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ORDINANCE NO. 177-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIAMS AMENDING CHAPTER 3.28 OF THE WILLIAMS MUNICIPAL CODE RELATING TO BIDDING, CONTRACTING AND PURCHASES OF SUPPLIES, SERVICES AND EQUIPMENT

THE CITY COUNCIL OF THE CITY OF WILLIAMS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment and Restatement. Chapter 3.28 of the Williams Municipal Code is hereby deleted in its entirety and restated to read as follows:

**“CHAPTER 3.28  
BIDDING, CONTRACTING AND PURCHASES OF  
SUPPLIES, SERVICES AND EQUIPMENT**

**Sections:**

- 3.28.010 Adoption of purchasing system.**
- 3.28.020 Definitions.**
- 3.28.030 Purchasing Officer.**
- 3.28.040 General purchasing policies and procedures.**
- 3.28.050 Bidding requirements - public works projects.**
- 3.28.060 Bidding requirements - maintenance and general services.**
- 3.28.070 Bidding requirements - professional services.**
- 3.28.080 Bidding requirements - materials, supplies and equipment.**
- 3.28.090 Public works projects - formal bidding procedure.**
- 3.28.100 Public works projects - informal bidding procedure.**

- 1    **3.28.110**        **Non-public works projects - formal bidding procedure.**
- 2    **3.28.120**        **Non-public works projects - informal bidding procedure.**
- 3    **3.28.130**        **Exceptions to competitive bidding - public works projects.**
- 4    **3.28.140**        **Exceptions to competitive bidding - non-public works projects.**
- 5    **3.28.150**        **Surplus supplies and equipment.**
- 6    **3.28.160**        **Local vendor preference.**
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- 10   **3.28.010**        **Adoption of purchasing system.**

11           The purpose of this chapter is to establish efficient procedures for the purchase of  
12 supplies, services and equipment at the lowest possible cost commensurate with quality needed,  
13 to exercise positive financial control over purchases, to clearly define authority for the purchasing  
14 function, and to assure the quality of purchases. Therefore, a centralized purchasing system is  
15 hereby adopted and vested with the authority for the purchase of all city supplies, services and  
16 equipment. In addition, this chapter and the purchasing system it establishes is designed to  
17 provide appropriate procedures to implement the city’s participation in the Uniform Public  
Construction Cost Accounting Act pursuant to California Public Contract Code, Section 22000 et  
seq.

18   **3.28.020**        **Definitions.**

19           Unless otherwise indicated, the following definitions shall apply to all provisions of this  
20 chapter:

21           (a)    “Act” means the Uniform Public Construction Cost Accounting Act found at  
22 California Public Contract Code, Section 22000 et seq.

23           (b)    “Alternative procedure” means purchasing supplies, services or equipment by  
24 negotiated contract, purchase order or any other procedure outlined in the city’s purchasing and  
25 bidding policies and procedures manual approved by the city administrator and consistent with  
26 this chapter. A type of alternative procedure may include, but is not limited to, what will be  
27 referred to as a “simplified pricing procedure” wherein the authorized contracting party, or his or  
28 her designee, obtains oral price quotes from one or more potential contractors or suppliers, and  
accepts the quote which is determined to be in the best interests of the city.

1 (c) "Authorized contracting party" means the city official or body provided with  
2 authority under this chapter to approve a contract or to make a purchase.

3 (d) "City administrator" means the city administrator or person designated by the city  
4 administrator to perform all or some of the duties prescribed in this chapter.

5 (e) "Commission" means the California Uniform Construction Cost Accounting  
6 Commission created by Division 2, Part 3, Chapter 2, Article 2 of the California Public Contracts  
7 Code (commencing at Section 22010).

8 (f) "Emergency" for purposes of public works projects shall have that meaning  
9 provided in California Public Contract Code Sections 22035 and 22050. Emergency for all other  
10 purchasing or contracting purposes means a situation which makes competitive bidding, either  
11 formal or informal, impractical or not in the best interests of the city.

12 (g) "Facility" means any plant, building, structure, ground facility, utility system  
13 (subject to the limitation found in California Public Contract Code Section 22002, subdivision  
14 (c)(3)), real property, streets and highways, or other public work improvement.

15 (h) "General Services" mean all services performed by persons not in a professional  
16 occupation, including, but not limited to, contract services for park, electrical and computer  
17 repair, building, facility and vehicle maintenance, recreation programs, and other similar services  
18 which are not typical of professional services.

19 (i) "Maintenance work" shall have that meaning provided in Section 22002(d) of the  
20 Act, as that Section may be amended from time to time. In addition and to the extent not  
21 inconsistent with Section 22002(d), maintenance work shall include, but shall not be limited to,  
22 the following:

23 (1) Routine, recurring, and usual work for the preservation or protection of any  
24 publicly owned or publicly operated facility for its intended purposes.

25 (2) Minor repainting.

26 (3) Street and highway maintenance, including utility patching, skin patching,  
27 crack filling, filling of pot holes, slurry sealing, edge grading, street striping, resurfacing of streets  
28 and highways at less than one-inch, sign replacement, sidewalk repair and replacement, curb and  
gutter repair and replacement, and street and traffic light repair and replacement. Maintenance  
work shall not include striping of a new street or highway.

1 (4) Sewer maintenance, including foaming, video taping, cleaning and  
2 manhole restoration.

3 (5) Traffic signal maintenance. Maintenance work shall not include  
4 installation of new traffic signals.

5 (6) Storm drain related maintenance.

6 (7) Landscape maintenance, including mowing, watering, trimming, pruning,  
7 planting, tree and plant replacement, irrigation and sprinkler system servicing, retrofit and repair,  
8 and landscape rehabilitation.

9 (8) Maintenance of facilities, including roof repairs or replacements, heating  
10 and air conditioning repairs, and electric repairs.

11 (9) Vehicle and equipment maintenance and repairs.

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

15 (j) "Public works project" shall have that meaning provided in Section 22002(c) of  
16 the Act, as that Section may be amended from time to time. A public works project shall not  
17 include maintenance work. In addition and to the extent not inconsistent with Section 22002(c),  
18 public works project shall include, but shall not be limited to, the following:

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

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

23 (3) In the case of a publicly owned utility system, public works project shall  
24 include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants,  
25 and electrical transmission lines of 230,000 volts and higher.

26 (k) "Professional services" means all services performed by persons in a professional  
27 occupation, including, but not limited to, consulting and performance services for accounting,  
28 auditing, computer hardware and software support, engineering, architectural, planning,  
environmental, redevelopment, financial, economic, personnel, social services, animal control,

1 legal, management, cable television, communication and other similar professional functions  
2 which may be necessary for the operation of the city.

3 (l) "Public works project formal bidding procedure" means a procedure which meets  
4 the requirements of state and local law, including Section 22037 of the Act, this chapter and any  
5 policies and procedures approved by the city administrator consistent with this chapter.

6 (m) "Public works project informal bidding procedure" means a procedure which  
7 meets the requirements of state and local law, including Section 22034 of the Act, this chapter  
8 and any policies and procedures approved by the city administrator consistent with this chapter.

9 (n) "Purchasing officer" means the city administrator or his or her designee(s) as  
10 provided in Section 3.28.030. Initially, the city administrator designates the chief finance officer  
11 to act as the purchasing officer. Pursuant to Section 3.28.020, the city administrator may change  
12 his or her designation at any time.

13 (o) "Williams formal bidding procedure" means a procedure which meets the  
14 requirements of state and local law, including the Act, this chapter and any policies and  
15 procedures approved by the city administrator consistent with this chapter.

### 16 **3.28.030 Purchasing Officer.**

17 There is created the position of purchasing officer. The purchasing officer shall be the  
18 city administrator or his or her designee(s). The purchasing officer shall be the head, and have  
19 the general supervision of all purchasing functions of the city. The duties of the purchasing  
20 officer may be combined with those of any other office or position. Subject to the supervision of  
21 the city administrator, the purchasing officer shall have the authority to:

22 (a) Purchase or contract for supplies, services and equipment required by the city.

23 (b) Negotiate and recommend to the city council execution of contracts for the  
24 purchase of supplies, services and equipment.

25 (c) Prepare and implement policies and procedures governing the bidding, contracting,  
26 purchasing, storing, distribution and disposal of supplies, services and equipment for the city.

27 (d) Prescribe and maintain such forms as may be reasonably necessary to the  
28 implementation of this chapter and any other policies and procedures approved by the city  
administrator consistent with this chapter.

1 (e) Review the working details, drawings, plans and specifications for any projects or  
2 purchases requiring such review in this chapter.

3 (f) Inspect or supervise the inspection of purchased supplies, services and equipment  
4 to ensure conformity with any specifications established or required by the city.

5 (g) Transfer among departments any supplies, services and equipment not needed by  
6 one such department, but which are necessary for the operation of one or more other departments.

7 (h) Sell any supplies and equipment not needed for public use or that may become  
8 unsuitable for their intended use.

9 (i) Develop and maintain any bidder's list, contractor's list or vendor's catalog file  
10 necessary to the operation of this chapter and any other policies and procedures approved by the  
11 city administrator consistent with this chapter.

12 **3.28.040 General purchasing policies and procedures.**

13 (a) The city shall secure supplies, services and equipment at the lowest total cost  
14 commensurate with the quality and scope needed, and subject to any limitations imposed by state  
15 law. Notwithstanding the foregoing, the city shall secure professional services based upon  
16 demonstrated competence, professional qualifications and suitability for the project in general.  
17 The city may consider cost of professional services if the authorized contracting party determines  
it to be a relevant factor under the circumstances.

18 (b) The purchasing officer shall develop, for approval by the city administrator, such  
19 policies and procedures as are necessary to implement the provisions of this chapter. The policies  
20 and procedures shall be written and implemented in such a way to encourage open and  
21 competitive bidding, where appropriate, provide equal opportunity based on merit, make each  
22 selection process free of invidious discrimination, provide for efficient and timely acquisition of  
needed supplies, services and equipment, and provide effective fiscal controls.

23 (c) In purchasing, supplies, services and equipment, the city shall make use of  
24 competitive bidding, both formal and informal, whenever required by law, this chapter, or any  
25 policies and procedures approved by the city administrator consistent with this chapter.

26 (d) Formal and informal competitive bidding is not required, for instance, when an  
27 "emergency" is declared pursuant to this chapter.  
28

1 (e) Except in cases of emergency or unless specifically authorized by resolution or  
2 minute order of the city council, the purchasing officer shall not issue a purchase order for  
3 supplies, services or equipment involving any project or purchase unless there exists an  
4 unencumbered appropriation in the fund account against which such purchase is to be charged.

5 (f) The city shall comply with all federal and state bidder's security and bonding  
6 requirements and all prevailing wage laws applicable to each contract or purchase.

7 (g) The purchasing officer, with approval of the city administrator, may provide  
8 written authorization to any department director to conduct a bidding process outside of the  
9 centralized purchasing system; provided, however, that such bidding process and the resulting  
10 contract or purchase shall otherwise comply with the requirements of this chapter. The  
11 purchasing officer, with approval of the city administrator, may rescind such authorization in  
12 writing at any time and for any or no reason.

13 **3.28.050 Bidding requirements - public works projects.**

14 (a) *\$30,000 or less:* Public works projects of thirty thousand dollars (\$30,000) or less  
15 may be awarded by the city administrator, upon recommendation of the director of the department  
16 responsible for the project, by any alternative procedure.

17 (b) *\$30,001 - \$125,000:* Public works projects of more than thirty thousand dollars  
18 (\$30,000), but less than or equal to one hundred twenty-five thousand dollars (\$125,000) shall,  
19 except as otherwise provided in this chapter or the Act, be awarded by the city council pursuant to  
20 the public works project informal bidding procedure. If all bids received are over one hundred  
21 twenty-five thousand dollars (\$125,000), the city council may, with the approval of a four-fifths  
22 (4/5) vote of those members present, award the contract in an amount not exceeding one hundred  
23 thirty-seven thousand five hundred dollars (\$137,500) to the lowest responsive and responsible  
24 bidder, so long as the city council also determines that the city's cost estimate for the project was  
25 reasonable.

26 (c) *More than \$125,000:* Public works projects of more than one hundred twenty-five  
27 thousand dollars (\$125,000) shall, except as otherwise provided in this chapter or the Act, be  
28 awarded by the city council pursuant to the public works project formal bidding procedure.

(d) *City Engineer Review:* The city engineer shall review the working details,  
drawings, plans and specifications prepared for every public works project which may affect the  
design or operation of public improvements and which may bring into question the city's liability  
for dangerous conditions of public property.

1 (e) *City Council Approval:* The city council shall adopt the plans, specifications, and  
2 working details for every public works project that totals more than one hundred twenty-five  
3 thousand dollars (\$125,000).

4 (f) *Award:* Contracts for public works projects of thirty thousand dollars (\$30,000) or  
5 less, if awarded, may be awarded in the best interests of the city. Contracts for public works  
6 projects of more than thirty thousand dollars (\$30,000), if awarded, shall be awarded to the lowest  
7 responsive and responsible bidder. If two (2) or more bids are the same and the lowest, the  
8 authorized contracting party may accept the one it chooses.

9 (g) *Dollar Limits and Change Orders or Amendments:* The dollar limits indicated  
10 herein shall apply to the original contract and to any amendments or change orders. To this end,  
11 therefore, unless an exception provided in Section 3.28.130 below applies, any contract  
12 amendment or change order which would increase the contract amount above any threshold stated  
13 herein shall comply with the requirements applicable to the increased contract amount.

14 (h) *No Bid Splitting:* The city shall not split or separate into smaller work orders or  
15 projects any project, work, service or purchase for the purpose of avoiding any bidding or  
16 contracting requirements of this chapter.

17 **3.28.060 Bidding requirements - maintenance and general services.**

18 (a) *\$30,000 or less:* Maintenance work and other general services projects of thirty  
19 thousand dollars (\$30,000) or less may be awarded by the city administrator, upon  
20 recommendation of the director of the department responsible for the project, by any alternative  
21 procedure.

22 (b) *\$30,001 - \$125,000:* Maintenance work and other general services projects of  
23 more than thirty thousand dollars (\$30,000), but less than or equal to one hundred twenty-five  
24 thousand dollars (\$125,000) shall, except as otherwise provided in this chapter, be awarded by the  
25 city council pursuant to the non-public works project informal bidding procedure.

26 (c) *More than \$125,000:* Maintenance work and other general services projects of  
27 more than one hundred twenty-five thousand dollars (\$125,000) shall, except as otherwise  
28 provided in this chapter, be awarded by the city council pursuant to the non-public works project  
formal bidding procedure.

(d) *City Engineer Review:* The city engineer shall review the working details,  
drawings, plans and specifications prepared for every maintenance work and other general



1 services project which may affect the design or operation of public improvements and which may  
2 bring into question the city's liability for dangerous conditions of public property.

3 (e) *Purchasing Officer Approval:* The purchasing officer, or his or her designee, shall  
4 review and approve the working details, drawings, plans and specifications prepared for every  
5 maintenance work and other general services project.

6 (f) *City Council Approval:* The city council shall review and approve the working  
7 details, drawings, plans and specifications prepared for every maintenance work and other general  
8 services project of more than thirty thousand dollars (\$30,000).

9 (g) *Award:* Contracts for maintenance work and other general services projects of  
10 thirty thousand dollars (\$30,000) or less, if awarded, may be awarded in the best interests of the  
11 city. Contracts for maintenance work and other general services projects of more than thirty  
12 thousand dollars (\$30,000), if awarded, shall be awarded to the lowest responsive and responsible  
13 bidder. If two (2) or more bids are the same and the lowest, the authorized contracting party may  
14 accept the one it chooses.

15 (h) *Subsequent Contract Awards, Amendments, Extensions or Renewals:*  
16 Notwithstanding anything herein to the contrary, the city administrator shall not award a  
17 subsequent contract to the same individual or entity for the same or similar services on the same  
18 project, or amend, extend or renew such a contract, without city council approval, when the  
19 award, amendment, extension or renewal will result in the city paying an aggregate amount of  
20 more than thirty thousand dollars (\$30,000) to the individual or entity in any given fiscal year.  
21 For purposes of this section, the phrase "same project" shall include an on-call or as-needed  
22 contract.

23 (i) *Five Year Term Limitation:* No maintenance work or other general services  
24 contract shall extend for a period of more than five (5) years, including any authorized extensions.

25 (j) *No Bid Splitting:* The city shall not split or separate into smaller work orders or  
26 projects any project, work, service or purchase for the purpose of avoiding any bidding or  
27 contracting requirements of this chapter.  
28

1 **3.28.070 Bidding requirements - professional services.**

2 (a) *\$30,000 or less:* Professional services contracts of thirty thousand dollars  
3 (\$30,000) or less may be awarded by the city administrator, upon recommendation of the director  
4 of the department responsible for the project, by any alternative procedure.

5 (b) *\$30,001 - \$125,000 :* Professional services contracts of more than thirty thousand  
6 dollars (\$30,000), but less than or equal to one hundred twenty-five thousand dollars (\$125,000)  
7 shall, except as otherwise provided in this chapter, be awarded by the city council pursuant to the  
8 non-public works project informal bidding procedure.

9 (c) *More than \$125,000:* Professional services contracts of more than one hundred  
10 twenty-five thousand dollars (\$125,000) shall, except as otherwise provided in this chapter, be  
11 awarded by the city council pursuant to the non-public works project formal bidding procedure.

12 (d) *Purchasing Officer Approval:* The purchasing officer, or his or her designee, shall  
13 review and approve the scope of services prepared for every professional services contract.

14 (e) *City Council Approval:* The city council shall review and approve the scope of  
15 services prepared for every professional services contract of more than thirty thousand dollars  
16 (\$30,000).

17 (f) *Award:* Contracts for professional services shall be awarded to the contractor who  
18 will best serve the interests of the city, taking into account the demonstrated competence,  
19 professional qualifications and suitability for the project in general. The city may consider cost of  
20 professional services if the authorized contracting party determines it to be a relevant factor under  
21 the circumstances.

22 (g) *Subsequent Contract Awards, Amendments, Extensions or Renewals:*  
23 Notwithstanding anything herein to the contrary, the city administrator shall not award a  
24 subsequent contract to the same individual or entity for the same or similar services, or amend,  
25 extend or renew such a contract, without city council approval, when the award, amendment,  
26 extension or renewal will result in the city paying an aggregate amount of more than thirty  
27 thousand dollars (\$30,000) to the individual or entity in any given fiscal year.

28 (h) *No Bid Splitting:* The city shall not split or separate into smaller work orders or  
projects any project, work, service or purchase for the purpose of avoiding any bidding or  
contracting requirements of this chapter.

1 **3.28.080 Bidding requirements - materials, supplies and equipment.**

2 (a) *\$30,000 or less:* Purchases of materials, supplies and equipment of thirty thousand  
3 dollars (\$30,000) or less may be awarded by the city administrator, upon recommendation of the  
4 director of the department responsible for the purchase, by any alternative procedure.

5 (b) *\$30,001 - \$125,000:* Purchases of materials, supplies and equipment of more than  
6 thirty thousand dollars (\$30,000), but less than or equal to one hundred twenty-five thousand  
7 dollars (\$125,000) shall, except as otherwise provided in this chapter, be awarded by the city  
8 council pursuant to the non-public works project informal bidding procedure.

9 (c) *More than \$125,000:* Purchases of materials, supplies and equipment of more  
10 than one hundred twenty-five thousand dollars (\$125,000) shall, except as otherwise provided in  
11 this chapter, be awarded by the city council pursuant to the non-public works project formal  
12 bidding procedure.

13 (d) *Department Director Approval:* The director of the using department shall review  
14 and approve the specifications prepared for every purchase of materials, supplies and equipment.

15 (e) *Purchasing Officer Approval:* The purchasing officer, or his or her designee, shall  
16 review and approve all contracts for the purchase of materials, supplies and equipment.

17 (f) *City Council Approval:* The city council shall review and approve the  
18 specifications prepared for every purchase of materials, supplies and equipment of more than  
19 thirty thousand dollars (\$30,000).

20 (g) *Award:* Contracts for the purchase of materials, supplies and equipment of thirty  
21 thousand dollars (\$30,000) or less, if awarded, may be awarded in the best interests of the city.  
22 Contracts for the purchase of materials, supplies and equipment of more than thirty thousand  
23 dollars (\$30,000), if awarded, shall be awarded to the lowest responsive and responsible bidder.  
24 If two (2) or more bids are the same and the lowest, the authorized contracting party may accept  
25 the one it chooses.

26 (h) *No Bid Splitting:* The city shall not split or separate into smaller work orders or  
27 projects any project, work, service or purchase for the purpose of avoiding any bidding or  
28 contracting requirements of this chapter.

1 **3.28.090 Public works projects - formal bidding procedure.**

2 (a) *Uses of Formal Bidding Procedure:* This formal bidding procedure shall be used  
3 whenever formal bidding is required for a public works project.

4 (b) *Required Process:* The formal competitive bidding procedure shall comply with  
5 all aspects of state and local law governing formal competitive bidding, including, but not limited  
6 to, the California Public Contract Code, California Government Code, California Labor Code,  
7 resolutions of the city council as may be adopted from time to time, and policies and procedures  
8 as the city administrator may approve from time to time.

9 (c) *Notice Inviting Formal Bids:* Notice inviting formal bids shall be provided. The  
10 notice inviting formal bids shall comply with Section 22037 of the Act, as such section may be  
11 amended from time to time. Notices shall state the time and place for the receiving and opening  
12 of sealed bids and distinctly describe the project. At a minimum, the notice inviting formal bids  
13 shall: (1) describe the project; (2) state how to obtain more detailed information about the project;  
14 (3) state the date, time and place for the submission of sealed bids; and (4) include any other  
15 information required by state or local law, as determined by the city attorney.

16 (d) *Published Notice:* The notice shall be published in a newspaper of general  
17 circulation printed and published in the city at least fourteen (14) calendar days before the date of  
18 opening the bids, or, if there is no such newspaper, in a newspaper of general circulation which is  
19 circulated in the city.

20 (e) *Distribution of Notice Inviting Formal Bids:* The notice inviting formal bids shall  
21 also be sent to those construction trade journals specified in Section 22036 of the Act at least  
22 thirty (30) calendar days before the date of opening the bids.

23 (f) *Additional Notice:* The city shall also provide any additional notice as it deems  
24 proper.

25 (g) *Contents of Remaining Bid and Contract Documents:* The contents and form of the  
26 remaining bid and contract documents shall be approved by the director of the using department,  
27 as well as the city attorney.

28 (h) *City's Authority:* The city may reject any or all bids received, and may waive any  
minor irregularities in each bid received.

(i) *No Bids Received:* If no bids are received, the authorized contracting party may  
award the contract by any alternative procedure.

1 (j) *Award of Contract:* The contract shall be awarded in accordance with Section  
2 3.28.050(f). If two or more bids are the same and the lowest, the city may accept the one it  
3 chooses.

4 (k) *Rejection of Bids:* The city may, in its sole and absolute discretion, reject any bids  
5 presented. If after the first invitation of bids all bids are rejected, after reevaluating its cost  
6 estimates for the project, the city shall have the option of any of the following:

7 (1) Abandon the project; or

8 (2) Readvertise for bids in the manner described in this chapter; or

9 (2) By passage of a resolution by a four-fifths vote of the city council, declare  
10 that the project can be performed more economically by the employees of the city and have the  
11 project done by force account.

12 **3.28.100 Public works projects - informal bidding procedure.**

13 (a) *Uses of Public works project Informal Bidding Procedure:* This informal bidding  
14 procedure shall be used when a public works project is involved and informal bidding is  
15 permitted by this chapter .

16 (b) *Contractor List:* The purchasing officer shall maintain a list of qualified  
17 contractors, identified according to categories of work, as described in Section 22034(a) of the  
18 Act. The list shall be developed and maintained in accordance with criteria established by the  
19 Commission. In developing the list, the purchasing officer shall obtain from the Contractor's  
20 State License Board and from the contractor's trade associations in the county, the names and  
21 addresses of qualified contractors located in the county.

22 (c) *Distribution of Notice Inviting Informal Bids:* The purchasing officer shall provide  
23 a notice inviting informal bids. The notice inviting informal bids shall be mailed to either or both  
24 of the following: (1) all contractors on the qualified contractors list maintained pursuant to  
25 subsection (b) above; and/or (2) all construction trade journals specified in Section 22036 of the  
26 Act. The notice inviting informal bids must be mailed not less than (10) calendar days before the  
27 bids are due.

28 (d) *Contents of Notice Inviting Informal Bids:* At a minimum, the notice inviting  
informal bids shall: (1) describe the project in general terms; (2) state how to obtain more detailed  
information about the project; (3) state the date, time and place for the submission of sealed bids;

1 and (4) include any other information required by state or local law, as determined by the city  
2 attorney.

3 (e) *Proprietary Projects or Products:* If the director of the using department certifies  
4 that, to the best of his or her knowledge, the product or service is proprietary in nature and can be  
5 obtained only from a limited number of contractors, and that no equivalent products or services  
6 are available, the notice inviting informal bids may be sent exclusively to such contractor or  
7 contractors.

8 (f) *Contents of Remaining Bid and Contract Documents:* The contents and form of the  
9 remaining bid and contract documents shall be approved by the director of the using department,  
10 as well as the city attorney.

11 (g) *City's Authority:* The city may reject any or all bids received, and may waive any  
12 minor irregularities in each bid received.

13 (h) *No Bids Received:* If no bids are received, the authorized contracting party may  
14 award the contract by any alternative procedure.

15 (j) *Award of Contract:* The contract shall be awarded in accordance with Section  
16 3.28.050(f). If two or more bids are the same and the lowest, the city may accept the one it  
17 chooses.

18 **3.28.110 Non-public works projects - formal bidding procedure.**

19 (a) *Uses of the Non-Public Works Project Formal Bidding Procedure:* A formal  
20 bidding procedure shall be used whenever formal bidding is required by this chapter and the  
21 project does not involve a public works project.

22 (b) *Distribution of Notice Inviting Formal Bids or Request for Proposals:* A notice  
23 inviting formal bids or a request for proposals, as appropriate, shall be published at least fourteen  
24 (14) calendar days before the date of opening the bids or proposals in a newspaper of general  
25 circulation printed and published in the city, or, if there is no such newspaper, in a newspaper of  
26 general circulation which is circulated in the city. The notice inviting formal bids or request for  
27 proposals may also be provided directly to vendors or contractors. The city shall endeavor to  
28 receive formal bids or proposals from at least three (3) vendors or contractors. A notice inviting  
bids shall be used whenever the project or purchase must be awarded to the lowest responsible  
and responsive bidder. A request for proposals may be used whenever the project or purchase is  
not required to be awarded to the lowest responsible and responsive bidder. If the purchasing

1 officer and the director of the using department certify that, to the best of their knowledge, there  
2 is no local source or local provider available for the project, the notice inviting bids or the request  
3 for proposals, as appropriate, may be distributed to a list of qualified vendors maintained by the  
4 purchasing officer and/or published in a trade journal appropriate to the project, in lieu of  
5 publication in a newspaper of general circulation.

6 (c) *Contents of Notice Inviting Formal Bids or Request for Proposals:* At a minimum,  
7 the notice inviting formal bids or request for proposals shall: (1) describe the project or purchase  
8 in general terms; (2) state how to obtain more detailed information about the project or purchase;  
9 (3) state the date, time and place for the submission of bids or proposals; and (4) include any  
10 other information required by state or local law, as determined by the city attorney. Bids for  
11 purchases of more than thirty thousand dollars (\$30,000) shall be sealed bids.

12 (d) *Proprietary Projects or Sole Source Products:* If the director of the using  
13 department certifies that, to the best of his or her knowledge, the product or service is proprietary  
14 in nature and can be obtained only from a limited number of vendors or contractors, and that no  
15 equivalent products or services are available, the notice inviting formal bids or request for  
16 proposals may be sent exclusively to such vendor(s) or contractor(s).

17 (e) *Contents of Remaining Bid and Contract Documents:* The contents and form of the  
18 remaining bid and contract documents shall be approved by the director of the using department,  
19 as well as the city attorney.

20 (f) *City's Authority:* The city may reject any or all bids or proposals received, and  
21 may waive any minor irregularities in each bid or proposal received.

22 (g) *No Bids Received:* If no bids are received, the authorized contracting party may  
23 award the contract by any alternative procedure.

24 **3.28.120 Non-public works projects - informal bidding procedure.**

25 A. *Uses of Non-Public Works Project Informal Bidding Procedure:* This informal  
26 bidding procedure shall be used whenever informal bidding is allowed for a purchase which does  
27 not involve a public works project.

28 B. *Distribution of Notice Inviting Informal Bids or Request for Proposals:* A notice  
inviting informal bids or request for proposals, as appropriate, shall be provided. The notice  
inviting informal bids or requests for proposals shall be provided to at least three (3) vendors or  
contractors, and the city shall endeavor to receive informal bids or proposals from at least three

1 (3) vendors or contractors. A notice inviting bids shall be used whenever the project or purchase  
2 must be awarded to the lowest responsible and responsive bidder. A request for proposals may be  
3 used whenever the project or purchase is not required to be awarded to the lowest responsible and  
4 responsive bidder.

5 C. *Contents of Notice Inviting Informal Bids or Request for Proposals:* At a  
6 minimum, the notice inviting informal bids or request for proposals shall: (1) describe the project  
7 or purchase in general terms; (2) state how to obtain more detailed information about the project  
8 or purchase; (3) state the date, time and place for the submission of bids or proposals; and (4)  
9 include any other information required by state or local law, as determined by the city attorney.  
10 Bids for purchases of more than thirty thousand dollars (\$30,000) shall be sealed bids.

11 D. *Proprietary Projects or Products:* If the director of the using department certifies  
12 that, to the best of his or her knowledge, the product or service is proprietary in nature and can be  
13 obtained only from a limited number of vendors or contractors, and that no equivalent products or  
14 services are available, the notice inviting informal bids or request for proposals may be sent  
15 exclusively to such vendor(s) or contractor(s).

16 E. *Contents of Remaining Bid and Contract Documents:* The contents and form of the  
17 remaining bid and contract documents shall be approved by the director of the using department,  
18 as well as the city attorney.

19 F. *City's Authority:* The city may reject any or all bids or proposals received, and  
20 may waive any minor irregularities in each bid or proposal received.

21 G. *No Bids or Proposals Received:* If no bids or proposals are received, the  
22 authorized contracting party may award the contract by any alternative purchasing procedure.

23 **3.28.130 Exceptions to competitive bidding - public works projects.**

24 In addition to the situations described Section 3.28.050, competitive bidding, either formal  
25 or informal, is not required for public works projects in the situations provided for in this section.  
26 Under such conditions, any alternative procedure may be used.  
27  
28



1 (a) *Emergencies:* In situations determined by the city administrator to constitute an  
2 emergency for a public works project pursuant to Section 22035 of the Act and Public Contract  
3 Code Section 22050. The city council hereby delegates to the city administrator the power to  
4 declare a public emergency and take any directly related and immediate action required by the  
5 emergency, up to a total of one hundred twenty-five thousand dollars (\$125,000), pursuant to  
6 Section 22035 of the Act and California Public Contract Code Section 22050. Emergency  
7 expenditures of more than one hundred twenty-five thousand dollars (\$125,000) shall first be  
8 approved by the city council. Work shall be performed without the benefit of competitive  
9 bidding, either formal or informal, only so long as necessary under those sections.

10 For emergency projects of more than thirty thousand dollars (\$30,000), a report on  
11 the emergency and work performed shall be provided at the next regular meeting of the city  
12 council, and then at every meeting thereafter as required by Section 22050. At such meetings, the  
13 city council shall determine, by a four-fifths (4/5) vote, that there is a need to continue the action  
14 without the benefit of informal or formal competitive bidding in accordance with Section 22035  
15 of the Act and California Public Contract Code Section 22050. The city council shall terminate  
16 the emergency action at the earliest possible date that conditions warrant, so that the remainder of  
17 the emergency action may be completed pursuant to a formal bidding procedure.

18 For projects of thirty thousand dollars (\$30,000) or less, the city administrator  
19 shall determine, on his or her own as the action continues, whether there is a need to continue the  
20 action without the benefit of public works project informal competitive bidding. The city  
21 administrator shall terminate the emergency action at the earliest possible date that conditions  
22 warrant, so that the remainder of the emergency action may be completed pursuant to an informal  
23 bidding procedure.

24 (b) *No Competitive Market:* When the City Council determines, in accordance with  
25 applicable law, that a competitive market does not exist and that no competitive advantage will be  
26 gained by the public bidding process.

27 (c) *No Bids Received:* When no bids are received pursuant to either the public works  
28 project informal bidding procedure or the public works project formal bidding procedure.

(d) *Otherwise Authorized:* When otherwise authorized by this chapter or applicable  
law.

1           **3.28.140        Exceptions to competitive bidding - non-public works projects.**

2            In addition to the situations described in Section 3.28.060 through 3.28.080, competitive  
3 bidding, either formal or informal, is not required for non-public works projects in the situations  
4 provided for in this section. Under such conditions, any alternative procedure, including no  
5 bidding, may be used with the city administrator’s approval.

6            (a)    *Emergencies:* In situations determined by the authorized contracting party to  
7 constitute an emergency, as defined in Section 3.28.020.

8            (b)    *No Competitive Market:* When the city council determines, in accordance with  
9 applicable law, that a competitive market does not exist and that no competitive advantage will be  
10 gained by the public bidding process.

11            (c)    *Competitive Bidding Already Completed:* When the authorized contracting party  
12 determines that a competitive bid procedure has been conducted by another public agency (e.g.  
13 through CMAS or GSA) and the price to the city is equal to or better than the price to that public  
14 agency.

15            (d)    *State Purchase:* When the purchase is made on behalf of the city by the California  
16 Department of General Services.

17            (e)    *Purpose Of Bidding Is Otherwise Accomplished:* When the city administrator  
18 determines that it is in the best interest of the city and its administrative operations to dispense  
19 with public bidding for non-public works projects under this chapter. Prior city council  
20 concurrence with the city administrator’s determination shall be required for non-public works  
21 project purchases over one hundred twenty-five thousand dollars (\$125,000).

22            (f)    *No Bids Received:* When no bids are received pursuant to either the non-public  
23 works project formal or informal bidding procedures. .

24            (g)    *Otherwise Authorized:* When otherwise authorized by this chapter or applicable  
25 law.

26           **3.28.150        Surplus supplies and equipment.**

27            All using departments shall submit to the purchasing officer, at such times and in such  
28 form as he/she shall prescribe, reports showing all supplies, materials and equipment which are  
no longer used or which have become obsolete or worn out.

1 (a) The purchasing officer shall have authority to sell as surplus all supplies, materials  
2 and equipment which cannot be used by any agency or which have become unsuitable for city  
3 use, or to exchange the same for, or trade in the same on, new supplies, materials and equipment.  
4 The sale of surplus supplies and equipment shall be made pursuant to rules prescribed by the city  
5 administrator, and only after authorization from the city council as to any items of an estimated  
6 value of seven thousand five hundred dollars (\$7,500) or more.

7 (b) Surplus supplies and equipment may be sold to the public if so prescribed by the  
8 city administrator and/or the city council. City officials and employees, and their immediate  
9 families, however, shall not be eligible to purchase such surplus items.

10 **3.28.160 Local vendor preference.**

11 A 'local vendor' means a firm or individual or local business enterprise whose business  
12 address at the point of sale is located within the geographical boundaries of the city; and who  
13 maintains a valid license or permit to do business in the city. With respect to those bids relating  
14 to the purchase of items or services subject to state sales tax, the term 'lowest responsible bidder'  
15 is deemed to include a one percent discount for local vendors in the computation of bids in order  
16 to reflect the financial advantages that accrue to the city by the award of a bid to a local vendor.  
17 The city shall also consider the cost to the city to pick up supplies and equipment at some  
18 distance from the city, to obtain parts and supplies, and to transport such items for repair and  
19 maintenance in the computations used to award contracts.”

20 SECTION 2: Severability. If any provision or clause of this Ordinance or any  
21 application of it to any person, firm, organization, partnership or corporation is held invalid, such  
22 invalidity shall not affect other provisions of this Ordinance which can be given effect without the  
23 invalid provision or application. To this end, the provisions of this Ordinance are declared to be  
24 severable.

25 SECTION 3: Effective Date. This ordinance shall take effect 30 days after its  
26 adoption.

27 SECTION 4: Posting. Within 15 days from the date of passage of this ordinance,  
28 the City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be  
posted in three public places within the City of Williams.

INTRODUCED to the City Council on the 7th day of April, 2010.

PASSED AND ADOPTED by the City Council of the City of Williams this 21st day of  
April, 2010, by the following vote:

1 AYES: Ash, Troughton, Jr., Barker, Plachek-Fulcher.  
2 NOES: None.  
3 ABSTAIN: None.  
4 ABSENT: Johnson.

APPROVED:

5 \_\_\_\_\_  
Angela Plachek-Fulcher, Mayor

6 ATTEST:

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8 Rene L. Miles, City Clerk

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