

[NOTE: This strikethrough/underline version of CCMC Sections 3.07.005 through 3.07.095 does not reflect reorganization of these Sections as set forth in the Proposed Ordinance (Attachment 1). Section Numbers herein may be different than those in Attachment 1.]

PURCHASING AND CONTRACTING SYSTEM

§ 3.07.005 INTENT.

The intent of this Subchapter is to establish ~~purchasing~~ procedures for the purchase of or contracting for equipment, goods, supplies and services; to establish procedures to ensure the integrity of awarding all contracts for the construction or improvement of public works, buildings, streets, drains, ~~;~~ sewers, utilities, parks and playgrounds; and to establish procedures for the disposition of City property. Nothing in this Subchapter is intended to require the City to solicit bids for equipment, goods, supplies or services; ~~;~~ accept the lowest bid to provide equipment, goods, supplies or services; ~~;~~ or solicit bids for a public works project or award a public works contract to the lowest responsive and responsible bidder, except as required by the City Charter; ~~;~~ this Code; ~~-and-~~ applicable state law, but only to the extent state law does not conflict with the City Charter or this Code; and federal law.

§ 3.07.010 DEFINITIONS.

For the purposes of this Subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHANGE ORDER. A written authorization from the City directing an addition, deletion, or revision to an approved or awarded purchase order or contract.

LOCAL BUSINESS. A business that is located within the City of Culver City and meets both of the following criteria:

1. The business has a current Culver City business tax certificate; and
2. The local sales tax generated by the business is allocated to the City of Culver City.

LOWEST RESPONSIVE AND RESPONSIBLE BIDDER. The bidder who is both responsive and responsible, as those terms are defined herein, ~~who~~ and submits the lowest bid.

1. In determining a “responsible bidder,” the following factors shall be considered:

- a. The ability, capacity, facilities and skill of the bidder to perform the contract or fulfill the purchase order;
- b. The ability of the bidder to perform the contract or fulfill the purchase order within the time specified, without delay;

- c. The character, integrity, trustworthiness and reputation of the bidder;
- d. The competence, reputation and record of performance and experience of the bidder for the successful recent completion of similar work of comparable magnitude;
- e. The previous and existing compliance by the bidder with laws and ordinances relating to the type of work to be performed under the contract or purchase order;
- f. The sufficiency of the bidder's financial resources as they relate to the ability of the bidder to perform the contract or fulfill the purchase order;
- g. The quality, availability and adaptability of the equipment, goods and supplies to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract or purchase order;
- i. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract or purchase order;

2. A "responsive bidder" is a bidder who submits a bid in conformity with any and all specifications, terms, conditions and other requirements included in the Notice Inviting Bids~~best responds in price, quality, service, fitness, and/or capacity to the particular requirements of the City. Price alone shall not be the determining factor but shall be considered along with other factors, including, but not limited to, the ability of the bidder to deliver, availability of parts or service, prior experience and other factors relating to the particular needs of the City for the equipment, goods, supplies or services to be purchased.~~

PUBLIC WORKS PROJECT. The construction or improvement, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds.

PURCHASING AUTHORITY. The Purchasing Officer's authority to approve any purchase order or contract, which does not exceed the maximum amount established by resolution of the City Council.

PURCHASING OFFICER. The City Manager or his or her designee.

VENDOR. Any supplier, contractor or consultant from which the City receives equipment, goods, supplies, materials and/or services.

§ 3.07.015 PURCHASING OFFICER DESIGNATION, DUTIES AND AUTHORITY.

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.

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

1. Negotiate, purchase and contract for equipment, goods, ~~and~~ supplies and services used by the City, in accordance with City laws and regulations and applicable state and federal law.
2. Develop and maintain a standardized system for the purchasing of and contracting for ~~procurement of~~ equipment, goods, supplies and services.
3. Encourage open competitive bidding.
4. Advise the City Council on all matters pertaining to purchasing and contracting.
5. Determine that requests for bids, including bid specifications, and requests for proposals are adhered to in all respects.
6. Establish procedures and requirements for bidder's security and performance bonds.
7. Maintain a ~~v~~Vendor file, consisting of a list of prospective Vendors~~suppliers~~ who have made written requests that their names be added to such ~~v~~Vendor file.
8. Promulgate rules and regulations to implement the provisions of this Subchapter.

§ 3.07.020 PURCHASES AND CONTRACTS REQUIRE ISSUANCE OF PURCHASE ORDER OR APPROVAL OF CONTRACT REQUIRED.

In order to more efficiently manage the City's purchasing and contracting system~~all purchases and other contracts~~, the City shall issue a purchase order or contract, as applicable, to each ~~v~~Vendor who agrees to provide equipment, goods, supplies, ~~and~~ materials or services to the City, ~~and the City shall issue a purchase order to accompany every or contract for the performance of services and Public Works Projects~~ unless otherwise authorized by the Purchasing Officer~~City Manager~~ or the rules and regulations adopted by the Purchasing Officer~~City Manager~~ pursuant to this Subchapter. Except as otherwise provided herein, no ~~contract shall be deemed to be an authorization to proceed with work unless accompanied by a properly authorized and executed purchase order nor shall any v~~ Vendor ~~or contracting party shall~~ be authorized to ~~perform any service, perform any Public Works Project, or provide any equipment, goods, supplies, materials or services~~ equipment to the City without first receiving a properly authorized and executed ~~contract or~~ purchase order or contract issued or approved by the Purchasing Officer upon verification of sufficient unencumbered ~~funds~~ appropriation balance.

§ 3.07.025 UNAUTHORIZED PURCHASES AND CONTRACTS.

A. It shall be unlawful for any officer, employee, or agent of the City to ~~order the purchase of~~ equipment, goods, ~~or~~ supplies or services, ~~or to contract for services~~ or contract for the performance of Public Works Projects, ~~or otherwise make any contract~~ in violation of this Subchapter. Any ~~order,~~ purchase order, or contract made contrary to the provisions of this Subchapter shall not be binding on the City, and the City shall not be obligated thereunder.

B. Purchases of or contracts for equipment, goods, supplies, and services, and the performance of Public Works Projects shall not be divided or staged for the purpose of circumventing the requirements of this Subchapter.

§ 3.07.030 SPECIALIZED PURCHASING AND CONTRACTING PROCEDURES.

A. Nothing in this Subchapter shall prohibit the City from using specialized purchasing or contracting procedures when authorized by state law. If state law authorizes such procedures, they need not also be specifically authorized by this Subchapter. Such specialized procedures may include, without limitation, prequalification of general contractors or subcontractors and alternative project delivery methods including, but not limited to, design/build contracting procedures.

B. Notwithstanding any other provision of this Subchapter, for any contract totally or partially funded by the State or Federal Government, all applicable state and federal laws shall be followed, including, but not limited to, applicable purchasing and contracting ~~procurement~~ standards and ~~contracting~~ procedures.

§ 3.07.035 INTERPRETATION OF BID OR PROPOSAL SPECIFICATIONS.

Oral interpretation of written bid or proposal specifications shall not be made to prospective bidders or proposers. If the prospective bidder or ~~or proposer~~ discovers discrepancies or omissions in any specifications, or if the bidder or proposer is in doubt as to the meaning of any specifications, the bidder or proposer shall request a written interpretation or modification from the City. If interpretations or modifications are deemed necessary, the City will ~~then~~ issue a written addendum to potential bidders ~~all parties~~ or proposers known to have received copies of the specifications.

§ 3.07.040 CHANGE ORDERS AND CONTRACT AMENDMENTS.

A. Any alteration to, amendment of, or deviation from an awarded purchase order or contract as to scope, cost, time for completion, material, ~~or equipment~~ or services furnished as a part of the purchase order or contract, or any alteration to, amendment of, or deviation from the nature of work to be performed, shall require the completion and issuance of a Change Order or execution of a contract amendment, as applicable. Additions to work cannot be combined with deletions to work to avoid the ~~Change Order~~ requirements of this Section.

B. If the original purchase order or contract was approved by the Purchasing Officer ~~City Manager~~, then the ~~City Manager or his or her designee~~ Purchasing Officer may approve a Change Order or contract amendment, as applicable, for that purchase order or contract; provided, the ~~combined amount of the original purchase order and the~~ Change Order or contract amendment does not exceed the Purchasing Officer's ~~City Manager's~~ Ppurchasing ~~a~~Authority. If the original purchase order or contract was approved by the City Council, then the ~~City Manager or his or her designee~~ Purchasing Officer may approve a ~~e~~Change ~~e~~Order or contract amendment in an amount that does not exceed the ~~City Manager's~~ Purchasing Officer's Ppurchasing ~~a~~Authority. All other

Change Orders and contract amendments shall be approved by the City Council or the person, if any, designated in a contract approved by the City Council. No Change Order or contract amendment shall be binding on the City until approved as provided in this Subchapter.

C. Change Orders shall not be issued unless:

1. The Change Order arises in good faith out of an unknown condition or unforeseen circumstance differing materially from the conditions of the purchase order or contract; or the Change Order arises due to an error or omission, as determined by the City, in the City's bid specifications that accompanied the request for bids ~~solicitation~~; or the City desires to make a material substitution or addition to the project based on new information obtained during the construction phase of the project; and

~~—2. The Change the Change~~ Order does not change the purpose and is reasonably related to the scope of work of the original purchase order or contract; and

~~32. With regard to a service contract or a contract for Public Works Project performance, the Change Order is reasonably related to the scope of work authorized under the original contract; and~~

~~—4.~~ With regard to the purchase of equipment, goods or supplies, the Change Order is required to allow the equipment, goods or supplies to fulfill the purpose for which they were intended, and such Change Order does not authorize the purchase of additional equipment, goods or supplies that could also be purchased from another source and used compatibly with the equipment, goods or supplies purchased.

§ 3.07.045 EXCEPTIONS TO BIDDING REQUIREMENTS.

The bidding requirements set forth in §§ 3.07.075 and 3.07.080 of this Subchapter shall not apply in the following circumstances:

A. When the needed equipment, supplies or services that are proprietary items of original equipment manufacturers and/or their authorized exclusive distributors.

B. When the equipment 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.

C. When the requesting department determines in writing, after conducting a good faith review of the available sources, that there is only one source for the required equipment, good, supply or service. The department requesting sole source procurement shall provide written evidence to support a sole source determination. Such evidence shall be approved by the Purchasing Officer. The Purchasing Officer may require that negotiations be conducted as to price, delivery and terms. The Purchasing Officer may also require the submission of cost or pricing data in connection with an award under this Section or may require that formal or informal bidding procedures be used.

D. Where items to be purchased are for resale to the public.

E. Where items to be purchased are computer software, hardware maintenance services or software maintenance services.

F. Any contract involving the purchase of equipment, goods, supplies or services entered into with another governmental entity.

G. Purchases of equipment, goods or supplies where competitive bid procedures have already been utilized by the City, another public agency, including, but not limited to, federal, state and county governments, including, state of California agencies, counties, cities, joint power agencies and special districts, or nonprofit agencies whose main purpose is to assist cities or other public entities, including, but not limited to, the League of California Cities and Independent Cities Association; provided, the equipment, goods or supplies are supplied to the City at the same or better price, as was obtained through the competitive bid procedures of that entity.

H. Emergency ~~purchase procurement~~ as set forth in § [3.07.070](#) of this Subchapter.

I. Contracts for professional or ~~general personal~~ services as set forth in § [3.07.085](#) of this Subchapter.

§ 3.07.050 MULTI-YEAR CONTRACTS.

Unless otherwise limited by the City's Charter, this Code or applicable state or federal law, the term of a contract shall be as set forth in the contract, and may include extensions as authorized in the contract. The ~~Purchasing Officer~~[City Manager](#) may approve a multi-year contract; provided, the annual value of the multi-year contract ~~as extended~~ does not exceed the ~~City Manager's~~ ~~p~~[Purchasing](#) ~~a~~[Authority](#). Otherwise, multi-year contracts shall require the approval of the City Council. ~~I~~[n](#) the event the same ~~Vendor~~[supplier, contractor or consultant](#) has been utilized for a period of five ~~(5)~~[consecutive](#) ~~continuous~~ years, the formal or informal bidding procedures as set forth in [Sections §§ 3.07.075 and 3.07.080](#) of this Subchapter shall apply. [This Section shall not apply to purchases subject to the exceptions set forth in Subsections 3.07.045.A through 3.07.045.G.](#)

§ 3.07.055 EQUAL BIDS.

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

A. Select one bid, giving preference to a ~~Local~~ ~~b~~[Business located within Culver City](#); or

B. Reject all bids and ~~reissue~~ ~~re-solicit for a notice inviting~~ bids; or

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

(Ord. 2010-002, § 1 (part))

§ 3.07.060 ISSUANCE OF PURCHASE ORDERS AND AWARDS OF CONTRACTS TO LOCAL BUSINESSES.

The City shall give preference to a Local Business when issuing a purchase order or awarding any contract for the purchase of equipment, goods or supplies; provided, the Local Business to be awarded the contract will be able to provide equipment, goods or supplies which are equal in quality and meet all bid specifications of the City and of other competing bidders, and the contract to be awarded meets one of the following criteria, as determined by the Purchasing Officer:

A. The difference between bids from the Local Business and a business outside the City is less than the current sales tax benefit the City would receive from the local sales tax; or

B. Any other reason which would reasonably justify selection of Local Businesses based upon criteria which do not unlawfully~~illegally~~ discriminate against outside businesses.

§ 3.07.065 EMPLOYEE INTEREST PROHIBITED.

No employee, member of the City Council, nor any appointed member of a City Commission, Board or Committee, shall be financially interested, directly or indirectly, in any purchase order or contract for furnishing equipment, goods, supplies or services within the purview of this Subchapter. Any purchase order or contract involving former City employees, members of the City Council, or any appointed member of a City Commission, Board or Committee, shall be awarded solely by the City Council at a public meeting.

§ 3.07.070 EMERGENCIES.

In the case of an emergency, the Purchasing Officer is authorized to purchase equipment, goods, supplies or services, in an amount up to the Purchasing Authority, as established by resolution of the City Council, and without following the purchasing or bidding procedures otherwise required by this Subchapter. For purposes of this Section, an emergency is a sudden, unexpected occurrence, requiring immediate action necessary to permit the City's continued operation or provision of services. An emergency purchase shall be limited to such equipment, goods, supplies or services necessary to satisfy the emergency need. The Department Head shall file a written report with the Purchasing Officer and report to the City Council at the next regular City Council Meeting after such emergency purchase.

In case of a locally declared emergency or if the City Manager determines there is an unforeseen emergency situation that threatens life, property or the general public health, safety and welfare, expenditures shall be made utilizing provisions as established in Chapter 3.09 (Disasters and Emergencies) of this Code.

~~—A. In case of a locally declared emergency or if the City Manager determines there is an unforeseen emergency situation that threatens life, property or the general public health, safety and welfare, the City Manager or the Purchasing Officer, is authorized to expend City funds~~

~~without limitation on amount and without following the purchasing or bidding procedures otherwise required by this Subchapter. An emergency purchase shall be limited to such equipment, goods, supplies or services necessary to satisfy the emergency need.~~

~~—B. In the absence or unavailability of the City Manager or Purchasing Officer, any department head shall have like authority, but shall file a written report with the City Manager within five (5) days after such emergency purchase.~~

~~—C. Expenditures made during a locally declared emergency or in an emergency situation must be reported to the City Council at the next regular City Council meeting if approval for such expenditures would otherwise have been subject to the approval of the City Council.~~

~~PURCHASING OF EQUIPMENT, GOODS, SUPPLIES AND SERVICES~~

§ 3.07.075 FORMAL BID PROCEDURES.

Except as otherwise provided in this Subchapter, purchases of equipment, goods and supplies of an estimated value exceeding the Purchasing Authority, ~~of more than thirty thousand dollars (\$30,000.00)~~ shall be by formal sealed written competitive bids. Awards for such expenditures shall be made by the City Council to the Lowest Responsive and Responsible Bidder in accordance with the following provisions:

A. *Budget verification.* Prior to issuance of a request for ~~bid-solicitations~~, the Purchasing Officer shall confirm the requested purchase is identified in the current fiscal year adopted budget. For items not identified in the current fiscal year adopted budget, the requesting City department shall be required to receive City Council approval prior to issuance of the request for ~~bids-solicitation~~.

B. *Bid specifications.* Bid specifications shall be prepared and include the criteria that must be met to be considered the lowest responsive and responsible bidder.

C. *Notice inviting bids.* Notices inviting sealed bids shall either be published in a newspaper of general circulation within the City or ~~or be posted on the City's website, and shall be posted at City Hall and other public posting locations, as determined by the Purchasing Officer,~~ at least ten (10) days prior to the date set for opening of the bids. In addition, notices inviting bids shall be disseminated via email or United States Mail to at least three (3) prospective bidders approved by the Purchasing Officer, when feasible, and all those who have requested to be placed on the bidders list. ~~Notices shall be posted at City Hall and other public posting locations as determined by the Purchasing Officer.~~ Notices shall include a general description of the articles for which bids are being sought, and the time, date and location for submitting and opening of the bids.

D. *Bid submittal and bid opening.* The process for submittal and public opening of ~~S~~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. Bids must be received prior to the bid opening to be considered.

E. No bids received. If no bids are received through the formal bid procedure set forth in this Section, then informal competitive bid procedures as set forth in Section 3.07.080 may be utilized without further complying with this Subchapter.

~~E~~F. *Rejection or waiver of bid requirements.*

1. The City Council may reject any and all bids-presented and may re-solicit for bids, or abandon the project, in its sole discretion.
2. Except as provided in § 3.07.090, the City Council may waive, by a majority vote, any irregularities or informalities in any bid or any bidding process.
3. Except as provided in § 3.07.090, upon determining that conformance with the procedures set forth in this Section would be contrary to the best interests of the City or upon determining that compliance with the procedures would be impractical, the City Council may waive, by a majority vote, any or all of the requirements of this Section and, if it deems it to be in the City's best interest, authorize a negotiated contract.

G. Bid protest procedures.

Except as otherwise set forth in the notice inviting bids or bid specifications, the following bid protest procedures shall apply to all City bids:

1. Only bidders who submitted a timely bid may file a bid protest. The term “bidder” does not include subcontractors, suppliers or other third parties.
2. The bid protest must be in writing.
3. Protests based on alleged defects, ambiguities or improprieties in the notice inviting bid and bid specifications must be filed with the City prior to the deadline for bid submittal.
4. All other protests must be filed and received by the City not more than three City business days after bidders receive notification of City’s intent to award the contract.
5. The written bid protest must set forth, in detail, all grounds for the bid protest, including without limitation all facts, supporting documentation, legal authorities and argument in support of the grounds for the bid protest. All factual contentions must be supported by competent, admissible and credible evidence.
6. Any matters not set forth in the written bid protest shall be deemed waived.
- ~~1.7.~~ Any bid protest not conforming to this Subsection 3.07.075.G shall be rejected by the City as invalid, and shall constitute a waiver of any right to further pursue a bid protest, including the filing a Government Code claim or initiation of legal proceedings.

§ 3.07.080 INFORMAL BID PROCEDURES ~~FOR PURCHASE OF EQUIPMENT, GOODS AND SUPPLIES.~~

Except as otherwise provided in this Subchapter, any purchase of equipment, goods or supplies of an estimated value within the Purchasing Authority ~~of thirty thousand dollars (\$30,000.00) or less~~ may be made by the Purchasing Officer in the open market pursuant to the procedure prescribed in this Section without following the formal competitive bid procedures prescribed in § 3.07.075 of this Subchapter. Such purchases shall be based upon competitive quotations, whenever practical, as determined by the City Manager, and shall be awarded to the lowest responsive and responsible bidder.

§ 3.07.085 PROFESSIONAL AND GENERAL ~~PERSONAL~~ SERVICES.

A. Except as otherwise provided in this Subchapter, the City may award purchase orders and contracts in any amount for professional or general ~~personal~~ services without complying with the provisions of this Subchapter; provided, the purchase order or contract shall be based upon competitive quotations, whenever practical, as determined by the City Manager.

B. For purposes of this Section, professional services shall include, but not be limited to, services of engineers, architects, accountants, attorneys, doctors, and other ~~similar~~ professionals when the City is contracting for the skill, integrity, judgment, and/or special technical ability of the professional.

C. For purposes of this section, general ~~personal~~ services shall include, but not be limited to:

1. Any communication, gas, ~~or~~ 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 and ~~or~~ maintenance service for equipment, machinery or other City-owned personal property; and
6. Repair and maintenance service for City-owned, ~~or~~ occupied or operated real property and buildings; and
7. Rental or lease of real property or equipment and other personal property.

D. The City, in its discretion, may conduct a request for proposals ("RFP") or request for qualifications ("RFQ") process for the award of contracts for professional or general services. Awards for such contracts shall be made by the City Council based on demonstrated competence and qualifications, as set forth in the RFP/RFQ, for the types of services to be performed, at fair and reasonable prices to the City in accordance with the following provisions:

1. Budget verification. Prior to RFP/RFQ issuance, the Purchasing Officer shall confirm the requested purchase is identified in the current fiscal year adopted budget. For items not identified

in the current fiscal year adopted budget, the requesting City department shall be required to receive City Council approval prior to RFP/RFQ issuance.

2. RFP/RFQ specifications. RFP/RFQ specifications shall be prepared and include the basis on which the RFP/RFQ will be evaluated, including, but not limited to, demonstrated competence, professional qualifications necessary, and satisfactory performance of services.

3. Proposal submittal and opening. The process for submittal and opening of proposals shall be stated in the RFP/RFQ. Proposals must be received prior to the deadline stated in the RFP/RFQ.

4. Protests. Except as otherwise required by applicable state or federal law, or set forth in a specific RFP/RFQ document, proposals submitted in response to an RFP or RFQ, shall not be subject to the protest procedures set forth in Section 3.07.075.G.

PUBLIC WORKS CONTRACTS

§ 3.07.090 CONTRACTS FOR PUBLIC WORKS PROJECTS.

The following procedures shall govern the award and implementation of contracts for public works projects:

A. *Public Works* ~~p~~Projects ~~Within Purchasing Authority of \$30,000 or Less.~~ The bidding of a Public Works ~~P~~projects involving an estimated expenditure ~~estimated to be of within the Purchasing Authority~~ ~~thirty thousand dollars (\$30,000.00) or less, which are included in the current fiscal year adopted budget,~~ shall comply with the informal bid procedures set forth in § 3.07.080 of this Subchapter.

B. *Public Works* ~~p~~Projects ~~estimated Exceeding to be of more than Purchasing Authority \$30,000 but Not Exceeding less than \$15075,000.~~ The bidding of a Public Works ~~p~~Projects involving an estimated expenditure ~~estimated to exceeding be of more than the Purchasing Authority, thirty thousand dollars (\$30,000.00), but not exceeding less than o~~ One h~~undred Fifty seventy-five t~~housand d~~Dollars (\$15075,000.00), which are included in the current fiscal year adopted budget,~~ shall comply with the formal bid procedures set forth in § 3.07.075 of this Subchapter. Project plans and specifications for a ~~The plans and specifications for~~ Public Works Projects in this category, when such project is ~~that are not included in the current fiscal year adopted budget,~~ shall be required to have their plans and specifications approved by City Council prior to the issuance of a notice inviting ~~any solicitation of~~ bids.

C. *Public Works Projects* ~~Exceeding of More than \$15075,000.~~ The bidding of a Public Works Projects ~~involving an~~ involving an expenditure of ~~estimated expenditure exceeding to be more than seventy-five o~~ One h~~undred Fifty t~~housand d~~Dollars (\$15075,000.00), shall comply with the formal bid procedures as set forth in § 3.07.075 of this Subchapter. Project plans and specifications for~~ Prior to bid solicitation of bids, the project plans and specifications for a Public Works Projects in this category shall be approved by the City Council prior to issuance of a notice inviting bids.

D. *Award of Contract.* Except as otherwise provided by this Subchapter:

1. The award of a contract for a Public Works Project involving an expenditure within the Purchasing Authority shall be made by the Purchasing Officer to the lowest responsive and responsible bidder.
2. The award of a contract for a Public Works Project involving an expenditure exceeding ~~of more than the Purchasing Authority~~ ~~thirty thousand dollars (\$30,000.00)~~ shall be made by the City Council to the lowest responsive and responsible bidder.
 1. ~~The award of a contract for a Public Works Project involving the expenditure of thirty thousand dollars (\$30,000.00) or less may be made by the City Manager to the lowest responsive and responsible bidder.~~

E. *Waiver of bidding procedures.* The City Council, by four affirmative votes, may award a contract for a Public Works Project without complying with the formal bid procedures set forth in § 3.07.075; provided, a public hearing is held on the award of the contract. Notice of the public hearing shall either be posted on the City's website or published in a newspaper of general circulation within the City or posted on the City's website, and shall be posted at City Hall and other posting locations, as determined by the Purchasing Officer, at least ~~ten (10)~~ days prior to the date set for the public hearing.

F. *Prevailing Wage and Other Labor Code Requirements.* A contract for a Public Works Project, where the initial contract amount, or aggregate contract amount after a Change Order has been approved, exceeds \$25,000 for construction work or \$15,000 for alteration, demolition, repair, or maintenance work, shall include a provision requiring contractor to pay prevailing wages and comply with all applicable Prevailing Wage Laws as set forth in the California Labor Code, Division 2, Part 7, Chapter 1, Articles 1-5.

G. *Acceptance of Work; Notice of Completion and Release of Retention.* For every Public Works Project, the Public Works Director shall have the authority to accept the work performed in writing and, in his or her discretion, execute and record a Notice of Completion of the project and release the retention after 35 days but within 60 days thereafter.

~~DISPOSITION OF SURPLUS PROPERTY~~

§ 3.07.095 DISPOSITION OF CITY SURPLUS PROPERTY.

- A. The Purchasing Officer shall be responsible for disposal of all surplus, abandoned, stolen and recovered property. ~~City-owned surplus and obsolete personal property by bid, auction, negotiated sale or exchange. The Purchasing Officer shall attempt to obtain the best value for the property that can be reasonably obtained. No tangible personal property of the City, having an estimated value exceeding the purchasing authority can be condemned except by resolution of the City Council.~~
- B. Surplus property shall be disposed of by a method determined by the Purchasing Officer to be of the most value and in the City's best financial interest; however, property acquired through federal or state funds must be disposed of in accordance with the requirements of

the funding agency, if applicable. The following disposal methods may be used for surplus property:

1. *Auctions or sealed bids.* The Purchasing Officer may dispose of surplus property via a competitive sale to the public, generally through a sealed bid or auction.
2. *Transfer from one City division to another.* Upon receipt of notice of the condemned property, the Purchasing Officer shall first attempt to transfer the property to another City division.
3. *Transfer to not-for-profit entity.* Upon receipt of notice of the condemned property, the Purchasing Officer may attempt to dispose of surplus property to a not-for-profit entity by gift.
4. *Transfer to another government entity.* By resolution or ordinance, the City may dispose of surplus property to another governmental entity by gift, sale, trade or barter.
5. *Trading in for new purchase.* The Purchasing Officer may bargain with vendors for the trading in of condemned property as an offset or allowance on the purchase of other property, provided all vendors are given an equal opportunity to view and appraise the condemned property for such purpose.
6. *Transfer of partnered police dogs to retired peace officers.* Upon the honorable retirement of a peace officer from the City of Culver City Police Department, the Purchasing Officer may authorize the conveyance of that peace officer's Department partnered police dog on behalf of and for resale to the retiring peace officer at no cost or below fair market value.