



Cathedral City

Legislation Text

File #: 2018-107, Version: 1

City Council

MEETING DATE: 4/11/2018

TITLE:

Cathedral City Municipal Code - Contracts and Purchasing

FROM:

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RECOMMENDATION:

Staff recommends the City Council receive a report, and discuss and provide direction regarding the re-establishment, re-naming and update of the City's Municipal Code Section 03.12- Contracts and Purchasing and eliminate Section 3.30.

BACKGROUND:

As part of the adoption of the City Charter by registered voters, the City of Cathedral City is exempt from the provisions of the California Public Contract Code. This exemption shall not prohibit the City Council from subsequently adopting any section, article, chapter, or part of the California Public Contracts Code in whole or in part for the City's own use.

The City Charter states the City shall have the power to establish standards, procedures or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work and use of alternative contracting and project delivery methods, including without limitation, design-build, public private partnerships, construction manager at risk, best value procurement, pre-qualification of bidders, and similar methods. The City shall have the power to perform any work of improvement by use of its own forces and is not required to contract for the construction of public improvements or to award contracts for such work to the lowest responsible bidder. The City may also contract with other public agencies for the construction of works of public improvement.

The City shall have the power to accept gifts and donations, including donations of material and labor, in the construction of any public works project.

The City shall have the power to enter into project labor agreements with applicable labor unions and trade associations for City public works projects having an estimated cost in excess of five million dollars. Any private project with an estimated cost in excess of five million dollars receiving City financial assistance shall enter into a project labor agreement with applicable labor unions and trade

associations.

As it relates to Purchasing, the City shall have the power to establish standards, procedures, rules or regulations related to the purchasing of goods, property, or services, including, but not limited to, the establishment of local preferences, and award of vendors on the basis of best value.

As a result of the implementation of the City Charter, city staff has worked with the City Attorney's office to update our municipal code to align with today's needs.

DISCUSSION:

The overall purpose for the re-establishment, re-naming and updates to chapter 3.12 and the elimination of section 3.30 of the City's Municipal code is primarily due to the City becoming a Charter City. In addition, currently there is no provision in the old chapters that reflect Federal Purchasing requirements, which is required and must be adopted by June 30, 2018. The re-naming of chapter 3.12 from "Purchases" to "Contracts and Purchasing" is to better reflect the chapter's contents and topics covered. The elimination of chapter 3.30 is due to combining this information in the new chapter 3.12. Also, in 1991, the City elected to participate in the California Uniform Public Construction Cost Accounting Act, which memorializes formal and informal bidding processes to include dollar limits, many of which were not clearly incorporated into the former municipal code. As a Charter City, with the ability to establish our own policies, we have attempted to stay consistent with some of the former processes while at the same time update dollar amounts to be more reflective of today's needs. As such, the new Chapter 3.12 has been rearranged into 6 distinct parts based on new and updated information. It defines the contract procurement policies, procedures and requirements for public works projects, general services, professional services, equipment, materials, supplies and other tangible items ("goods"), and any other similar contracts involving the expenditure of public funds in exchange for items or services of value to the City. The chapter establishes the contracting authority of the City Council, City Manager, and the purchasing agent. The purpose is to foster and encourage the use of best management practices in contracting; to ensure quality and efficiency in the procurement of goods and services at the lowest cost commensurate with the quality needed; to provide for a fair and equitable procurement process utilizing standardized solicitation procedures; and to maintain honesty and integrity in the procurement process.

FISCAL IMPACT:

None

ATTACHMENTS:

Municipal Code