

MEETING DATE: 04/21/08

AGENDA ITEM: (1) Discussion and Potential Implementation of a City Council Policy Related to Requests for Proposals; (2) Introduction of an Ordinance Amending Sections 3.07.070 and 3.07.075 of the Culver City Municipal Code Relating to Personal and Professional Service Agreements and City Manager Contract Approval Authority, Respectively; (3) Adoption of a Resolution Establishing Policies and Procedures for the Request for Proposals Process; and (4) Direction to Staff to Include Provisions relating to Design/Build and Emergency Contracts in the Proposed Ordinance Relating to Public Works Contracts that will be Presented to Council at a Future Date.

ATTACHMENTS

	<u>Pages</u>
1. Chapter 3.07 of the CCMC	1-7
2. Proposed Ordinance (redline and clean versions)	8-13
3. Proposed Resolution	14-17

CHAPTER 3.07: FINANCE AND REVENUE

Section

Cross-reference:

Benefit assessment district, see Ch. 15.01
Claim procedures, see §§ 3.10.005 et seq.
Finance and Judiciary Committee, see § 3.01.020
Financial and fiscal matters, see Charter §§ 1600 et seq.

Purchasing System

- 3.07.005 Purchasing officer; duties
- 3.07.010 Purchase order; encumbrance of funds
- 3.07.015 Formal bidding procedure
- 3.07.020 Soliciting bids
- 3.07.025 Bidder's security and performance bonds
- 3.07.030 Bid opening
- 3.07.035 Rejection or waiver of bid requirements; rejection of bids
- 3.07.040 Award of bids
- 3.07.045 Equal bids
- 3.07.050 Awards of contracts to businesses located in the city
- 3.07.055 Open market procedures
- 3.07.060 Emergency purchases
- 3.07.065 Exemption from formal competitive bidding
- 3.07.070 Personal and professional services excluded
- 3.07.075 Authority of City Manager
- 3.07.080 Compliance with federal regulations
- 3.07.085 Disposal of supplies and equipment
- 3.07.090 Employee interest prohibited

PURCHASING SYSTEM

§ 3.07.005 PURCHASING OFFICER; DUTIES.

A. For the purpose of this Subchapter, the term **PURCHASING OFFICER** shall include the term "Purchasing Agent" as used in other parts of this Code. ('65 Code, § 2-53)

B. The City Manager, or his/her designee, shall serve as Purchasing Officer and have the following duties:

1. To negotiate, purchase and contract for supplies, and equipment used by the City, in accordance with City laws and regulations.

2. To develop and maintain a standardized system for the procurement of supplies, services and equipment.

3. To encourage open competitive bidding.

4. To advise the City Council on all matters pertaining to purchasing.

5. To determine that bid specifications are adhered to in all respects. ('65 Code, § 2-54) (Ord. No. 87-007 § 2; Ord. No. 2006-009 § 14)

Cross-reference:

Purchasing, see Charter §§ 1604 and 1605

Funds

- 3.07.200 Special Gas Tax Street Improvement Fund
- 3.07.205 Capital outlay funds

Revenue Bonds

- 3.07.300 Issuance and sale of revenue bonds

**§ 3.07.010 PURCHASE ORDER;
ENCUMBRANCE OF FUNDS.**

Except in cases of emergency, or if excepted by authorization of the City Manager, all purchases shall be made by purchase order issued by the Purchasing Officer after the City Treasurer has certified that there is sufficient unencumbered appropriation balance.

('65 Code, § 2-55) (Ord. No. 87-007 § 2; Ord. No. 96-007 § 1 (part); Ord. No. 2006-009 § 22 (part))

§ 3.07.015 FORMAL BIDDING PROCEDURE.

A. Every purchase or contract involving the expenditure for supplies or equipment exceeding Twenty Thousand Dollars (\$20,000.00) shall be by award of formal bid, after giving of a notice inviting sealed bids in the manner set forth in § 3.07.030.

B. Purchases shall not be divided or split in order to circumvent formal bidding requirements.
('65 Code, § 2-56) (Ord. No. 87-007 § 2)

§ 3.07.020 SOLICITING BIDS.

A. One or more notices inviting sealed bids shall be published in a newspaper of general circulation within the City at least ten (10) days prior to the date set for opening of the bids. In addition, the Purchasing Officer shall solicit sealed bids from all prospective bidders including those who have requested to be placed on the bidders list.

B. Notices of bids shall include a general description of the articles for which bids are sought, details on filing bond requirements, and the time, date and location for submitting and the opening of the bids.

('65 Code, § 2-57) (Ord. No. 87-007 § 2)

**§ 3.07.025 BIDDER'S SECURITY AND
PERFORMANCE BONDS.**

A. A bidder's security may be required in an amount equal to ten percent (10%) of the bid in the

form of either cash, certified or cashier's check or surety bond, if the bond form is approved by the City Attorney. Each bidder's security is refundable; provided that in the case of a successful bidder, the bidder's security may be retained if the bidder fails to enter into the contract resulting from the award of the bid within ten (10) days after notice of award has been given.

B. A Faithful Performance Bond not exceeding the amount of one hundred percent (100%) of the bid and a Labor and Materials Bond not exceeding the amount of fifty percent (50%) of the bid may be required to be filed by a successful bidder prior to entering into any contract resulting from the award of a bid.

('65 Code, § 2-58) (Ord. No. 87-007 § 2)

§ 3.07.030 BID OPENING.

Sealed bids shall be submitted to the City Clerk and shall be opened in public at the time and place stated in the notice inviting bids. All bids received shall be available for public inspection at the time and place of opening, and thereafter, in the Office of the City Clerk.

('65 Code, § 2-59) (Ord. No. 87-007 § 2)

**§ 3.07.035 REJECTION OR WAIVER OF BID
REQUIREMENTS; REJECTION OF BIDS.**

A. The City Council may waive the formal bid requirement, or authorize the purchases or contract in the open market if it finds any or all of the following circumstances exist:

1. The City's employees may produce the items better or more economically; or

2. The supplies or equipment are urgently required for the preservation of life, health or property; or

3. The public interest would best be served by using the open market.

B. The City Council at its discretion may reject any and all bids submitted, or may order re-bidding. ('65 Code, § 2-60) (Ord. No. 87-007 § 2)

§ 3.07.040 AWARD OF BIDS.

Except as otherwise provided, formal bids shall be awarded by the City Council to the responsible bidder submitting the best bid.

('65 Code, § 2-61) (Ord. No. 87-007 § 2)

§ 3.07.045 EQUAL BIDS.

Whenever two (2) or more equivalent bids are received, the City Council may choose whichever of the following options it deems to serve the best interest of the City:

A. Select one (1) bid, giving preference to a business located within Culver City;

B. Reject all bids and re-advertise for bids; or

C. Reject all bids and authorize negotiation of an agreement directly between the City and one (1) of the equivalent bidders.

('65 Code, § 2-62) (Ord. No. 87-007 § 2)

§ 3.07.050 AWARDS OF CONTRACTS TO BUSINESSES LOCATED IN THE CITY.

The City shall give preference to businesses located in the City ("local businesses") when awarding any contract for the purchase of goods when those contracts meet any of the following criteria:

A. The difference between bids from Culver City businesses and those outside the City is less than the current sales tax benefit the City would receive from the local sales tax; and

B. The local business will be able to provide goods which are equal in quality and meet all bid

specifications of the City and of other competing bidders; or

C. A reasonable condition of the contract performance is expeditious delivery of goods and it is reasonably believed that the local business will be able to provide its goods more expeditiously than a business located outside the City and which complies with Subsection B. above; or

D. The use of a local business will help further the City's, Los Angeles County's and the State's goals of improving air quality and relieving traffic congestion by reducing the required travel distance of vehicles used by a local business, and which complies with Subsection B. above.

E. Any other reason which would factually justify selection of local businesses based upon criteria which does not illegally discriminate against outside businesses and which complies with Subsection B. above.

('65 Code, § 2-62.1) (Ord. No. 92-015 § 1)

§ 3.07.055 OPEN MARKET PROCEDURES.

Any purchase or contracts for supplies or equipment involving an expenditure of Twenty Thousand Dollars (\$20,000.00) or less may be made in the open market without following formal bidding procedures of this Subchapter. Open market purchases shall be based upon competitive quotations whenever practical from not less than three (3) contractors. Open market quotations shall be kept by the Purchasing Officer as a public record. The City Manager shall develop written policies for purchases up to Twenty Thousand Dollars (\$20,000.00).

('65 Code, § 2-63) (Ord. No. 87-007 § 2; Ord. No. 2006-009 § 22 (part))

§ 3.07.060 EMERGENCY PURCHASES.

A. In the event of an emergency seriously affecting the public welfare where the purchase of

essential supplies and equipment are urgently required for the preservation of life, health or property, or for the immediate continuation of direct City services to the public, the City Manager or Purchasing Officer may procure such items without following formal procedures of this Subchapter; and

B. In the absence or unavailability of the Purchasing Officer, any department head shall have like authority, but shall file a written report with the City Manager within ten (10) days after such emergency purchase.

('65 Code, § 2-64) (Ord. No. 87-007 § 2; Ord. No. 2006-009 § 22 (part))

§ 3.07.065 EXEMPTION FROM FORMAL COMPETITIVE BIDDING.

The City Council may waive the formal competitive bidding procedures of this Subchapter for the purchase of supplies or equipment which:

A. Can be obtained from only one (1) vendor;

B. Can be purchased through a cooperative purchasing agreement which has been competitively bid, or through agreements executed with other governmental agencies;

C. Can be purchased by the City from a vendor, who within the past twelve (12) months, has offered such equipment on the same terms and conditions to the City or another public agency through the competitive bidding process; provided, that the benefits of such terms and conditions are verified by informal bid confirmation; or

D. Is a component for equipment or a system of equipment previously acquired by the City, and is necessary to repair, maintain or improve the City's utilization of the equipment.

('65 Code, § 2-65) (Ord. No. 87-007 § 2)

§ 3.07.070 PERSONAL AND PROFESSIONAL SERVICES EXCLUDED.

A. Except for the provisions of §§ 3.07.075 and 3.07.080, the City may award purchase orders and contracts in any amount for personal or professional services without complying with the provisions of this Subchapter; provided that, the purchase order or contract shall be based upon competitive quotations, whenever practical, as determined by the City Manager from not less than three (3) vendor contractors.

B. For purposes of this Section, personal services shall include:

1. Any communication, gas, water, electric light and power service or similar utility service;

2. Insurance, postage, freight and courier service;

3. Travel/hotel accommodations, education and training expense;

4. Subscriptions and memberships;

5. Repair or maintenance service for equipment, machinery or other City-owned personal property; and

6. Repair and maintenance service for City-owned or occupied real property and buildings;

7. Rental of real property or equipment and other personal property; and

8. Such other services as the City Council may, by Resolution, specifically direct.

C. For purposes of this Section, professional services shall include:

1. Services of engineers, architects, accountants, attorneys, doctors, and similar

professionals when the City is contracting for the skill, integrity, judgment, and/or special technical ability of the professional.

2. Such other services as the City Council may, by Resolution, specifically direct.
(‘65 Code, § 2-66) (Ord. No. 87-007 § 2; Ord. No. 2006-009 § 22 (part))

§ 3.07.075 AUTHORITY OF CITY MANAGER.

A. The City Manager is authorized to approve and execute, on behalf of the City, any contract in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for the services described in Subsections 3.07.070 B. and C., subject to the provisions of § 3.07.070.

B. The City Manager is authorized to approve and execute on behalf of the City any three (3) party contract for services described in Subsection A. if the total cost for such services is paid by a third party, subject to the provisions of § 3.07.070.
(‘65 Code, § 2-67) (Ord. No. 87-007 § 2; Ord. No. 91-020 § 1; Ord. No. 2006-009 § 22 (part))

§ 3.07.080 COMPLIANCE WITH FEDERAL REGULATIONS.

Notwithstanding any other provision of this Subchapter, for any contract totally or partially funded by the Federal Government:

A. All applicable Federal Procurement Standards shall be followed; and

B. The following protest procedures shall apply:

1. Any actual or prospective bidder, offeror or contractor may protest any phase of the solicitation or award of the contract by filing, in writing, within ten (10) days before the bid opening or within five (5) days after the bid opening, a statement

indicating the name and address of the protestor, appropriate identification of the procurement and if the contract has been awarded, its bid number, a detailed statement of the reasons of the protest and supporting information to substantiate any protest.

2. Such protest shall be reviewed by the Purchasing Officer, in consultation with the City Attorney's office, and a recommendation thereon shall be made to the person or body within the City responsible for making the decision to award the contract.

3. If the decision-maker on the contract is the City Council, the protestor may address the Council during a public meeting at which the recommendation on the protest is submitted to the Council for decision.

4. A decision on the protest shall be made by the applicable decision-maker as expeditiously as possible.

5. A protest not filed in writing within the period set forth in paragraph 1. above, shall not be considered.

(‘65 Code, § 2-68) (Ord. No. 89-006 § 1)

§ 3.07.085 DISPOSAL OF SUPPLIES AND EQUIPMENT.

The Purchasing Officer shall have the authority to sell or trade any obsolete, worn out or surplus items of supplies or equipment which are no longer suitable for City use, in any manner determined by him/her, except in the following circumstances:

A. When the City Council directs otherwise;

B. If the estimated value of any such item or lot exceeds Five Thousand Dollars (\$5,000.00), then the equipment or supplies shall be sold or traded using a bidding procedure similar to the Formal Bidding procedure set forth in this Subchapter.

(‘65 Code, § 2-69) (Ord. No. 87-007 § 2)

§ 3.07.090 EMPLOYEE INTEREST PROHIBITED.

No employee of the City shall be financially interested, directly or indirectly, in any purchase order or contract for furnishing services, supplies or equipment within the purview of this Subchapter. ('65 Code, § 2-70) (Ord. No. 87-007 § 2)

FUNDS

§ 3.07.200 SPECIAL GAS TAX STREET IMPROVEMENT FUND.

A. *Source.* All moneys received by the City from the State of California under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways other than state highways shall be paid into said fund. (Ord. 436 § 2)

B. *Purpose.* All moneys in said fund shall be expended exclusively for the purposes authorized by, and subject to all of the provisions of Cal. Sts. & High. Code §§ 181 et seq. (Ord. 436 § 3) ('65 Code, § 2-87)

Cross-reference:

New Development Impact Fund, see § 15.06.010
City Art Fund, see § 15.06.110

§ 3.07.205 CAPITAL OUTLAY FUNDS.

A. *Special Fund for capital outlays.*

1. *Source.* Taxes may be levied upon the taxable property for the raising of moneys for said fund, subject to the laws of taxation. Also the City Council may transfer to this fund unencumbered surplus funds remaining on hand at the end of any fiscal year.

2. *Purposes.* This fund shall remain exclusively for making capital outlays. ('65 Code, § 2-88) (Ord. No. 609)

B. *Special capital outlay funds.*

1. Pursuant to Charter § 1607, the following special funds are created for special capital outlay purposes:

Duplicating Machine Fund — 13-3;
 City Buildings Maintenance Fund — 13-7;
 Police Department Fund — 14-0;
 Fire Department Buildings, Facilities and Equipment Fund — 14-1;
 Weed Control Equipment Fund — 14-5;
 Parking Meters Fund — 14-6;
 Public Works Equipment Fund — 15-0;
 Street Department Fund — 15-3;
 Street Maintenance Equipment Fund — 15-4;
 Municipal Plunge Equipment and Facilities Fund — 16-1;
 Park Department Land, Buildings, Facilities and Equipment Fund — 16-3;
 Tree Planting and Landscaping Fund — 16-4;
 City Yard Land, Buildings, Facilities and Equipment Fund — 17-5;
 City Hall Building, Equipment, Facilities and Replacement Fund — 19-0;
 Advertising and Promotion Fund — 138C-C;
 Bus Department Facilities, Equipment, Repair and Replacement Fund — 270-2.

2. *Source.* That the City Council will, from time to time, levy and collect taxes for capital outlays and will include in the annual tax levy, from time to time, a levy for such purposes, in which event there shall be apportioned and appropriated to the Special Capital Outlay Funds the money derived from such levy.

3. *Purposes.* Each fund shall remain inviolate for the department or division denoted by the name, unless changed by lawful election. Unencumbered funds may be transferred by the City Council into any of the Special Capital Outlay Funds. ('65 Code, § 2-90) (Ord. No. 2006-009 § 15)

C. *Expenditure requirement.* Not less than three-fourths of the funds derived from each annual tax levy and from other sources for Capital Outlay purposes shall be apportioned and appropriated not later than the end of the third quarter of the fiscal year.

('65 Code, § 2-91) (Ord. CS-188 §§ 1 - 5)

REVENUE BONDS

§ 3.07.300 ISSUANCE AND SALE OF REVENUE BONDS.

The City Council, exercising the powers reserved to the City under Cal. Const. Art. XI, § 5, and pursuant to City of Culver City Charter § 500, may, by resolution(s), issue and sell revenue bonds for any City purpose or purposes.

('65 Code, § 2-140) (Ord. No. 91-003 § 1 (part); Ord. No. 2006-009 § 16)

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING SECTIONS 3.07.070 AND 3.07.075 OF THE CULVER CITY MUNICIPAL CODE RELATING TO PERSONAL AND PROFESSIONAL SERVICE AGREEMENTS AND CITY MANAGER CONTRACT APPROVAL AUTHORITY, RESPECTIVELY.

WHEREAS, as part of the Phase 2 implementation of the new City Charter, the City Council has reviewed Chapter 3.07 of the Culver City Municipal Code (CCMC), which was originally adopted in 1965, relating to the purchasing and procurement of services, supplies, materials and equipment; and

WHEREAS, the City Council desires to update the provisions of this Chapter in order to streamline and simplify the City's purchasing procedures while further strengthening oversight and implementing best management practices.

NOW, THEREFORE, the City Council of the City of Culver City, California, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Subsection A of Section 3.07.070 of the Culver City Municipal Code is hereby amended to read as follows (strike-through indicates a deletion; underline indicates an addition):

A. Except for the provisions of ~~§§ Sections~~ 3.07.075 and 3.07.080, the City may award purchase orders and contracts for personal and professional services ~~in any amount for personal or professional services without complying with~~ the provisions of this Subchapter; provided that, the purchase order or contract shall not exceed the amount specified in Section 3.07.075.A. and shall be based upon competitive quotations, whenever practical, as determined by the City

1 Manager from not less than three (3) vendor contractors. Purchase orders and
2 contracts exceeding the amount specified in Section 3.07.075.A. shall comply with
3 the policies and procedures established pursuant to Section 3.07.070.D.

4 **SECTION 2.** Subsection D is hereby added to Section 3.07.070 of the Culver
5 City Municipal Code to read as follows:

6 D. The City Council may, by resolution, establish any other policies
7 and procedures for the procurement of personal and professional services.

8 **SECTION 3.** Section 3.07.075 of the Culver City Municipal Code is hereby
9 amended to read as follows (strike-through indicates a deletion; underline indicates an
10 addition):
11

12 A. The City Manager is authorized to approve and execute, on
13 behalf of the City, any purchase order or contract in an amount not to exceed ~~Ten~~
14 Twenty Thousand Dollars ~~-\$10,000.00~~ \$20,000 ~~for the services described in~~
15 ~~Subsections 3.07.070.B. and C., subject to the provisions of § 3.07.070.B. No~~
16 procurement of services, supplies, materials or equipment from any single vendor
17 shall exceed a lifetime aggregate of Twenty Thousand Dollars (\$20,000) unless
18 approved by the City Council.

19 B. The City Manager is authorized to approve and execute on
20 behalf of the City any three (3) party contract ~~for services described in Subsection~~
21 ~~A. if the total cost for such~~ contract ~~services is paid by a third party, subject to the~~
22 ~~provisions of § 3.07.070.~~

23 **SECTION 4.** This Ordinance shall take effect thirty days (30) days after the
24 date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the
25 expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance,
26
27
28

1 or a summary thereof, to be published in the Culver City News and shall post this
2 Ordinance or a summary thereof in at least three places within the City.

3 **SECTION 5.** The City Council hereby declares that, if any provision, section,
4 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
5 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
6 reason of any preemptive legislation, then the City Council would have independently
7 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
8 or words of this ordinance and as such they shall remain in full force and effect.

9 APPROVED AND ADOPTED this _____ day of _____, 2008.

10
11 _____
12 ALAN CORLIN, Mayor
13 City of Culver City, California

14 ATTEST:

APPROVED AS TO FORM:

15
16
17 _____
18 MARTIN COLE, City Clerk

CAROL A. SCHWAB, City Attorney

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING SECTIONS 3.07.070 AND
3.07.075 OF THE CULVER CITY MUNICIPAL CODE
RELATING TO PERSONAL AND PROFESSIONAL
SERVICE AGREEMENTS AND CITY MANAGER
CONTRACT APPROVAL AUTHORITY, RESPECTIVELY.

WHEREAS, as part of the Phase 2 implementation of the new City Charter,
the City Council has reviewed Chapter 3.07 of the Culver City Municipal Code (CCMC),
which was originally adopted in 1965, relating to the purchasing and procurement of
services, supplies, materials and equipment; and

WHEREAS, the City Council desires to update the provisions of this Chapter
in order to streamline and simplify the City's purchasing procedures while further
strengthening oversight and implementing best management practices.

NOW, THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Subsection A of Section 3.07.070 of the Culver City Municipal
Code is hereby amended to read as follows:

A. Except for the provisions of Sections 3.07.075 and 3.07.080,
the City may award purchase orders and contracts for personal and professional
services without complying with the provisions of this Subchapter; provided that,
the purchase order or contract shall not exceed the amount specified in Section
3.07.075.A. and shall be based upon competitive quotations, whenever practical,
as determined by the City Manager from not less than three (3) vendor contractors.
Purchase orders and contracts exceeding the amount specified in Section

1 3.07.075.A. shall comply with the policies and procedures established pursuant to
2 Section 3.07.070.D.

3 **SECTION 2.** Subsection D is hereby added to Section 3.07.070 of the Culver
4 City Municipal Code to read as follows:

5 D. The City Council may, by resolution, establish any other policies
6 and procedures for the procurement of personal and professional services.

7 **SECTION 3.** Section 3.07.075 of the Culver City Municipal Code is hereby
8 amended to read as follows:
9

10 A. The City Manager is authorized to approve and execute, on
11 behalf of the City, any purchase order or contract in an amount not to exceed
12 Twenty Thousand Dollars (\$20,000). No procurement of services, supplies,
13 materials or equipment from any single vendor shall exceed a lifetime aggregate of
14 Twenty Thousand Dollars (\$20,000) unless approved by the City Council.
15

16 B. The City Manager is authorized to approve and execute on
17 behalf of the City any three (3) party contract if the total cost for such contract is
18 paid by a third party.
19

20 **SECTION 4.** This Ordinance shall take effect thirty days (30) days after the
21 date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the
22 expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance,
23 or a summary thereof, to be published in the Culver City News and shall post this
24 Ordinance or a summary thereof in at least three places within the City.

25 **SECTION 5.** The City Council hereby declares that, if any provision, section,
26 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
27 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
28 reason of any preemptive legislation, then the City Council would have independently

1 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
2 or words of this ordinance and as such they shall remain in full force and effect.

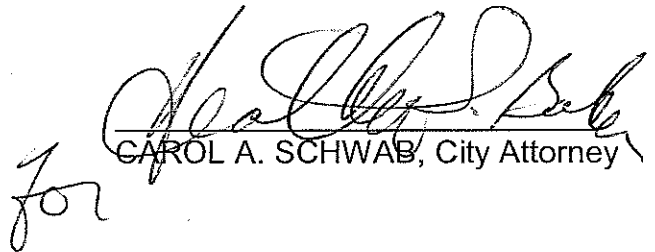
3 APPROVED AND ADOPTED this _____ day of _____, 2008.

4
5
6 _____
ALAN CORLIN, Mayor
City of Culver City, California

7
8 ATTEST:

APPROVED AS TO FORM:

9
10
11 _____
MARTIN COLE, City Clerk

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
for  _____
CAROL A. SCHWAB, City Attorney

1 RESOLUTION NO. 2008-R____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 CULVER CITY, CALIFORNIA, ADOPTING CITY COUNCIL
5 POLICY 2008-01 ENTITLED "REQUEST FOR PROPOSALS
6 PROCESS."

7 WHEREAS, Culver City Municipal Code (CCMC) Section 3.07.070.D.
8 provides the City Council with the authority to establish, by resolution, policies and
9 procedures relating to the procurement of personal and professional services.

10 NOW, THEREFORE, the City Council of the City of Culver City, California,
11 DOES HEREBY RESOLVE as follows:

12 1. The City Council hereby adopts City Council Policy 2008-01, entitled,
13 "Request for Proposals Process," which City Council Policy is attached hereto as Exhibit
14 "A" to this Resolution.

15 2. Council Policy 2008-01 shall be effective on July 1, 2008.

16 3. The City Manager is hereby authorized to format this City Council
17 Policy 2008-01 in a format consistent with other City Council adopted policies and shall
18 include the final version of this adopted policy with other adopted policies.

19 4. The City Manager shall distribute this City Council Policy 2008-01 to
20 interested parties, which include, but are not limited to, City Staff.

21
22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

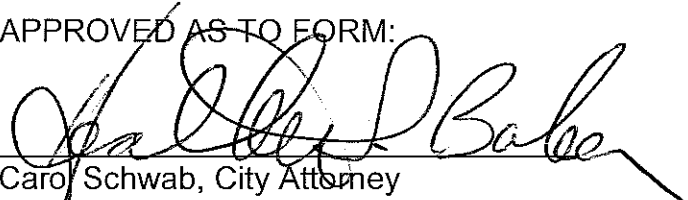
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. This Resolution shall be effective concurrently with the effective date
of Ordinance No. 2008-_____.

APPROVED AND ADOPTED this _____ day of _____, 2008.

Alan Corlin, Mayor

ATTEST:

APPROVED AS TO FORM:


Carol Schwab, City Attorney

Martin Cole, City Clerk

City Council Proposed Policy 2008-01
Considered on April 21, 2008
Subject Matter: Request for Proposal Process

PURPOSE

The purpose of this policy is to provide general guidelines on the use of Requests for Proposals for the procurement of personal and professional services (PPS).

This Policy shall apply to all City procurements of PPS and shall be consistent with the City Charter and other applicable laws.

BACKGROUND

This Policy provides a process by which the City can confirm, through periodic opening of the procurement process for PPS to the marketplace, that it is receiving the best quality personal and professional services at a competitive price. It is the goal of this Policy to provide a consistent process by which all City Departments conduct their procurement of PPS.

SUMMARY OF REQUEST FOR PROPOSALS (RFP) PROCEDURE

The RFP Procedure:

- (1) Applies to purchase or contract (of PPS) in excess of \$20,000;
- (2) The RFP Process shall be required when:
 - a. A single purchase order or contract is estimated to exceed \$20,000;
or
 - b. Purchase orders or contracts with the same vendor exceed \$20,000 in the aggregate ; or
 - c. The same vendor has been utilized for a period of five years, regardless of amount of contract (subject to waiver by the City Council).
 - d. RFP's shall be presented to the City Council prior to release.
- (3) City Council Waiver
 - a. The City Council may waive the requirement for the RFP Process

APPLICABLE CRITERIA

The following criteria shall be applied when determining when and if and RFP must be issued: the monetary criterion and the time criterion.

Monetary Criterion

Consistent with the monetary amount established by Section 3.07.075 of the Culver City Municipal Code (CCMC), the City Manager may execute purchase orders, contracts, and other similar documents for the procurement of goods and services. (At the time this Policy was initially adopted, the monetary limit was \$20,000).

Said monetary limit shall be calculated on a per-vendor lifetime basis. Once that monetary limit is reached, an RFP shall be prepared and presented to the City Council for approval to release (unless a waiver has been granted by the City Council).

Time Criterion

The City Council determines there is value in periodically subjecting the City's procurements to the open market, Therefore, the following time criterion is adopted:

- If the same vendor has been utilized for a period of five years, then the procurement for SME or PPS must be (1) formally bid (for SME) or (2) obtained through an RFP Process (for PPS).
- The time criterion may be waived by the City Council.

The Time Criteria applies regardless of the amount of the procurement for both SME and PPS.

CONTRACTS TO CITY EMPLOYEES/FORMER CITY EMPLOYEES

Section 3.07.090 of the CCMC prohibits any City employee in having a financial interest, directly or indirectly, in any purchase order or contract. To further the City's high ethical standards, contracts involving former City employees shall be awarded solely by the City Council at a public meeting.

EFFECTIVE DATE AND IMPLEMENTATION SCHEDULE

This Policy shall become effective on July 1, 2008. To allow for a smooth implementation of this policy, the City Manager's Office shall direct each Department to review all of the City's existing contracts. Contracts where the specific vendor has been utilized for a period exceeding five years shall be presented to the City Council for approval of a release of an RFP or a waiver therefrom, as applicable.