

ORDINANCE NO. 1892

AN ORDINANCE OF THE CITY OF REDLANDS PROVIDING FOR
THE PURCHASE OF SUPPLIES, SERVICES AND EQUIPMENT

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES
ESTABLISH:

SECTION ONE: Chapter 17 is added to Division 1
(Government) of the Redlands Ordinance Code to read:

"CHAPTER 17
PURCHASING

Article 170. Purchasing of Supplies,
Services or Equipment

§ 17001. INTENT. It is the intention of the
Redlands City Council in enacting this ordinance to

- (a) establish efficient procedures for the
purchase of supplies, services or equipment;
- (b) pay the lowest possible cost for such
supplies, services or equipment commensurate
with the quality required;
- (c) exercise positive financial control over
purchases; and
- (d) define clear lines of authority for the
purchasing function.

§ 17002. ESTABLISHMENT OF CENTRALIZED PURCHASING
DIVISION. A centralized purchasing division is hereby
established under the direction of the City Manager and his
designee, the Purchasing Agent. With such exceptions as are
contained in this ordinance, the sole authority for the pur-
chase of supplies, services or equipment is vested in this
division.

§ 17003. POWERS AND DUTIES OF PURCHASING AGENT.
The Purchasing Agent shall exercise general supervision of
the centralized purchasing division. The Purchasing Agent
shall have the following powers and duties:

- (a) purchase or contract for supplies, services or
equipment in accordance with procedures pre-
scribed by this ordinance and such other rules
and regulations as may be imposed by ordinance
or resolution of the City Council;

- (b) establish and revise as needed a purchasing program providing for competitive bidding or open market purchasing so as to obtain supplies, services or equipment by the most efficient possible means;
- (c) establish, enforce and revise as necessary specifications with respect to supplies, services and equipment required;
- (d) supervise the inspection of all deliveries of all supplies and equipment and determine if they conform to specification;
- (e) establish and supervise the city storeroom;
- (f) prepare a manual setting forth procedures consistent herewith to be followed by all departments in the purchase of supplies, services and equipment;
- (g) perform such other duties as may be imposed by ordinance or resolution of the City Council, or as the City Manager may direct consistent therewith.

§ 17004. EXCEPTION TO CENTRALIZED PURCHASING. The Purchasing Agent under the direction of the City Manager may authorize in writing any department to purchase specified supplies, services and equipment independently of the purchasing division but in conformity with the procedures established by this ordinance.

§ 17005. CONTRACT ORDER. Except in cases of emergency, involving an immediate threat to the public health or safety, all purchases shall be made by purchase contract issued by the Purchasing Agency after finance department approval.

§ 17006. OPEN MARKET PROCEDURE. Purchase of supplies, services or equipment may be made by the Purchasing Agent in the open market without further compliance with this Chapter but in accordance with any applicable Council resolution or policy statement.

§ 17007. FORMAL BIDDING PROCEDURE. Purchases and contracts for supplies, services or equipment not covered by Section 17009 shall be by written contract with the lowest responsible bidder, pursuant to the bidding procedures prescribed in this section:

- (a) Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased and notice of any required bidder's security or performance bond. The notice shall state where bid blanks and specifications may be secured and the time and place for the opening of bids.
- (1) Published notice. Notices inviting bids shall be published at least twice, not less than five days apart, in a newspaper generally circulated in the city.
- (b) Bidder's Security. The Purchasing Agent shall require bids to be accompanied by a bidder's bond, certified or cashier's check, or cash in an amount not greater than ten percent of the total bid purchase to standards set by the City Manager in order to protect the interests of the City. The requirement of bidder's security shall be included in the notice inviting bids. When security is required, bidders shall be entitled to return of that security, provided that a successful lowest bidder shall forfeit his security upon refusal or failure to execute the contract within ten days after notice of award of contract has been mailed, unless some other time limit has been previously agreed to, and unless and to the extent the City is responsible for the delay. Upon failure to execute the contract within ten days after mailed notice, the City may award that contract to the next lowest bidder, and the amount of the low bidder's security may be applied to the difference in cost between those two bids and to cover City costs incurred as a result of the delay. Any surplus shall be returned by the Purchasing agent to the original low bidder.
- (c) Formal Bid Opening Procedure. Sealed bids shall be submitted to the Purchasing Agent 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. Tabulation of all bids received shall be open for public inspection during business hours for a period of not less than thirty days after the bid opening.

- (d) Rejection of Bids. In its discretion the City Council may reject all bids presented and readvertise for bids pursuant to the procedure prescribed in this section.
- (e) Award of Contracts. Contracts shall be awarded by the City Council to the lowest responsible bidder except as otherwise provided in this ordinance.
- (f) Tie Bids. If two or more equally low bids are received, and the public interest will not permit the delay of readvertising for the bids, the Council may choose from any of those bids by lot, or accept the lowest bid made after negotiation with the tie bidders.
- (g) Performance Bonds. The City Council shall have authority to require a performance bond for executing a contract in such amount as it shall find reasonably necessary to protect the best interests of the City. If the City Council requires a performance bond, such requirement shall be established at the outset and the form and amount of the bond shall be described in the notice inviting bids.

§ 17008. FORMAL BIDDING PROCEDURE ON PUBLIC WORKS PROJECTS. Contracts for public works projects shall be administered in the manner provided by state law covering contracts awarded for public projects by cities.

§ 17009. NEGOTIATED PURCHASES. At the discretion of the City Manager, the Purchasing Agent may authorize the purchase of technical or specialized supplies or equipment by competitive negotiation when:

- (a) the supplies or equipment are such that suitable technical or performance specifications are not readily available;
- (b) the City is not able to develop descriptive specifications;
- (c) the quality of the supplies and equipment cannot be accurately determined by reference to their specifications alone;
- (d) such a method of purchase would be more advantageous to the City; and

- (e) at the completion of the purchase a written report thereon is made to the City Manager.

§ 17010. COOPERATIVE PURCHASING. Purchase of supplies, services or equipment by contract, arrangement or agreement with the cooperative purchasing programs with the State of California, the County of San Bernardino or any other public or municipal corporation in the state of California may be made by the Purchasing Agent when the administering agency has made purchases in a competitive manner.

§ 17011. SURPLUS SUPPLIES AND EQUIPMENT. All agencies and departments shall submit to the Purchasing Agent at such time and in such form as the Purchasing Agent shall prescribe reports showing which supplies and equipment are no longer used or usable. The Purchasing Agency shall have authority to sell, exchange or trade in those supplies and equipment on new supplies and equipment to the best advantage of the City. The Purchasing Agent shall also have the authority to dispose of those supplies and equipment by transfer, negotiated sale, public auction, sealed bids, donations, discard, or sale for scrap.

§ 17012. SEVERABILITY. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of the ordinance in each section, subsection, subdivision, sentence, clause and phrase thereof."

SECTION TWO: This ordinance shall be in force and take effect as provided by law.

SECTION THREE: The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this city.

Carole Beswick
Mayor of the City of Redlands

ATTEST:

Lorrie Poyzer
City Clerk

I, Lorrie Poyzer, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 17th day of December, 1985, by the following vote:

AYES: Councilmembers Larsen, DeMirjyn, Johnson, Wormser;
Mayor Beswick
NOES: None
ABSENT: None

Lorrie Poyzer
City Clerk