

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending the City's Purchasing Policy )  
To Require Project Stabilization )  
Agreement and Update Requirements )

RESOLUTION NO. 18-13556

The City Council of the City of Pittsburg DOES RESOLVE as follows:

WHEREAS, the City has adopted a Purchasing Policy for the informal and formal bidding of supplies, general services, professional services, and public works projects; and

WHEREAS, the City Council authorized execution of a Project Stabilization Agreement and directed a revision to the Purchasing Policy accordingly; and

WHEREAS, the City Council in 2018 established and filled the in-house City Attorney position and City Council seeks to set forth the purchasing authority for the City Attorney; and

WHEREAS, it is prudent to expressly set forth contracting statutory requirements and/or best practices that contracts must be in writing and set forth the total maximum compensation, contract splitting is prohibited, subsequent years' appropriations for funding multi-year contracts are subject to authorization by City Council, contracts of \$10,000 or more require review and signature by the City Attorney, and circumstances when staff may amend a contract to increase compensation.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. All the recitals above are true and correct and incorporated herein.

Section 2. The City Council hereby adopts this Resolution and amends the City's Purchasing Policy as shown in Exhibit A to this Resolution.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 5th day of November 2018, by the following vote:

AYES: Banales, Craft, Evola, Killings, Longmire  
NOES: None  
ABSTAINED: None  
ABSENT: None

  
\_\_\_\_\_  
Dwaine "Pete" Longmire, Mayor

ATTEST:

  
\_\_\_\_\_  
Alice E. Evenson, City Clerk

**Exhibit A**

**CITY OF PITTSBURG  
PURCHASING POLICY**

**REVISED NOVEMBER 2018**

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**CITY OF PITTSBURG  
PURCHASING POLICY**

**1. Authority Provided**

In compliance with Pittsburg Municipal Code Chapter 2.85.010, this Purchasing Policy was adopted by City Council Resolution No. 18-13556.

**2. Purchasing Authority**

Except as authorized below, no purchase may be made without the City Council's prior approval.

For purposes of this Policy, "Executive Team Member" shall mean the Assistant City Manager(s), Police Chief, Director of Finance, Human Resource Director, Public Works Director, Director of Community Services, Director of Community Development and Director of Records and Council Services.

Employees in the following positions are authorized to execute on behalf of the City agreements in the amounts as follows:

Position	Supplies	General Services	Professional Services	Public Works Projects
City Manager	\$75,000 or less	\$75,000 or less	\$75,000 or less	\$75,000 or less
City Attorney	\$10,000 or less	\$75,000 or less	\$75,000 or less	N/A
Executive Team Member	\$50,000 or less	\$50,000 or less	\$50,000 or less	\$50,000 or less

As authorized by Pittsburg Municipal Code Section 2.85.030, the City Manager may delegate his or her duties as chief purchasing officer to other city positions so long as such delegation is in writing and consistent with this Policy. By way of example, the City Manager may delegate purchasing authority of \$25,000 or less to the Planning Manager for professional services.

The City Attorney is authorized to purchase legal services, general services, and supplies for the City Attorney's Office.

All contracts must be in writing and set forth a total maximum compensation.

The contracting amounts set forth above are for one contract regardless of the duration of the contract. Contract splitting is prohibited. Contract splitting is dividing purchases into separate contracts, each below the amount of contracting authority, to avoid the requirement to obtain City Council approval or to competitive bidding.

For any multi-year contract, adequate funds must be available to fulfill the first fiscal year's obligation at the time of contract execution. Subsequent years' appropriations are subject to authorization by City Council unless allowed pursuant to state law and the terms of the contract.

Any contract for a duration of more than seven years must be approved by City Council regardless of the amount of compensation.

Any contract in an amount of \$10,000 or more must be reviewed and signed approving as to form by the City Attorney.

Purchasers may amend a contract that has been approved by City Council to increase compensation when 1) the City Council has approved a contingency amount and the increase is equal or less than the contingency amount, or 2) the amount of the increase is equal or less than the amount authorized for the purchaser as set forth above.

All contracts for outside legal counsel must be approved by the City Attorney.

**Supplies** are the purchase or lease of goods and equipment in the general conduct of the City's business, except supplies for a public works project governed by the California Public Contracts Code.

**General Services** are services such as uniform cleaning, maintenance or other services which do not require any unique skill, special background, training, and obtaining such services at the lowest cost is the highest weighted factor in selection, as opposed to personal performance.

**Professional Services** are services from a vendor who possesses a high degree of professional or technical skill. Professional services include legal, data processing and programming, planning, environmental, financial, architecture, engineering, etc. The selection must be based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services. State law does not require competitive bidding for these types of services.

**Public Works Project** has the same meaning as set forth in California Labor Code Section 1720. It is a project for the erection, improvement, painting or repair of public buildings and works; work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow; street or sewer work except maintenance or repair; and/or furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

**3. Informal Bidding Permitted**

Informal bidding, as may be further defined through administrative procedures, is authorized with the following limitations:

	Supplies	General Services	Professional Services	Public Works Project
Suggestion of soliciting comparable quotes.	\$10,000 or less	\$10,000 or less	\$10,000 or less	See Public Works Project "Informal Bidding Procedure"
Must solicit comparable quotes/informal proposals.	\$10,001 to \$50,000 must solicit a minimum of three quotes	\$10,001 to \$50,000 must solicit a minimum of three quotes	\$10,001 to \$50,000 must solicit a minimum of one quote	See Public Works Project "Informal Bidding Procedure"
Must solicit formal proposals/bids.	\$50,001 or more	\$50,001 or more	\$50,001 or more *	More than \$125,000

\* State law does not require competitive bidding for Professional Services; however, to promote fairness, the City strongly encourages the solicitation of competitive proposals for these services.

#### **4. Informal Bidding Procedure, not a Public Works Project**

The City Manager may issue administrative procedures setting forth requirements of informal bidding procedures for the purchase of supplies, general services, and professional services, consistent with state law and this Policy. Such procedures shall ensure uniformity of the City's purchasing practices.

#### **5. Informal Bidding Procedure, Public Works Projects**

As authorized by Pittsburg Municipal Code Chapter 2.86, a public works project of \$175,000 or less may be accomplished by informal bidding in compliance with Pittsburg Municipal Code Sections 2.86.030-060:

#### **6. Formal Bids**

##### **6.1 For Supplies, General Services, and Professional Services**

All purchases of supplies, general services, or professional services which may not be purchased under the City's informal bid thresholds shall be procured using a formal bid process. The City Manager may direct those purchases which fall within the informal bid thresholds to be formally bid, although there is no policy requirement for such a formal bid.

Formal bids for supplies, general services, or professional services shall contain the following elements and the City Manager may develop administrative procedures which adhere to these elements:

- Shall be prepared using a Request for Proposal (RFP) or a Request for Quote (RFQ) format; and
- Shall solicit potential vendors through the use of informal and/or formalized bidders lists; and

- Shall advertise the RFP or RFQ through an invitation to bid in a newspaper of general circulation, or through direct mailing, or through notices posted on the City’s website; and
- Shall be publicly opened when required, in accordance with State Law, by the City Clerk or his/her designee or assignee; and
- For supplies, shall be awarded to the lowest responsive bidder; or
- For general services, shall be awarded based on best value to the City; or
- For professional services, shall be awarded in accordance with state law and this Policy.

Note: Best value is the valuation of price in conjunction with quality of service.

#### 6.2 For Public Works Projects

Public works project purchases (including emergency purchases) which exceed the informal bid threshold shall be made in conformance with the California Public Contract Code.

A public works project of more than \$1 million is subject to a Project Stabilization Agreement unless exempt, as set forth in Resolution No. 18-13456, until November 5, 2023.

### 7. **Exemptions from Bidding**

#### 7.1 Emergency Purchasing

In the event of an emergency for a non-public works project, the City Manager or designee may waive any purchasing procedure. An emergency is defined to mean any of the following:

- There is a great public calamity.
- There is immediate need to prepare for national or local defense.
- There is a breakdown in machinery or an essential service that requires the immediate purchase of supplies or services to protect the public health, welfare or safety, or to prevent financial loss, or for the continued conduct of City services.

#### 7.2 “Piggyback” Purchasing

Purchases may be made through an agreement for supplies or services negotiated by another governmental agency if: (a) the agreement was awarded by a public agency situated within the State of California utilizing a quotation or bid procedure substantially similar to the City’s required procedures for a contract of the same type and dollar amount; or (b) the agreement is identified on the California Multiple Award Schedules (“CMAS”) listing maintained by the State of California Department of General Services – Procurement Division.

### 7.3 Other

Based on unique facts or circumstances and a recommendation with justification from the affected department director, the City Manager after consultation with the City Attorney may waive one or more purchasing procedures if he/she determines the interests of the City are best served; provided, however, such waiver is not in violation of City Council policy or applicable law.

#### 8. **Local Preference**

The City shall provide a three percent (3%) preference for local vendors on all qualifying purchases up to \$50,000. To qualify for this preference, the purchase must be subject to sales tax collection. Also, the purchase order or contract must be issued to a business holding a current, valid City of Pittsburg business license and said business must be located in Pittsburg, California.

#### 9. **Minority and Women Owned Businesses**

It is the City's policy to give minority suppliers an opportunity to compete on an equal basis with all other vendors in the competitive marketplace. One of the responsibilities of the Chief Purchasing Officer or his/her designee is to seek out and identify qualified, minority-owned firms and assist them in becoming familiar with the City's requirements for city purchases.

#### 10. **Recycled Products Preference**

The City will consider preferences, when using competitive bids, in determining the lowest price(s) for products containing recycled materials. The following preferences are not cumulative; only one preference may be applied to a single product:

- Total aggregate purchase of ten thousand dollars (\$10,000.00) or less. The City will consider a five percent (5%) preference for products containing fifty percent (50%) or more post-consumer recycled content.
- Total aggregate purchase of five thousand dollars (\$5,000.00) or less. The City will consider a ten percent (10%) preference for products containing fifty percent (50%) or more post-consumer recycled content.
- Total aggregate purchase of one thousand dollars (\$1,000.00) or less. The City will consider a ten percent (10%) preference for products containing fifty percent (50%) or more post-consumer recycled content.

The following procurements are exempt from the requirements as mentioned above:

- Purchases made with federal or state grant funds.
- Purchases of construction or public works projects.
- Purchases made in cooperation with other public entities.