

**CITY OF OJAI**

**ORDINANCE NO. 927**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF OJAI, CALIFORNIA AMENDING CHAPTER 4 OF  
TITLE 8 OF THE OJAI MUNICIPAL CODE GOVERNING  
THE PURCHASING SYSTEM**

**WHEREAS**, in 2001, City Council adopted Ordinance No. 754, Title 8 FINANCE, REVENUE, AND TAXATION, Chapter 4 PURCHASING SYSTEM, establishing a purchasing system to ensure a cost-effective and orderly process for the City's purchases of certain equipment, supplies, and services; and

**WHEREAS**, the City Council now seeks to amend its Purchasing System to raise the City Manager/Purchasing Officer's authority to enter into contracts for the purchase of services, supplies, and equipment without seeking City Council approval from \$10,000 to \$30,000; and

**WHEREAS**, the City Council also seeks to raise the formal bidding requirements in its Purchasing System from \$10,000 to \$30,000 to be in line with the City Manager/Purchasing Authority's ability to enter into contracts up to that amount without seeking Council approval; and

**WHEREAS**, the City Council desires amend its Purchasing System to make it clear that the ordinance applies to services as well as the purchase of supplies and equipment and that purchases of services are to be awarded to the lowest and most qualified bidder.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

**SECTION 2. Text Amendment.** Chapter 4 of Title 8, entitled "Standards for Purchasing System" is hereby amended to read as follows with deletions noted by ~~striketrough~~ and additions underlined:

**Sec. 8-4.01. Purpose.**

In order to establish efficient procedures for the purchase of services, supplies, and equipment, to secure for the City supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is adopted.

**Sec. 8-4.02. Purchasing officer—Powers and duties.**

There is created the position of purchasing officer, ~~who—He~~ shall be the City Manager or such other full-time City employee appointed by the City Manager. The purchasing officer shall exercise general supervision over the purchasing function. The duties of the purchasing officer may be combined with those of any other office or position. The purchasing officer shall have the authority to provide general supervision of the following functions:

- (a) Purchasing or contracting for services, supplies, and equipment required by any City department in accordance with the purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer may adopt for the internal management and operation of the purchasing division or such other rules and regulations as may be prescribed by the City Council and/or City Manager;
- (b) Negotiating and executing contracts for the purchase of services, supplies, and equipment;
- (c) Procuring for the City services, supplies, and equipment at maximum quality and least expense to the City;
- (d) Obtaining as full and open competition as possible on all purchases;
- (e) Preparing and recommending to the City Council rules governing the purchase of services, supplies, and equipment for the City;
- (f) Preparing and recommending to the City Council revisions and amendments to the purchasing rules;
- (g) Education regarding current developments in the field of purchasing, prices, market conditions and new products;
- (h) Prescribing and maintaining such forms as are reasonably necessary to the operation of this chapter;
- (i) Supervising the inspection of all services, supplies, and equipment purchased to ensure conformance with specifications;
- (j) Recommending the transfer of surplus or unused services, supplies, and equipment between departments as needed; and
- (k) Maintaining records needed for the efficient purchase of services, supplies, and equipment.

**Sec. 8-4.03. Inspecting purchases and testing samples.**

The purchasing officer shall have authority to inspect services, supplies, and equipment delivered to determine their conformance with specifications set forth in the order. The purchasing officer shall have authority to require chemical and physical tests of samples submitted with bids as well as to inspect samples.

**Sec. 8-4.04. City departments—Justification of requirements.**

All City departments shall justify their requirements in services, supplies, and equipment in preparation and as a component of the City's annual budget.

**Sec. 8-4.05. Recycled products.**

Each City department shall make every reasonable effort to purchase and use recycled products or those with recycled content whenever feasible to the extent such use does not adversely affect health, safety or operational efficiency and effectiveness as determined by each City department. The term "recycled products" shall be construed to mean products which contain recycled materials or are reusable or recyclable, provided, however, that recycled paper products must contain recycled materials.

**Sec. 8-4.06. Surplus supplies—Trade-ins authorized.**

The purchasing officer shall have authority to supervise the exchange or trade-in of all supplies, and equipment which have become unsuitable for City use for new supplies and equipment.

**Sec. 8-4.07. Review of expenditures—Budget adjustment.**

The purchasing officer shall review the expenditures of City departments on a regular basis to ensure that budgetary appropriations are not exceeded. If City departmental budgets are exceeded by the purchase of services, supplies, and equipment, prior consent for such purchases shall be required.

**Sec. 8-4.08. Purchases—Bidding required—Exception.**

Except as otherwise provided in this chapter and except as provided for qualifying public projects under the informal bid procedures in Chapter 4 of Title 7 of this Code implementing Public Contract Code Section 22034, purchases of services, supplies, and equipment shall be by bid procedures pursuant to this chapter section and Sections 8-4.09 through 8-4.20. Bidding may be dispensed with when an emergency requires that an order be placed with the nearest available source of supply, or when the unit value of the goods involved is less than ~~ten~~ thirty thousand dollars (~~\$10,000~~30,000) or when the commodity can be obtained from only one vendor.

**Sec. 8-4.09. Formal contract bidding—When required.**

Except as otherwise provided in this chapter and except as provided for qualifying public projects under the informal bid procedures in Chapter 4 of Title 7 of this Code implementing Public Contract Code Section 22034, purchase of services, supplies, and equipment of an estimated unit value greater than ~~ten~~ thirty thousand dollars (~~\$10,000~~30,000) shall be by

written contract with the lowest responsive and responsible bidder pursuant to the procedure prescribed in Sections 8-4.10 through 8-4.16.

**Sec. 8-4.10. Formal contract bidding—Solicitation of bids.**

- (a) Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased and state where bid blanks and specifications may be secured and the time and place for opening bids.
- (b) Published Notice. Notices inviting bids shall be published at least ten (10) days before the date of opening of the bids. Notices shall be published at least once in a newspaper of general circulation, printed and published in the City, or, if there is none, shall be posted in at least three (3) public places in the City that have been designated by ordinance as the places for posting public notices.
- (c) Bulletin Board. The purchasing officer may also advertise pending purchases by a notice posted on a public bulletin board in the City Hall.

**Sec. 8-4.11. Formal contract bidding—Bidder's security.**

When deemed necessary by the purchasing officer, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided, however, that a successful bidder shall forfeit his bid security upon his refusal or failure to execute the contract within ten (10) days after the City mails to him or her notice of award of contract, unless the City is solely responsible for the delay in executing the contract. The City Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the City Council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the City to the contract price differential between the lowest bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. If the City Council rejects all bids presented, and re-advertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids and the surplus, if any, shall be returned to the lowest bidder.

**Sec. 8-4.12. Formal contract bidding—Opening procedure—Tabulation open to public.**

Sealed bids shall be submitted to the purchasing officer and shall be identified as 'bids' on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.

**Sec. 8-4.13. Formal contract bidding—Rejection and re-advertising authorized.**

In its discretion, the City Council may reject any and all bids presented and re-advertise for bids pursuant to the procedure prescribed in Section 8-4.10.

**Sec. 8-4.14. Formal contract bidding—Award of contract to low bidder.**

Except as otherwise provided in this chapter, contracts shall be awarded by the City Council to the lowest responsible bidder.

**Sec. 8-4.15. Formal contract bidding—Tie bid procedure.**

If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council may, in its discretion, accept the one it chooses or accept the lowest bid made after negotiation with the tie bidders at the time of the bid opening.

**Sec. 8-4.16. Formal contract bidding—Performance bond authorized—Notice.**

The City Council shall have the authority to require a performance bond before entering into a contract in such amount as it finds necessary to protect the best interest of the City. If the City Council requires a performance bond, the form and amount of bond shall be described in the notice inviting bids.

**Sec. 8-4.17. Open market purchase—When authorized.**

Purchases of services, supplies, and equipment of an estimated unit value of ~~ten~~ thirty thousand dollars (\$10,000~~000~~30,000) or less may be made by the purchasing officer in the open market pursuant to the procedure hereinafter prescribed and without observing the procedure prescribed in Sections 8-4.10 through 8-4.16. Open market purchases shall require approval by the approval authority listed in Section 4-8.22 applicable to the contract's price.

**Sec. 8-4.18. Open market purchase—Solicitation of bids.**

The purchasing officer shall solicit bids or place orders by written requests to prospective vendors, by telephone and/or by public notice posted on a public bulletin board at City Hall.

**Sec. 8-4.19. Open market purchase—Records required and open to public.**

The purchasing officer shall keep a record of all open market orders for a period of one (1) year after such orders are placed. This record, while so kept, shall be open to public inspection.

**Sec. 8-4.20. Open market purchase—Minimum number of bids—Award to low bid.**

Open market purchases shall, wherever practicable, be based on at least three (3) bids or responses by vendors.

**Sec. 8-4.21. Professional Service Agreements.**

The purchasing officer shall secure professional services based upon demonstrated competence, professional qualifications, price, familiarity with the City, and experience and suitability for meeting the City's needs. Except as otherwise designated by the City Council, professional services contracts expected to cost more than \$30,000 shall be awarded through a formal bidding process to the most qualified, experienced, and suitable









