

ORDINANCE NO. 440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, CALIFORNIA AMENDING SECTIONS 3.08.070 AND 3.08.080 OF THE ARVIN MUNICIPAL CODE TO PROVIDE FOR BIDDING PROCEDURES FOR PURCHASE OF SUPPLIES, EQUIPMENT, MATERIALS AND PUBLIC WORKS PROJECTS, WHILE ALSO PROVIDING FOR COOPERATIVE PURCHASING PROCEDURES

WHEREAS, California Government Code sections 54202 and 54203 require and authorize California cities to adopt, by ordinance, policies and procedures governing the purchase of supplies and equipment by a city; and

WHEREAS, the City of Arvin has adopted Chapter 3.08 (Purchasing System) of Title 3 (Revenue and Finance), to establish efficient procedures for the purchase of supplies and equipment, to secure for the city supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases; and

WHEREAS, Arvin Municipal Code ("AMC") section 3.08.70 (Bidding procedures generally) provides that the purchase of supplies, equipment, materials, and public works projects shall be by bid procedures pursuant to AMC sections 3.08.080 and 3.08.090, unless one of the listed exceptions apply; and

WHEREAS, the list of exceptions in AMC section 3.08.70 does not provide for cooperative purchasing, meaning participation in a pool of government agencies that competitively bid for supplies and equipment, or the use of a winning bid or proposal (i.e., "piggybacking") from another agency's competitive process; and

WHEREAS, cooperative purchasing and piggybacking can result in significant cost savings to the City by increasing the efficiency and flexibility of the City's purchasing process, allowing the City to benefit from the financial advantages of pooled purchasing agreements, provide the City with more leverage in its purchasing power, and reduce City staff time involved in making purchases; and

WHEREAS, the City Council finds specifying cooperative purchasing as an exception to bidding procedure requirements for the purchase of supplies, equipment, materials, or public works projects would substantially benefit the City, and thus the City Council desires to amend the AMC to provide for cooperative purchasing.

NOW, THEREFORE, the City Council of the City of Arvin does ordain as follows:

Section 1. Findings.

A. The Recitals set forth above are true and correct and incorporated herein.

B. The City Council, based on its own independent judgment, finds that these amendments to the Arvin Municipal Code promote and protect the health, safety, welfare, and quality of life of City residents by establishing a financial framework designed to promote and allow implementation of these purposes.

Section 2. Section 3.08.070 of the Arvin Municipal Code is hereby amended to read, in its entirety, as follows:

3.08.070 - Bidding procedures generally.

~~Purchases of supplies and equipment shall be by procedures pursuant to Sections 3.08.080 and 3.08.090. Bidding may be dispensed with only when the city council has declared a local emergency which requires that an order be placed with the nearest available source of supply, or when the service, material, or group of commodities can be obtained from only one (1) vendor.~~

~~A. The purchase of supplies, equipment, materials and public works projects, shall be by bid procedures pursuant to Sections 3.08.080 and 3.08.090, unless an exception from the below subsection applies.~~

~~B. Bidding or open market procedure may be dispensed with only when:~~

~~1. An emergency requires that an order be placed with the nearest available source of supply;~~

~~2. The micro-purchase is in an amount less than three thousand dollars (\$3,000.00), as provided in the Federal Acquisition Regulation. This amount is subject to raise with inflation and may be lower depending upon whether the contract is subject to the Davis-Bacon Act or the Service Contract Act;~~

~~3. The purchase is to be made through the petty cash procedures;~~

~~4. The commodity can be obtained from only one vendor;~~

~~5. Competitive bidding or proposal procedures, substantially similar to the competitive bidding or proposal procedures in this Code, have already been utilized either by a federal, state, county, city or special district government agency, or by a legitimate cooperative purchasing agency; and, that the supplies, equipment, materials or public works project provided to the City are at the same or better price, terms and conditions, as was obtained through such prior competitive bidding or proposal procedures; or~~

6. Piggyback purchasing procedures, whereby the City has the ability to "piggyback" contracts for products and equipment, entered into by other governmental agencies (municipality, county or State) through a competitive bid. The Purchasing Division will obtain documentation to verify the contract and bid process. All products or equipment purchased under this provision must substantially meet the technical specifications of the bid. Major deviations from the product specification will not be allowed. However, minor modifications which result in a price differential of five percent (5%) or less are authorized. Such contracts include, but are not limited to, contracts to purchase products and services under the California Multiple Award Schedules (CMAS) or Federal General Service Administration (GSA) contracts.

Section 3. Section 3.08.080, subsection (D) of the Arvin Municipal Code is hereby amended to read, in its entirety, as follows:

3.08.080 - Open market procedure—Purchases under thirty thousand dollars.

D. Bids. Bids shall be obtained from prospective suppliers when the amount involved is fifteen thousand (\$15,000.00) dollars or less, unless, (1) at the city's discretion, bidding has been dispensed with in accordance with section 3.08.070 of this chapter; (2) the amount involved is less than ~~five hundred dollars (\$500.00)~~ three thousand dollars (\$3,000.00) and the city council has determined more than one (1) bid to be impractical; or (3) the purchase is to be made through the petty cash procedures. All bids must be in writing.

Section 4. Severability. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 5. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Arvin and shall cause a this ordinance to be published or posted in accordance with Government Code section 36933 as required by law.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days from the adoption of this Ordinance.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 10th day of January, 2017, and adopted the Ordinance after the second reading at a regular meeting held on the 07th day of February 2017, by the following roll call vote:

AYES: CM Ortiz, CM Madrigal, CM Martinez, MPT Robles, Mayor Gurrola

NOES: _____

ABSTAIN: _____

ABSENT: _____

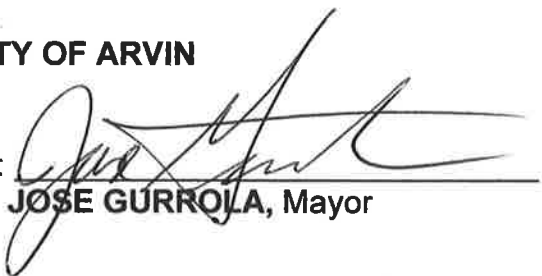
ATTEST



CECILIA VELA, City Clerk

CITY OF ARVIN

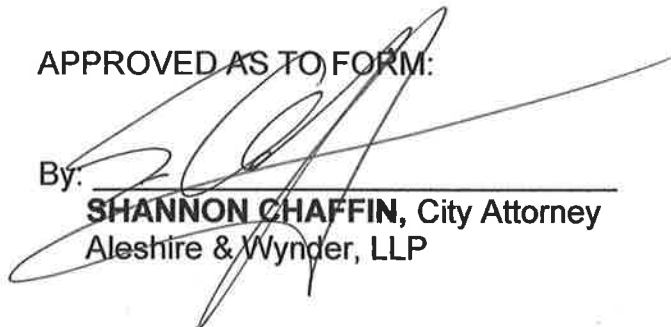
By:



JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By:



SHANNON CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.