

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

An Ordinance of the City Council of the City of)
Lafayette Amending Sections of Chapter 10-1 of)
the Lafayette Municipal Code to Provide for) Ordinance No. 666
Public Procurement Procedures)

THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:

Section 1. Amendments. Section 10-102 is hereby amended to read in full as follows:

“10-102 – Purchasing agent duties.

The city manager, or the city manager's designee, is the purchasing agent, with the authority and the responsibility to:

- (a) Carry out the purchasing policy of the city;
- (b) Prepare or revise, in cooperation with each department, written standard specifications for purchases of goods, supplies, equipment, and services;
- (c) Purchase or contract for goods, supplies, equipment, and services required by city departments according to these purchasing procedures and such administrative regulations as the city manager shall prescribe;
- (d) Obtain as full and open a competition as possible when purchasing or contracting for goods, supplies, equipment, and services;
- (e) Keep informed of current developments in the field of purchasing, prices, contracting for goods, supplies, equipment, and services;
- (f) Ensure the inspection of all supplies and equipment purchases to guarantee quality and conformance with city specifications;
- (g) Recommend the transfer of unused supplies and equipment between departments as needed;
- (h) Sell supplies and equipment that cannot be used by any department or that have become unsuitable for city use;
- (i) Maintain a contractor list in accordance with Section 10-103(d) and necessary records for the efficient operation of the purchasing function.”

Section 2. Amendments. Section 10-104 is hereby amended to read in full as follows:

“10-104 – Procurement of contracts for maintenance work and materials, supplies and equipment.

- (a) Maintenance Work. Contracts for maintenance work, as defined in Section 10-103(a)(4), and all working details, drawings, plans and specifications prepared for maintenance work contracts shall be reviewed and approved by the city public works director, or his or her designee. Contracts for maintenance work shall be awarded in accordance with the city’s administrative purchasing regulations as they may be amended from time to time by the city council.
- (b) Materials, Supplies and Equipment. Materials, supplies and equipment required by any city department for its daily operation and use may be purchased in accordance with the city’s administrative purchasing regulations as they may be amended from time to time by the city council.”

Section 3. Amendments. Section 10-105 is hereby amended to read in full as follows:

“10-105 – Exceptions to the bidding requirements.

The bidding requirements under this Chapter need not be observed if any of the conditions set forth in the city’s administrative purchasing regulations are met.”

Section 4. Amendments. Section 10-106 is hereby amended to read in full as follows:

“10-106 - Procurement of professional services.

- (a) Professional services are advisory, consulting, architectural, engineering, computer, data processing, telecommunications, legal, financial, surveying or any service which involves the exercise of professional discretion or independent judgment based on an advanced or specialized knowledge, expertise or training gained by formal studies or experience.
- (b) Contracts for professional services shall be made in accordance with the city’s administrative purchasing regulations as they may be amended from time to time by the city council.”

Section 5. Amendments. Section 10-107 is hereby amended to read in full as follows:

“10-107 - Disposition of surplus supplies and equipment.

Each department head shall submit to the purchasing agent, at such a time and in such a form as prescribed by the purchasing agent, reports showing supplies and equipment which are no longer used or which have become obsolete or worn out.

The city council may declare such property as surplus. The purchasing agent, with the city manager’s approval, may sell surplus property, or exchange or trade it in on new supplies and equipment. The sale of surplus property shall be made by the most effective method, such as

formal sealed bid, informal bid, negotiation, or public auction. The city council may alternatively direct the donation of surplus property provided that such donation is supported by appropriate findings.

If surplus property is offered at public auction, any person, including a city employee, may make an offer of purchase. However, no city employee may purchase surplus city property by means other than a public auction. Neither the purchasing agent or a department head conducting such a sale of surplus property may be a purchaser. Proceeds from the sale of surplus property shall be deposited in the general fund.”

Section 6. CEQA. The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

Section 7. Notice of Exemption. The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this Ordinance

Section 8. Effective Date. This Ordinance becomes effective thirty (30) days after its adoption.

Section 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 10. Publication. The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Lafayette held on March 13, 2017 and adopted and ordered published at a meeting of the City Council held on March 27, 2017 by the following vote:

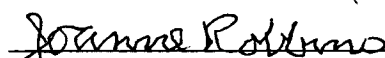
AYES: Anderson, Burks, Mitchell and Samson

NOES: None


ABSTAIN: None

ABSENT: Tatzin

ATTEST:


Joanne Robbins, City Clerk

APPROVED:


Mike Anderson, Mayor

Contra Costa Times

175 Lennon Lane, Suite 100
Walnut Creek, CA 94598
925-943-8019

2010502

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE
3675 MT. DIABLO BLVD., #210
LAFAYETTE, CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Joanne Robbins Ord 666

In the matter of

Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

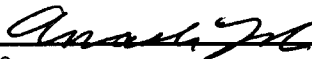
I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

03/22/2017

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 22th day of March, 2017.



Signature

Legal No. **0005922294**

**NOTICE AND SUMMARY OF
PROPOSED ORDINANCE NO. 666**

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LAFAYETTE AMENDING SECTIONS OF
CHAPTER 10-1 OF THE LAFAYETTE MUNICIPAL
CODE TO PROVIDE FOR PUBLIC PROCUREMENT
PROCEDURES**

Notice is hereby given that on March 27, 2017, the City Council of the City of Lafayette will consider the adoption of Ordinance No. 666 amending various sections of Chapter 10-1 of the Lafayette Municipal Code. The following is a summary of the proposed Ordinance:

The Lafayette Municipal Code provides the City's public procurement procedures, which must be updated from time to time to address updates in the law and to maintain consistency with the City's procurement practices. This ordinance updates the public procurement procedures that the City will follow in conducting procurements of equipment, supplies, services and projects. This ordinance also updates the procedures the City will follow in disposing of surplus supplies and equipment.

Note: The above is a simply a summary of the Ordinance. To obtain a full understanding of the Ordinance, it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of copying of the document.

Date: March 22, 2017
Joanne Robbins, City Clerk
CCT #5922294; Mar. 22, 2017

Contra Costa Times

175 Lennon Lane, Suite 100
Walnut Creek, CA 94598
925-943-8019

2010502

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE
3675 MT. DIABLO BLVD., #210
LAFAYETTE, CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Legal Notice Ord. 666

In the matter of

Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

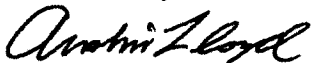
I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

03/31/2017

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 31th day of March, 2017.



Signature

Legal No.

0005928551

NOTICE OF ADOPTION OF ORDINANCE NO. 666

At its regular meeting on Monday, March 27, 2017, the City Council of the City of Lafayette adopted Ordinance 666. The recorded vote of the City Council was as follows:
AYES: Anderson, Burks, Mitchell and Samson
NOES: None
ABSTAIN: None
ABSENT: Tatzin

Ordinance 666 of the Lafayette Municipal Code provides the City's public procurement procedures, which must be updated from time to time to address updates in the law and to maintain consistency with the City's procurement practices. This ordinance updates the public procurement procedures that the City will follow in conducting procurements of equipment, supplies, services and projects. This ordinance also updates the procedures the City will follow in disposing of surplus supplies and equipment.

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Date: March 31, 2017
Joanne Robbins, City Clerk

Publish Date: March 31, 2017
CCT# 5928551 Mar. 31, 2017