

ORDINANCE NO. 2369

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTIONS 2.56.070 AND 2.56.170, ADDING SECTIONS 2.56.220-2.56.240, AND RENUMBERING SECTIONS 2.56.220-2.56.250, RELATING TO PURCHASES OF SUPPLIES, SERVICES AND EQUIPMENT

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: Section 2.56.070 of the Chula Vista Municipal Code is hereby amended to read:

Sec. 2.56.070 Formal contract and bid procedure-Required when.

All supplies, services and equipment, exclusive of contracts referred to in Section 1009 of the Charter relating to public works or except where the city council, by resolution, expressed in its official minutes, determines that competitive bidding is impractical or impossible or except as otherwise provided herein, when the estimated cost thereof shall exceed twenty-five thousand dollars, shall be purchased by formal written contract from the lowest responsible bidder submitting the best bid, after due notice inviting bids. All sales of personal property which has become obsolete and unusable, when the estimated value shall exceed twenty-five thousand dollars, shall be sold by formal contract and bid procedure to the highest responsible bidder after due notice inviting proposals.

SECTION II: Section 2.56.170 of the Chula Vista Municipal Code is hereby amended to read:

Sec. 2.56.170 Open market procedure-Bidding not required when.

A. Purchases of supplies, services and equipment of an estimated value in the amount of twenty-five thousand dollars or less may be made by the purchasing agent in the open market without observing the formal bidding procedure prescribed in Sections 2.56.070 through 2.56.160. For such contracts in excess of sixteen thousand, but for twenty-five thousand dollars or less, the purchasing agent shall obtain the City Manager's approval. However, informal bidding shall be required, and whenever practicable, be based on at least three bids and shall be awarded to the lowest responsible bidder submitting in all respects the best bid. The purchasing agent shall solicit bids by direct mail request to prospective vendors, by telephone, or by public notice on

a bulletin board in the civic center. The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.

- B. Exceptions: In any of the following instances, the purchasing agent may dispense with the requirements of bidding:
1. When the estimated amount involved is less than two thousand five hundred dollars;
 2. When the commodity can be obtained from only one vendor;
 3. When the commodity being purchased is required to match or be compatible with other furnishings, materials or equipment presently on hand and the purchase is made from the manufacturer or supplier who supplied such other furnishings, materials or equipment and the total amount of the purchase does not exceed three thousand dollars;
 4. When for professional consulting services for \$10,000 or less, the contract shall be awarded on the basis of demonstrated competence and professional qualifications at fair and reasonable fees.
 5. When a particular type or make of commodity, furnishing, type of material, or equipment has been standardized by the city by order of the administrative officer or by the city council after receipt and award of bid.

SECTION III: Sections 2.56.220 through 2.56.250 of the Chula Vista Municipal Code are hereby renumbered to 2.56.250 through 2.56.280.

SECTION IV: Sections 2.56.220 through 2.56.240 are hereby added to Chapter 2.56 of the Chula Vista Municipal Code to read:

Sec. 2.56.220 Exception-Selection of architectural, engineering, environmental, land surveying and construction project management professional services and other professional consultant services.

- A. Exemption. Pursuant to Chula Vista City Charter Section 1011, and as required by Government Code Sections 4525 et seq. with regard to architectural, engineering, environmental, land surveying and construction project management professional services, all professional consulting services provided to the City by contract are exempt from the competitive bidding requirements of Sections 2.56.070 and 2.56.170 herein.

B. Definitions. For purposes of this Chapter, the following terms have the following meanings:

1. "Architectural, engineering, environmental, and land surveying services" includes those professional services of an architectural, engineering, environmental, or land surveying nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.
2. "Construction project management" means those services provided by a licensed architect, registered engineer, or licensed general contractor which meet the requirements of Government Code Section 4529.5 for management and supervision of work performed on state construction projects.
3. "Environmental services" means those services performed in connection with project development and permit processing in order to comply with federal and state environmental laws.

C. General Procedures. All contracts for professional consulting services shall be negotiated on the basis of demonstrated competence and professional qualifications for the services required, and at fair and reasonable fees. Contracts for professional services for \$10,000 or less shall be awarded by the Purchasing Agent pursuant to Section 2.56.170 B.4. If the estimated cost of such services are in excess of \$10,000 but for \$16,000 dollars or less, the contract shall be awarded by the Purchasing Agent, after compliance with the procedure therefor specified hereafter. If for in excess of \$16,000 but for \$25,000 dollars or less, the contract shall be awarded by the Purchasing Agent, after compliance with the procedure therefor set forth hereafter, and with the approval of the City Manager. If the estimated cost of such services exceeds \$25,000 dollars, it shall be awarded by the City Council, after compliance with the procedures specified therefor. Contracts for environmental services, regardless of amount, shall be negotiated by the Environmental Review Coordinator in accordance with the procedures in Sections 2.56.220-240 and Sections 6.5.2 and 6.6 of the Environmental Review Procedures, and awarded by the City Manager or designee.

Sec. 2.56.230 Exception-Consultants Selection Process.

A. Registration and Notice.

1. Public announcement of all projects requiring architectural, engineering, environmental, land surveying, construction project management, or other professional consulting services shall be made by the City through notice to the respective professional

societies and by publication in a newspaper of general circulation. The notice shall invite consultants to submit letters of interest for specific projects.

2. In addition, said notice shall encourage consulting firms to submit statements of qualifications and performance data annually for registration and reference purposes.
3. Statements of qualifications and letters of interest shall be kept on file and periodically updated.

B. Selection Committee.

1. For projects where professional consulting fees are estimated to be in excess of \$10,000 but less than \$25,000, the responsible department head or designee and one or more staff members shall perform the duties of the Selection Committee. If fees are estimated to be \$25,000 or more, the City Manager shall appoint a three or five member Selection Committee.
2. When a proposed project is initiated, the Selection Committee shall review all firms currently registered and on file with the City to determine those firms best qualified for the services desired.
3. The Selection Committee shall choose a minimum of three interested firms for personal interviews to discuss anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services. The Selection Committee shall evaluate and rank the firms based upon criteria established in advance by the City. A list containing the ranking information will be sent to the responsible department head.
4. The responsible department head shall negotiate a contract with the firm ranked No. 1 by the Selection Committee at a price determined to be fair and reasonable to the City. The agreement shall define the conditions of the contract scope, work plan and schedule, costs, fee, method of payment, duration, insurance, and indemnification.
5. If the department head is unable to negotiate a satisfactory contract with the first ranked firm, negotiations shall be formally terminated.
6. The department head shall then undertake negotiations with the second ranked firm. This process shall continue until a satisfactory contract is negotiated.

7. If the list of qualified firms is exhausted without a contract being negotiated, the Selection Committee shall choose additional firms and the process shall continue until a satisfactory contract is negotiated.
8. Small businesses, as defined by the State Director of General Services, shall be extended maximum participation in the process.

C. Award of Contract.

1. All awards for consulting contracts pursuant to this policy shall be made in accordance with Section 2.56.220.

Sec. 2.56.240 Exception-Prohibitions.

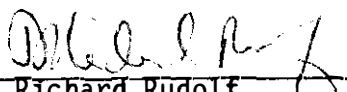
- A. In the selection and award of consultant contracts pursuant to this exception, all unlawful activity, including but not limited to, rebates, kickbacks, or other unlawful consideration is prohibited.
- B. No city officer or employee shall be a member of a Selection Committee or otherwise participate in the selection process when they have a relationship with a person or business entity seeking a contract which would constitute a conflict of interest under Government Code Section 87100.

SECTION V: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by


Approved as to form by


Lyman Christopher
Director of Finance


D. Richard Rudolf
Assistant City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 8th day of May, 1990, by the following vote:

AYES: Councilmembers: Malcolm, McCandliss, Moore, Nader, Cox
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:

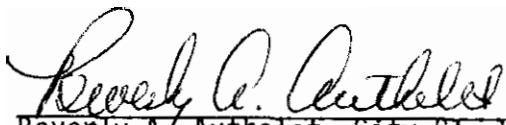


Beverly A. Authalet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authalet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2369 had its first reading on May 1, 1990, and its second reading and adoption at a regular meeting of said City Council held on the 8th day of May, 1990.

Executed this 8th day of May, 1990.



Beverly A. Authalet, City Clerk