in this chapter. Cooperative multi-year agreements are allowed when initial year funding for ongoing requirements is provided in the budget and the City's agreement with the vendor allows the City to terminate the agreement without additional cost to the City if funding is subsequently not appropriated by the City Council. At the discretion of the appropriate approving authority, the bidding procedures of any agency may be used in such joint contracting arrangements. For purposes of this chapter, cooperative agreements include "piggyback" agreements under which a vendor with a currently operative contract with another public agency obtained through a competitive process agrees to provide the same supplies, equipment, maintenance services or Public Project work to the City at an equal or better price as that provided to the originating public agency.

(g) *Purchasing Cards.* The Purchasing Agent may establish or continue a program for the use of Purchasing Cards to facilitate the purchase of goods and services by authorized individuals on behalf of the City. A Purchasing Card program shall adhere to the provisions of this Chapter and to policies and procedures approved by the City Manager.

Sec. 2-9.202. Emergencies: Procedure.

In cases of great emergency, as determined by the governing body of the City, including, but not limited to, states of emergency defined in Section 8558 of the Government Code, when repair or replacement is necessary to permit the continued conduct of the operation or services of a public agency or to avoid danger to life or property, the City Council by a four-fifths (4/5) vote, may direct the City Manager to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the City Council, by contract, or by a combination of the two. The City Council, by a four-fifths (4/5) vote, may delegate to the City Manager the power to declare a public emergency subject to confirmation by the City Council, by a four-fifths (4/5) vote, at its next meeting. The City Council shall review the emergency action every fourteen (14) days thereafter until the action is terminated, to determine, by a four-fifths (4/5) vote, that there is a need to continue the action. When the City Council reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

Sec. 2-9.203. Authorized signatures on behalf of the City.

(a) *Mayor.* The Mayor shall be authorized to sign on behalf of the City all approved contracts provided for in this article. In the absence of the Mayor, the Mayor Pro Tempore shall be so authorized.

(b) *City Manager.* The City Manager shall be authorized to sign on behalf of the City all contracts provided for in Section 2-9.206 of this article and such other approved contracts as the Council may specifically direct from time to time.

(c) *Purchasing Agent.* The Purchasing Agent shall be authorized to sign on behalf of the City all contracts provided for in Section 2-9.204 of this article.

Sec. 2-9.204. Open market bidding procedures.

Except as otherwise provided in subsections (a), (e), and (f) of Section 2-9.201 of this article, the solicitation of bids and award of contracts for supplies, equipment, maintenance services, or Public Projects with an estimated value in the amount of \$45,000 or less may be made by the Purchasing Agent in the open market in accordance with the following procedures:

(a) *Minimum number of bids.* Open market purchases, whenever possible, shall be based on at least three (3) bids and shall be awarded to the lowest responsive and responsible bidder.

(b) *Notices inviting bids.* The Purchasing Agent shall solicit bids from prospective vendors by written requests, by telephone, by facsimile or electronic mail, or by other advertising.

(c) *Written records of bids.* Written records of bids received shall be maintained by the Purchasing Agent in accordance with the City's records retention schedule. Such records, while so kept, shall be open to public inspection and shall include the business name, address, and telephone number of the vendor; vendor representative; description of the bid items, including unit quantities if applicable, unit prices or lump sum amount quoted by the vendor; and the date the bid was received.

Sec. 2-9.205. Informal and formal bidding procedures: General Provisions.

The following provisions shall apply in purchasing or contracting for supplies, equipment, maintenance services, or Public Projects under both informal and formal bidding procedures:

(a) *Notices inviting bids.* Notices inviting bids shall be prepared describing the bid items in general terms; referencing how to obtain more detailed information about the bid items; and stating the time, date, and place for the submission of sealed bids.

(b) *Material changes to the bid.* If a material change to the bid specification is issued by the City later than 72 hours prior to the opening of bids, the date and time shall be extended by no less than 72 hours. The term "material change" means a change with a substantial cost impact on the total bid as determined by the City.

(c) *Base Contract.* Bid specifications which include one or more alternative bid schedules, shall identify and define the base bid for the purpose of awarding to the lowest responsive and responsible bidder.

(d) *Bid opening procedure.* Sealed bids shall be submitted to the Purchasing Agent and shall be identified as bids on the envelope. Such bids shall be opened in public at the time and place stated in the notice inviting bids. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening. An electronic bidding system that complies with Public Contract Code Sections 1600 and 1601 or any successor or replacement provisions thereto may be used to receive sealed bids over the Internet.

(e) *Records of bid documents.* Bid documents received by the City shall be maintained by the City department issuing the bid in accordance with the City's records retention schedule.

(f) *Award of contracts.* Contracts shall be awarded by the City to the lowest responsive and responsible bidder. In awarding a bid, the City may consider other factors in conjunction with the price quotation. Such factors may include, but shall not be limited to, special bid specifications, the availability of labor and/or materials, or administrative/processing considerations.

(g) *No bids received.* In the event no bids are received, the City shall have the option of any of the following:

- (1) Abandoning the purchase or project;
- (2) Rebidding the purchase or project;
- (3) Bid items defined as Public Projects may be performed by employees of the City by force account;
- (4) Awarding the contract using any other method deemed appropriate by the City, including a negotiated contract.

(h) *Rejection of bids.* At the discretion of the City, any bid presented may be rejected. In the event all bids are rejected, the City shall have the option of any of the following:

- (1) Abandoning the purchase or project;
- (2) Rebidding the purchase or project using the appropriate bidding procedures;
- (3) For informal bid items defined as Public Projects, performing the project by employees of the City by force account. For formal bid items defined as Public Projects, the City Council can, after reevaluating the cost estimates of the project,

pass a resolution by a four-fifths (4/5) vote declaring that the project can be performed more economically by the employees of the City performing the project by force account; or

(4) For bid items defined as supplies, equipment, or maintenance services, awarding the contract using any other method deemed appropriate by the City, including a negotiated contract.

(i) *Tie bids.* If two (2) or more bids are received from responsive and responsible bidders for the same total amount or unit price, and are the lowest, the City may accept the bid it chooses.

(j) *Written contracts.* Written contracts in the form approved by the City Attorney shall be used in the award of bids.

(k) *Bidders' security.* When deemed necessary by the Council, the City Manager, or Department Head of the requesting agency, security may be prescribed in the bid specifications in an amount equal to ten (10%) percent of the bid quotation. Bidders shall be entitled to the return of bid security if they are the unsuccessful bidder, or upon the execution of the contract and furnishing all documents required by the bid. A successful bidder may be required to forfeit its bid security upon refusal or failure to execute the contract, or upon failure to furnish required documents within the time period specified in the bid specifications. In the event the successful bidder fails to execute the contract, or furnish required documents, the City may award the contract to the next lowest responsive and responsible bidder.

(l) *Performance bonds.* The Council, City Manager, or Department Head of the requesting agency shall have the authority to require a performance bond for satisfactory completion before entering into a contract in such amount as reasonably necessary to protect the best interests of the City.

(m) *Alternative Procedure for Purchases Not Public Projects.* If a purchase does not involve a Public Project as defined under this Chapter, the Purchasing Agent may authorize alternative bidding procedures that vary from the informal and formal bidding procedures set forth in this chapter as allowed by law, but that otherwise comply with the other requirements of this chapter.

Sec. 2-9.206. Informal bidding procedures.

Except as otherwise provided in subsections (a), (d), and (e) of Section 2-9.201 and in Section 2-9.202 of this article, the solicitation of bids may be authorized by the Purchasing Agent and the award of contracts for supplies, equipment, maintenance services, or Public Projects with an estimated value in the amount of \$175,000 or less may be made by the City Manager in accordance with the requirements of the Public Contract Code and the following informal bidding procedures:

(a) *Budgetary authorization.* The bid items shall have been authorized as a part of an approved budget of the City, and the purchase or contract shall not exceed the amount so authorized.

(b) *Issuance of notices.* Notices inviting informal bids shall be issued at least ten (10) calendar days before the due date of the submission of bids as follows:

(1) Mailed, faxed, or e-mailed to all firms on the bidders list or contractors list for the category of work being bid;

(2) For bid items defined as Public Projects, mailed, faxed, or e-mailed to either or both of the following:

(i) all construction trade journals designated by the Commission;

(ii) contractors on the contractors list for the category of work being bid;

(3) May be posted on the City's website; and

(4) Other mailings, advertisements, and notifications as deemed appropriate by the Department Head of the requesting agency.

(c) *Bids received in excess of \$175,000.* If all bids received are in excess of \$175,000, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract to the lowest responsive and responsible bidder if it determines the cost estimate of the issuing Department was reasonable and the low bid does not exceed \$187,500.

Sec. 2-9.207. Formal bidding procedures.

Except as provided in subsections (d) and (e) of Section 2-9.201 of this article, the solicitation of bids and award of contracts for supplies, equipment, maintenance services, or Public Projects with an estimated value in excess of \$175,000 shall be made in accordance with the requirements of the Public Contract Code and the following formal bidding procedures:

(a) *Plans and specifications.* The City Manager shall adopt any plans, specifications, and working details as appropriate for the bid items prior to a solicitation for formal bids, and may delegate such adoption to the Purchasing Agent.

(b) *Sending, mailing, and publishing of notices.* Notices inviting formal bids shall be published, sent, and mailed as follows:

(1) For bid items defined as Public Projects, sent electronically, by either facsimile or electronic mail and mailed to all construction trade journals designated by the Commission at least fifteen (15) calendar days before the date of the bid opening;

(2) Sent electronically, by facsimile or electronic mail, or mailed to all firms on the bidders list at least fifteen (15) calendar days before the date of the bid opening;

(3) Published at least once in a newspaper of general circulation, printed and published in the City, at least fourteen (14) calendar days before the date of the bid opening;

(4) May be posted on the City's website; and

(5) Other mailings, advertisements, and notifications deemed appropriate by the Department Head of the requesting department or agency.

Sec. 2-9.208. Local Business Preference.

The City recognizes that local businesses make significant contributions to the economic health of the City. The City supports local business opportunities, which encourage businesses to move into and stay within the City, promote economic development and maintain a strong local economic base, which in turn foster economic growth in the City. Therefore, the City Council has determined it is in the City's best interest to establish and provide a preference to local businesses.

(a) *Competitive bid process.* The City manager is authorized to extend a preference to a responsible and responsive local business in a competitive bid for the procurement of supplies, equipment, and materials not to exceed five (5%) percent of the local businesses total bid price, or \$2,500, whichever is lower, for the purpose of determining the lowest bid.

(b) *Local preference.* When a non-local business has submitted the lowest responsive and responsible bid, and when one or more local businesses have also bid, the local business's total bid amount will be reduced by five percent for bid comparison purposes. If the net amount is lower than the lowest bid, the bid will be awarded to the local business for the full amount of its bid.

(c) *Local Business.* For purposes of this chapter, "local business" means a vendor or contractor that has an office with at least one employee physically located within the City of Simi Valley, who possesses and shows evidence of a current business tax certificate issued by the City.

(d) *Exemptions.* The local business preference does not apply to the following:

(1) Bids for Public Projects as defined by Public Contracts Code Sections 20161 and 22002,

and
(2) Bids funded by grants which prohibit the use of preferences,

(3) Contracts for services.

Article 3. Contracts for Consultant Services

Sec. 2-9.301. Contracting procedures.

Contracts for consultant services shall be made pursuant to the provisions of this article.

Sec. 2-9.302. Architectural, landscape architectural, engineering, environmental, land surveying, and construction management services.

Contracts for architectural, landscape architectural, engineering, environmental, land surveying, and construction management services are subject to the provisions of this article and shall be awarded in accordance with the California Government Code.

Sec. 2-9.303. Council authorization.

The Council shall have sole authority to approve and enter into all consultant contracts, except as provided in Sections 2-9.304 and 2-9.305 of this article.

Sec. 2-9.304. City Manager authorization.

The City Manager shall be authorized to approve and enter into contracts for consultant services subject to each and every one of the following limitations and restrictions:

(a) The contract is for a sum not to exceed \$100,000 to be paid by the City.

(b) The contract shall not result in, or potentially require the City to be liable for, a significant loss of money or other thing of value beyond the contract price to the City.

(c) The funds required for the payment of the contract shall be included in the City's approved and current budget for that purpose.

(d) The contract shall not have, may not result in, nor be the result of a significant policy decision necessitating prior Council review and approval.

Sec. 2-9.305. City Attorney authorization.

The City Attorney shall be authorized to approve and enter into contracts for legal services and legal consultations for a sum not to exceed \$100,000 per contract to be paid by the City.

Sec. 2-9.306. Authorized signatures on behalf of the City.

(a) *Mayor.* The Mayor shall be authorized to sign on the behalf of the City all approved contracts provided for in this article. In the absence of the Mayor, the Mayor Pro Tempore shall be so authorized.

(b) *City Manager.* The City Manager shall be authorized to sign on behalf of the City all contracts provided for in Section 2-9.304 of this article and such other approved contracts as the Council may specifically direct from time to time.

(c) *City Attorney.* The City Attorney shall be authorized to sign on behalf of the City all contracts provided for in Section 2-9.305 of this article, and settlements, payments or contracts approved in closed session, and documents related thereto, unless otherwise indicated by the City Council, and such other approved contracts or settlements as the Council may specifically direct from time to time.

Article 4. Disposition of City-Owned Personal Property

Sec. 2-9.401. Disposition procedures.

City-owned personal property items shall be disposed of pursuant to the procedures set forth in this article.

Sec. 2-9.402. Unusable property.

Any personal property item which is inoperative, unrepairable, not economically repairable, obsolete, or has been replaced through the budget process due to poor condition shall be disposed of as deemed appropriate by the City Manager.

Sec. 2-9.403. Surplus property.

Any personal property item which is in good condition but has become unsuitable for City use is surplus and shall be sold pursuant to the following procedures:

(a) The Council shall be informed of the condition of any item proposed for disposition, and the determination of the Council that such item is surplus shall be obtained before proceeding with disposition.

(b) Requests for bids shall be issued, and sales shall be made to the highest bidder; provided, however, sales may be made by public auction or private sale or exchange as deemed appropriate by the City Manager.

(c) All sales shall be paid for by cash, cashier's check, or money order payable to the City.

(d) The City Manager or his or her designee shall be authorized to sign bills of sale and any other papers or documents evidencing such sales for and on behalf of the City.

(e) In the event no bids or purchase proposals are received for any item offered for sale pursuant to the provisions of this section, the item may be disposed of as deemed appropriate by the City Manager.

Sec. 2-9.404. Rules and regulations.

The Purchasing Agent shall promulgate and enforce such administrative rules and regulations as required and necessary to ensure that City-owned personal property items are disposed of in a manner consistent with generally accepted internal control and accounting principles.

Sec. 2-9.405. Exceptions.

The provisions of this article shall not apply to any City-owned personal property to be used in trade or exchange for new replacement property of a similar nature pursuant to Article 2 of this chapter.

SECTION 2. Ordinance Nos. 1203, 1224, WWD-12, and WWD-13 are hereby repealed.

SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 15th day of May 2017.

Attest:

/s/
Ky Spangler, Deputy Director/City
Clerk/District Secretary

/s/
Robert O. Huber, Mayor of the City of Simi
Valley, California, and Chair of the Ventura
County Waterworks District No. 8

Approved as to Form:

Approved as to Content:

/s/
Lonnie J. Eldridge, City Attorney/
District Counsel

/s/
Eric J. Levitt, City/District Manager

/s/
Jody Kershberg, Director
Department of Administrative Services