

ORDINANCE NO. 2018-__

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, REPEALING AND REPLACING
SECTIONS 3.07.005 THROUGH 3.07.095 OF THE
CULVER CITY MUNICIPAL CODE RELATING TO
THE CITY'S PURCHASING AND CONTRACTING
SYSTEM.

WHEREAS, the purpose and intent of the City's purchasing and contracting system is to obtain appropriate equipment, goods, supplies and services for the City, at the best value, and in a timely manner, while maintaining fairness to vendors, and abiding by applicable laws; and

WHEREAS, Culver City Charter Section 1604 provides: "The City Council shall, from time to time, establish, by ordinance, 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." Section 1604 further requires that the procedures for public works projects be reviewed periodically by the City Council at a public hearing; and

WHEREAS, Culver City Charter Section 1605 provides: "The City Council shall establish procedures for the purchasing, storing and distribution of all supplies, materials and equipment required by any City department. The City Manager shall direct the implementation of such procedures for all City departments;" and

WHEREAS, these procedures are set forth primarily in Culver City Municipal Code (CCMC) Sections 3.07.005 through 3.07.095. The last comprehensive review of these procedures occurred in 2010; and

WHEREAS, in effort to continually improve the City's purchasing and contracting system, a comprehensive review was conducted of CCMC Sections 3.07.005 through 3.07.095; resulting in recommended changes to the purchasing and contracting system; and

1 **WHEREAS**, on March 26, 2018, after conducting a duly noticed public hearing,
2 and considering all information and testimony presented, the City Council determined to repeal
3 and replace CCMC Sections 3.07.005 through 3.07.095 as set forth in this Ordinance.

4
5 **NOW, THEREFORE**, the City Council of the City of Culver City, California, DOES
6 HEREBY ORDAIN as follows:

7
8 **SECTION 1.** Sections 3.07.005 through 3.07.095 of the Culver City Municipal
9 Code are hereby repealed and replaced with the following:

10
11 ***Purchasing and Contracting System***

- 12 §3.07.005 Purpose and Intent.
13 §3.07.010. Definitions.
14 §3.07.015. Purchasing Officer Designation, Duties and Authority.
15 §3.07.020 Issuance of Purchase Order or Approval of Contract Required.
16 §3.07.025 Unauthorized Purchases and Contracts.
17 §3.07.030 Specialized Purchasing and Contracting Procedures.
18 §3.07.035 Employee Interest Prohibited.
19 §3.07.040 Issuance of Purchase Orders and Awards of Contracts to Local
20 Businesses.
21 §3.07.045 Multi-Year Contracts.
22 §3.07.050 Change Orders and Contract Amendments.
23 §3.07.055 Exceptions to Bidding Requirements.
24 §3.07.060 Emergencies.
25 §3.07.065 Professional and General Services.
26 §3.07.070 Informal Bid Procedures.
27 §3.07.075 Formal Bid Procedures.
28 §3.07.080 Interpretation of Bid and Proposal Specifications.
 §3.07.085 Equal Bids.
 §3.07.090 Contracts for Public Works Projects.
 §3.07.095 Disposition of City Surplus Property.

1 **§3.07.005 Purpose and Intent**

2 The purpose and intent of this Subchapter is to establish procedures for the
3 purchase of or contracting for equipment, goods, supplies and services; to establish procedures
4 to ensure the integrity of awarding all contracts for the construction or improvement of public
5 works, buildings, streets, drains, sewers, utilities, parks and playgrounds; and to establish
6 procedures for the disposition of City property. Nothing in this Subchapter is intended to require
7 the City to solicit bids for equipment, goods, supplies or services; accept the lowest bid to
8 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; applicable state law, but only to the extent state law
does not conflict with the City Charter or this Code; and federal law.

9 **§3.07.010 Definitions.**

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

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

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

- 15 A. The business has a current Culver City business tax certificate; and
16 B. The local sales tax generated by the business is allocated to the City of Culver
17 City.

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

20 A. In determining a "responsible bidder," the following factors shall be considered:

- 21 1. The ability, capacity, facilities and skill of the bidder to perform the
22 contract or fulfill the purchase order;
23 2. The ability of the bidder to perform the contract or fulfill the purchase
24 order within the time specified, without delay;
25 3. The character, integrity, trustworthiness and reputation of the bidder;
26 4. The competence, reputation and record of performance and experience
27 of the bidder for the successful recent completion of similar work of
28 comparable magnitude;

5. 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;
6. 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;
7. The quality, availability and adaptability of the equipment, goods and supplies to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract or purchase order;
9. The number and scope of conditions and exceptions attached to the bid by the bidder.

B. 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.

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 Purchasing Officer shall have the following duties and authority:
 1. Negotiate, purchase and contract for equipment, goods, 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 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 Vendor file, consisting of a list of prospective Vendors who have made written requests that their names be added to such Vendor file.
8. Promulgate rules and regulations to implement the provisions of this Subchapter.

§3.07.020 Issuance of Purchase Order or Approval of Contract Required.

In order to more efficiently manage the City's purchasing and contracting system, the City shall issue a purchase order or contract, as applicable, to each Vendor who agrees to provide equipment, goods, supplies, materials or services to the City, unless otherwise authorized by the Purchasing Officer or the rules and regulations adopted by the Purchasing Officer pursuant to this Subchapter. Except as otherwise provided herein, no Vendor shall be authorized to provide any equipment, goods, supplies, materials or services to the City without first receiving a properly authorized and executed purchase order or contract issued or approved by the Purchasing Officer upon verification of sufficient unencumbered appropriation balance.

§3.07.025 Unauthorized Purchases and Contracts.

- A. It shall be unlawful for any officer, employee, or agent of the City to purchase equipment, goods or supplies, contract for services or the performance of Public Works Projects, or otherwise make any contract, in violation of this Subchapter. Any purchase 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.

1 **§3.07.030 Specialized Purchasing and Contracting Procedures.**

- 2 A. Nothing in this Subchapter shall prohibit the City from using specialized
- 3 purchasing or contracting procedures when authorized by state law. If state law
- 4 authorizes such procedures, they need not also be specifically authorized by
- 5 this Subchapter. Such specialized procedures may include, without limitation,
- 6 prequalification of general contractors or subcontractors and alternative project
- 7 delivery methods including, but not limited to, design/build contracting
- 8 procedures.
- 9 B. Notwithstanding any other provision of this Subchapter, for any contract totally
- 10 or partially funded by the State or Federal Government, all applicable state and
- 11 federal laws shall be followed, including, but not limited to, applicable
- 12 purchasing and contracting standards and procedures.

13 **§3.07.035 Employee Interest Prohibited.**

14 No employee, member of the City Council, nor any appointed member of a City

15 Commission, Board or Committee, shall be financially interested, directly or indirectly, in any

16 purchase order or contract for furnishing equipment, goods, supplies or services within the

17 purview of this Subchapter. Any purchase order or contract involving former City employees,

18 members of the City Council, or any appointed member of a City Commission, Board or

19 Committee, shall be awarded solely by the City Council at a public meeting.

20 **§3.07.040 Issuance of Purchase Orders and Awards of Contracts to Local**

21 **Businesses.**

22 The City shall give preference to a Local Business when issuing a purchase order

23 or awarding any contract for the purchase of equipment, goods or supplies; provided, the Local

24 Business to be awarded the contract will be able to provide equipment, goods or supplies which

25 are equal in quality and meet all bid specifications of the City and of other competing bidders,

26 and the contract to be awarded meets one of the following criteria, as determined by the

27 Purchasing Officer:

- 28 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 discriminate against outside
- businesses.

1 **§3.07.045 Multi-Year Contracts.**

2 Unless otherwise limited by the City's Charter, this Code or applicable state or
3 federal law, the term of a contract shall be as set forth in the contract, and may include
4 extensions as authorized in the contract. The Purchasing Officer may approve a multi-year
5 contract; provided, the annual value of the multi-year contract does not exceed the Purchasing
6 Authority. Otherwise, multi-year contracts shall require the approval of the City Council. In the
7 event the same Vendor has been utilized for a period of five consecutive years, the informal or
8 formal bidding procedures as set forth in Sections 3.07.070 and 3.07.075 of this Subchapter
9 shall apply. This Section 3.07.045 shall not apply to purchases subject to the exceptions set
10 forth in Subsections 3.07.045.A through 3.07.055.G.

11 **§3.07.050 Change Orders and Contract Amendments.**

- 12 A. Any alteration to, amendment of, or deviation from an awarded purchase order
13 or contract as to scope, cost, time for completion, material, equipment or
14 services furnished as a part of the purchase order or contract, or any alteration
15 to, amendment of, or deviation from the nature of work to be performed, shall
16 require the completion and issuance of a Change Order or execution of a
17 contract amendment, as applicable. Additions to work cannot be combined
18 with deletions to work to avoid the requirements of this Section 3.07.050.
- 19 B. If the original purchase order or contract was approved by the Purchasing
20 Officer, then the Purchasing Officer may approve a Change Order or contract
21 amendment, as applicable, for that purchase order or contract; provided, the
22 Change Order or contract amendment does not exceed the Purchasing
23 Officer's Purchasing Authority. If the original purchase order or contract was
24 approved by the City Council, then the Purchasing Officer may approve a
25 Change Order or contract amendment in an amount that does not exceed the
26 Purchasing Officer's Purchasing Authority. All other Change Orders and
27 contract amendments shall be approved by the City Council or the person, if
28 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 Section 3.07.050.
- 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 specification that
accompanied the request for bids; 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 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

2. 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.

§3.07.055 Exceptions to Bidding Requirements.

The bidding requirements set forth in Sections 3.07.070 and 3.07.075 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 3.07.055 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

1 California agencies, counties, cities, joint power agencies and special districts,
2 or nonprofit agencies whose main purpose is to assist cities or other public
3 entities, including, but not limited to, the League of California Cities and
4 Independent Cities Association; provided, the equipment, goods or supplies
5 are supplied to the City at the same or better price, as was obtained through
6 the competitive bid procedures of that entity.

7
8 H. Emergency purchase as set forth in Section 3.07.060 of this Subchapter.

9 I. Contracts for professional or general services as set forth in Section 3.07.065
10 of this Subchapter.

11
12 **§3.07.060 Emergencies.**

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

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

§3.07.065 Professional and General Services.

A. Except as otherwise provided in this Subchapter, the City may award purchase
orders and contracts in any amount for professional or general 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 3.07.065, professional services shall include, but
not be limited to, services of engineers, architects, accountants, attorneys,
doctors, and other professionals when the City is contracting for the skill,
integrity, judgment, and/or special technical ability of the professional.

1 C. For purposes of this Section 3.07.065, general services shall include, but not
2 be limited to:

- 3 1. Any communication, gas, water, electric light and power service or
4 similar utility service;
- 5 2. Insurance, postage, freight and courier service;
- 6 3. Travel/hotel accommodations, education and training expense;
- 7 4. Subscriptions and memberships;
- 8 5. Repair and maintenance service for equipment, machinery or other
9 City-owned personal property; and
- 10 6. Repair and maintenance service for City-owned, occupied or operated
11 real property and buildings; and
- 12 7. Rental or lease of real property or equipment and other personal
13 property.

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

- 20 1. *Budget verification.* Prior to RFP/RFQ issuance, the Purchasing Officer
21 shall confirm the requested purchase is identified in the current fiscal year
22 adopted budget. For items not identified in the current fiscal year adopted
23 budget, the requesting City department shall be required to receive City
24 Council approval prior to RFP/RFQ issuance.
- 25 2. *RFP/RFQ specifications.* RFP/RFQ specifications shall be prepared and
26 include the basis on which the RFP/RFQ will be evaluated, including, but
27 not limited to, demonstrated competence, professional qualifications
28 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.

§3.07.070 Informal Bid Procedures.

Except as otherwise provided in this Subchapter, any purchase of equipment, goods or supplies of an estimated value within the Purchasing Authority may be made by the Purchasing Officer in the open market pursuant to the procedure prescribed in this Section 3.07.070 without following the formal competitive bid procedures prescribed in Section 3.07.075. 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.

§3.07.075 Formal Bid Procedures.

Except as otherwise provided in this Subchapter, purchases of equipment, goods and supplies of an estimated value exceeding the Purchasing Authority, 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 bids, 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.
- 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 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 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 prospective bidders approved by the Purchasing Officer, when feasible, and all those who have requested to be placed on the bidders list. 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 sealed bids shall be 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 3.07.075, then informal competitive bid procedures as set forth in Section 3.07.070 may be utilized without further complying with this Subchapter.

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 Section 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 Section 3.07.090, upon determining that conformance with the procedures set forth in this Section 3.07.075 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 3.07.075 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

1 protest. All factual contentions must be supported by competent,
2 admissible and credible evidence.

3 6. Any matters not set forth in the written bid protest shall be deemed
4 waived.

5 7. Any bid protest not conforming to this Subsection 3.07.075.G shall be
6 rejected by the City as invalid, and shall constitute a waiver of any right to
7 further pursue a bid protest, including the filing a Government Code claim
8 or initiation of legal proceedings.

9 **§3.07.080 Interpretation of Bid and Proposal Specifications.**

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

17 **§3.07.085 Equal Bids.**

18 Whenever two or more equivalent bids are received, the Purchasing Officer or the
19 City Council may choose whichever of the following options it deems to serve the best interest
20 of the City:

21 A. Select one bid, giving preference to a Local Business; or

22 B. Reject all bids and reissue a notice inviting bids; or

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

25 **§3.07.090 Contracts for Public Works Projects.**

26 The following procedures shall govern the award and implementation of contracts
27 for Public Works Projects:

28 A. *Public Works Projects Within Purchasing Authority.* The bidding of a Public
Works Project involving an estimated expenditure within the Purchasing
Authority shall comply with the informal bid procedures set forth in Section
3.07.070 of this Subchapter.

- 1 B. *Public Works Projects Exceeding Purchasing Authority but Not Exceeding*
2 *\$150,000.* The bidding of a Public Works Project involving an estimated
3 expenditure exceeding the Purchasing Authority, but not exceeding One
4 Hundred Fifty Thousand Dollars (\$150,000.00), shall comply with the formal
5 bid procedures set forth in Section 3.07.075 of this Subchapter. Project plans
6 and specifications for a Public Works Project in this category, when such
7 project is not included in the current fiscal year adopted budget, shall be
8 approved by City Council prior to the issuance of a notice inviting bids.
9
10 C. *Public Works Projects Exceeding \$150,000.* The bidding of a Public Works
11 Project involving an estimated expenditure exceeding One Hundred Fifty
12 Thousand Dollars (\$150,000.00), shall comply with the formal bid procedures
13 as set forth in Section 3.07.075 of this Subchapter. Project plans and
14 specifications for a Public Works Project in this category shall be approved by
15 the City Council prior to issuance of a notice inviting bids.
16
17 D. *Award of Contract.* Except as otherwise provided by this Subchapter:
18 1. The award of a contract for a Public Works Project involving an
19 expenditure within the Purchasing Authority shall be made by the
20 Purchasing Officer to the Lowest Responsive and Responsible Bidder.
21 2. The award of a contract for a Public Works Project involving an
22 expenditure exceeding the Purchasing Authority shall be made by the
23 City Council to the Lowest Responsive and Responsible Bidder.
24
25 E. *Waiver of bidding procedures.* The City Council, by four affirmative votes, may
26 award a contract for a Public Works Project without complying with the formal
27 bid procedures set forth in Section 3.07.075; provided, a public hearing is held
28 on the award of the contract. Notice of the public hearing shall either be
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 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, as
amended.
- G. *Acceptance of Work; Notice of Completion and Release of Retention.* For
every Public Works Project, the Public Works Director shall have the authority

1 to accept the work performed in writing and, in his or her discretion, execute
2 and record a Notice of Completion of the project and release the retention
3 after 35 days but within 60 days thereafter.

4 **§3.07.095 Disposition of City Surplus Property.**

- 5 A. The Purchasing Officer shall be responsible for disposing of all surplus,
6 abandoned, stolen and recovered property.
- 7 B. Surplus property shall be disposed of by a method determined by the
8 Purchasing Officer to be of the most value and in the City's best financial
9 interest; however, property acquired through federal or state funds must be
10 disposed of in accordance with the requirements of the funding agency, if
11 applicable. The following disposal methods may be used for surplus property:
- 12 1. Auctions or sealed bids. The Purchasing Officer may dispose of surplus
13 property via a competitive sale to the public, generally through a sealed bid
14 or auction.
 - 15 2. Transfer from one City division to another. Upon receipt of notice of the
16 condemned property, the Purchasing Officer shall first attempt to transfer
17 the property to another City division.
 - 18 3. Transfer to not-for-profit entity. Upon receipt of notice of the condemned
19 property, the Purchasing Officer may attempt to dispose of surplus property
20 to a not-for-profit entity by gift.
 - 21 4. Transfer to another government entity. By resolution or ordinance, the City
22 may dispose of surplus property to another governmental entity by gift, sale,
23 trade or barter.
 - 24 5. Trading in for new purchase. The Purchasing Officer may bargain with
25 vendors for the trading in of condemned property as an offset or allowance
26 on the purchase of other property, provided all vendors are given an equal
27 opportunity to view and appraise the condemned property for such purpose.
 - 28 6. Transfer of partnered police dogs to retired peace officers. Upon the
honorably 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.

SECTION 2: The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

SECTION 3: Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty days after its adoption. Pursuant to Section 616 and 621 of the City Charter, prior to the expiration of fifteen days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

APPROVED and ADOPTED this _____ day of _____ 2018.

JEFFREY COOPER, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN
City Clerk

CAROL A. SCHWAB
City Attorney

A18-00191