

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2022-XXX

ORDINANCE AMENDING TITLE 1, CHAPTERS 1-5 AND 1-6 OF THE SAN LEANDRO MUNICIPAL CODE RELATING TO CONTRACTS FOR PUBLIC WORKS PROJECTS AND CONTRACTS FOR PURCHASES

The City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. PURPOSE. The purpose of this ordinance is to enhance the City’s ability to handle routine purchasing and public works projects in a timely and cost-effective manner. The threshold for public works projects requiring City Council approval was established over twenty years ago. The thresholds for competitive or informal bidding for purchases were established over ten years ago. The changes proposed by this ordinance will update the thresholds and facilitate the efficient accomplishment of smaller projects while still preventing favoritism and encouraging competition.

SECTION 2. Section 1-5-200 of the San Leandro Municipal Code is hereby amended as follows, with deletions in strikethrough and additions in underlined text:

1-5-200 COMPETITIVE BIDDING REQUIRED

Public Works projects, other than maintenance and repair, requiring an expenditure in excess of Five Thousand Dollars (\$5,000) shall be subject to competitive bidding. Projects requiring an expenditure in excess of ~~Fifty~~ One Hundred Thousand Dollars (~~\$50,000~~\$100,000.00) shall be awarded by the City Council. Projects requiring an expenditure of ~~Fifty One Hundred~~ Thousand Dollars (~~\$50,000~~\$100,000.00) or less shall be awarded by the City Manager or designee. For purposes of this Chapter, the term “City” shall mean and include the City Council for projects in excess of ~~Fifty One Hundred~~ Thousand Dollars (~~\$50,000~~\$100,000.00) and shall mean and include the City Manager or designee for projects of ~~Fifty One Hundred~~ Thousand Dollars (~~\$50,000~~\$100,000.00) or less. The City Manager may bring to the City Council for approval any Public Works project contract for any amount at any time.

SECTION 3. Section 1-6-200 of the San Leandro Municipal Code is hereby amended as follows, with deletions in strikethrough and additions in underlined text:

Purchases of equipment, materials, or supplies requiring an expenditure in excess of ~~Twenty Five Thousand Dollars~~ Sixty Thousand Dollars (~~\$25,000.00~~ \$60,000.00) shall be subject to ~~formal~~ competitive bidding. Purchases requiring an expenditure in excess of One Hundred Thousand Dollars (\$100,000.00) shall be awarded by the City Council. Purchases requiring an expenditure of One Hundred Thousand Dollars (\$100,000.00) or less shall be awarded by the City Manager or designee. For purposes of this Chapter, the term “City” shall mean and include the City Council for purchases in excess of One Hundred Thousand Dollars (\$100,000.00) and shall mean and include the City Manager or designee for purchases of One Hundred Thousand

Dollars (\$100,000.00) or less. The City Manager may bring to the City Council for approval any contract for the purchase of equipment, materials, or supplies for any amount at any time.

SECTION 4. Section 1-6-215 of the San Leandro Municipal Code is hereby amended as follows, with deletions in strikethrough and additions in underlined text:

1-6-215 ~~INFORMAL~~ INFORMAL COMPETITIVE BIDDING

Purchases of equipment, materials or supplies requiring an expenditure in excess of ~~Five~~ Sixty Thousand Dollars (\$5,000\$60,000.00) but not in excess of ~~Twenty Five Thousand Dollars~~ Two Hundred Thousand Dollars (\$25,000\$200,000.00) shall be subject to informal competitive bidding. The Purchasing Agent or the requesting department shall solicit written or verbal bids from a reasonable number of suppliers.

SECTION 5. Subsections (d)(1), (d)(2) and (d)(3) of Section 1-6-225 of the San Leandro Municipal Code are hereby amended as follows, with deletions in strikethrough and additions in underlined text:

(1) Construction and public works contracts awarded to prime contractors valued at or above One Hundred Thousand Dollars (\$100,000.00);

(2) Professional and non-professional service contracts valued at or above ~~Twenty Five~~ Sixty Thousand Dollars (~~\$25~~60,000.00);

(3) Contracts for the procurement of goods, materials, equipment, furnishings or supplies valued at or above ~~Five~~Sixty Thousand Dollars (~~\$5~~60,000.00).

SECTION 6. Section 1-6-300 of the San Leandro Municipal Code is hereby amended as follows, with deletions in strikethrough and additions in underlined text:

1-6-300 SMALL PURCHASES.

Purchases of equipment, materials or supplies requiring an expenditure of ~~Five~~ Sixty Thousand Dollars (~~\$5,000~~\$60,000.00) or less may be made without competitive bidding. When, in the opinion of the Purchasing Agent, it is feasible to do so, the Purchasing Agent shall solicit such equipment, materials or supplies from suppliers whose principal place of business is located within the City of San Leandro.

SECTION 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions,

paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 8. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember _____ and passed to print on the 21st day of November 2022 by the following called vote:

Members of the Council:

AYES: 0

NOES: 0

ABSENT: 0

ATTEST: _____
Kelly B. Clancy, Acting City Clerk