

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	_X_
CM	_X_
CA	_X_

DATE: MAY 14, 2003

TO: CITY MANAGER / HONORABLE MAYOR AND CITY COUNCIL

FROM: SHERYL LINDSEY, DIRECTOR OF ADMINISTRATIVE SERVICES

SUBJECT: ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO CITY MANAGER'S AUTHORIZATION TO ENTER INTO CONTRACTS

RECOMMENDED ACTION:

That City Council:

1. Introduce and hold First Reading by title only, of an Ordinance of the City of Dana Point:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA AMENDING SECTION 3.12.290 OF THE DANA POINT MUNICIPAL CODE PERTAINING TO EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENT

BACKGROUND:

This section of the City's Municipal Code was first adopted by the City Council on January 1, 1989 by Ordinance 89-2. There have been no changes to this section of the Municipal Code in the 14 years since it was adopted. This section of the Code relates to the exceptions to competitive bidding requirements for supplies or equipment, sole source purchasing, emergency purchasing and the City Manager's authorization to contract for professional and consultant services without formal bidding. The section **currently** reads as follows:

3.12.290 Exceptions to Competitive Bidding Requirement.

Notwithstanding any provision of this Chapter to the contrary, the competitive bidding procedures and requirements may be dispensed within any of the following instances:

- (a) When the estimated amount involved is less than One Thousand Dollars (\$1,000.00);

- (b) When the commodity can be obtained from only one vendor;
- (c) The City Manager may authorize the purchase of materials, supplies, equipment, and services where an emergency is deemed to exist and it is determined that service involving the public health, safety, or welfare would be interrupted if the normal procedure were followed. All emergency purchases which would otherwise require formal bidding procedures made pursuant to this Section shall be submitted to the City Council for ratification at the next regular Council meeting after the purchase is authorized;
- (d) Contracts for personal services, for professional and consultant services, and for other, non-public projects and contractual services may be executed without observing the bidding procedures provided herein. The City Manager is authorized to enter into such contracts where the amount of the contract does not exceed Ten Thousand Dollars (\$10,000.00); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged. Where the amount of the contract exceeds Ten Thousand Dollars (\$10,000.00) the contract shall be approved by the City Council;
- (e) Any agreement involving acquisition of supplies, equipment, or service entered into with another governmental entity.

DISCUSSION:

When the Council adopted this Ordinance in January of 1989, the \$10,000 limit on professional services contracts was appropriate and consistent with purchasing regulations in other cities. With the routine changes in the economy, and the increase of costs for professional services, it has become apparent that this portion of the Municipal Code is simply outdated; thereby causing unnecessary additional staff effort and staff cost for routine professional services contracting.

Based on a recent municipal survey conducted by the City of Diamond Bar, the average City Manager purchasing authority was \$24,375; with the lowest being \$10,000 (only 2 cities) and the highest being \$75,000. One city (La Canada Flintridge) had no limit. The survey results are attached as Supporting Document B.

Staff is recommending an increase in the purchasing limit to \$35,000 and \$5,000 as detailed below:

Staff Recommended Change to Municipal Code:

3.12.290 Exceptions to Competitive Bidding Requirement.

Notwithstanding any provision of this Chapter to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:

- (a) When the estimated amount involved is less than ~~One Thousand~~ Five Thousand Dollars (~~\$1,000~~ \$5,000.00);
- (b) When the commodity can be obtained from only one vendor;
- (c) The City Manager may authorize the purchase of materials, supplies, equipment, and services where an emergency is deemed to exist and it is determined that service involving the public health, safety, or welfare would be interrupted if the normal procedure were followed. All emergency purchases which would otherwise require formal bidding procedures made pursuant to this Section shall be submitted to the City Council for ratification at the next regular Council meeting after the purchase is authorized;
- (d) Contracts for personal services, for professional and consultant services, and for other, non-public projects and contractual services may be executed without observing the bidding procedures provided herein. The City Manager is authorized to enter into such contracts where the amount of the contract does not exceed ~~Ten~~ Thirty-Five Thousand Dollars ~~\$10,000~~ (\$35,000.00); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged. Where the amount of the contract exceeds ~~Ten~~ Thirty-Five Thousand Dollars (~~\$10,000.00~~ \$35,000.00) the contract shall be approved by the City Council;
- (e) Any agreement involving acquisition of supplies, equipment, or service entered into with another governmental entity.

Summary of change:

- As in Section 312.250 of the Municipal Code, purchases up to \$5,000 would require no competitive, informal bids (although it would still be typical for staff to “price shop” on these items).
- Professional services and other non-public projects and contractual services could be entered into by the City Manager, up to \$35,000, if funding already existed in the City Council approved budget.
- This is a companion Municipal Code change with tonight’s Agenda Item No. 17, which requests parallel changes to Section 3.12.250 in the Purchasing section of the Municipal Code. These two Sections should be consistent.

NOTIFICATION/FOLLOWUP:

None.

FISCAL IMPACT:

The City will save staff time and expense towards purchasing efforts, including costs of advertising, request for proposals for professional services, interview panels, bidding meetings, staff report drafting, etc. for those items under \$35,000.

ALTERNATIVE ACTIONS:

1. Do not approve any change to this section of the Municipal Code.
2. Amend the dollar amount of the limits defined in the recommended change to the Municipal Code.

ACTION DOCUMENTS:

Page No.

[A. An Ordinance of the City Council of the City of Dana Point, California, Amending Section 3.12.290 of the Dana Point Municipal Code Pertaining to Exceptions to Competitive Bidding Requirement..... Page 5](#)

SUPPORTING DOCUMENTS:

[B. Purchasing Authority Survey Page 8](#)

Action Document A**ORDINANCE NO. 03-****AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF DANA POINT, CALIFORNIA AMENDING
SECTION 3.12.290 OF THE DANA POINT
MUNICIPAL CODE PERTAINING TO EXCEPTIONS
TO COMPETITIVE BIDDING REQUIREMENT**

WHEREAS, in Ordinance No. 89-02, the City of Dana Point ("City") established general purchasing procedures for the City; and

WHEREAS, the City desires to amend the exceptions to competitive bidding requirements relating to the purchasing of supplies and equipment; and

WHEREAS, the City desires to increase the City Manager's authority to authorize contracts for professional services.

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.12 of the Dana Point Municipal Code "Purchases" is hereby amended to read as follows:

Sections:**3.12.290 Exceptions to Competitive Bidding Requirement****3.12.290 Exceptions to Competitive Bidding Requirement.**

Notwithstanding any provision of this Chapter to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:

- (a) When the estimated amount involved is less than Five Thousand Dollars (\$5,000.00);
- (b) When the commodity can be obtained from only one vendor;
- (c) The City Manager may authorize the purchase of materials, supplies, equipment, and services where an emergency is deemed to exist and it is determined that service involving the public health, safety, or welfare would be interrupted if the normal procedure were followed. All emergency purchases which would otherwise require formal bidding procedures made pursuant to this Section shall be submitted to the City Council

for ratification at the next regular Council meeting after the purchase is authorized;

(d) Contracts for personal services, for professional and consultant services, and for other, non-public projects and contractual services may be executed without observing the bidding procedures provided herein. The City Manager is authorized to enter into such contracts where the amount of the contract does not exceed Thirty-Five Thousand Dollars (\$35,000.00); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged. Where the amount of the contract exceeds Thirty-Five Thousand Dollars (\$35,000.00) the contract shall be approved by the City Council;

(e) Any agreement involving acquisition of supplies, equipment, or service entered into with another governmental entity.

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2003.

WILLIAM L. OSSENMACHER, MAYOR

ATTEST:

SUSAN RAMOS,
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Susan Ramos, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 03-____ introduced at a regular meeting of the City Council held this _____ day of _____, 2003, and passed and adopted at a regular meeting held _____, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

SUSAN A. RAMOS, CITY CLERK

Supporting Document B

**City of Diamond Bar
City Manager's Purchasing Authority Survey**

City**City Manager's Purchasing Authority**

Anaheim	\$25,000
Brea	\$25,000 but provision up to \$50,000 if procurement is unusual circumstance (i.e. deemed to be sole source and not adaptable to competitive bidding).
Chino Hills	\$50,000 for public works projects and up to \$25,000 for non-public works projects.
Claremont	\$75,000 Every month the City Manager must submit a report to the City Council summarizing any expenditures between \$25,000-\$75,000.
Covina	\$15,000
Dana Point	\$10,000 exceptions for specialized, sole-source or emergency purchases
Industry	\$50,000
Canada Flintridge	No limit (except professional services \$10,000) If budgeted and/or purchased within the same cost center. Any amount needed from fund balance (even if \$1) will require City Council approval.
La Quinta	\$10,000
Laguna Niguel	\$25,000
Lake Forest	\$20,000
Lakewood	\$15,000 supplies and equipment; \$25,000 for vehicles
Mission Viejo	\$15,000
Pomona	\$30,000
Sancho Cucamonga	\$20,000
Rolling Hills	\$10,000
San Dimas	\$15,000
Walnut	\$15,000

Anaheim	25000
Brea	25000
Chino Hills	25000
Claremont	75000
Covina	15000
Industry	50000
La Quinta	10000
Laguna Niguel	25000
Lake Forest	20000
Lakewood	15000
Mission Viejo	15000
Pomona	30000
Rancho Cucamonga	20000
Rolling Hills	10000
San Dimas	15000
Walnut	15000
Average	24375
Median	20000
