

CITY OF CLEARLAKE

ORDINANCE NO. 206-2018

AN ORDINANCE OF THE CITY OF CLEARLAKE
AMENDING THE PURCHASING ORDINANCE TO INCLUDE THE INTERLOCAL PURCHASING
SYSTEM (TIPS)

Whereas, Chapter 3-4 of the Clearlake Municipal Code governs the purchase of supplies, services and equipment by the City to ensure that public funds are expended in the most efficient manner possible; and

Whereas, utilization of the California Multiple Award Schedule (CMAS) has provided a streamlined process and cost savings to the City, and membership in The Interlocal Purchasing System (TIPS) is anticipated to provide additional flexibility and cost savings; and

Whereas, the City Council finds that it is in the best interest of the City of Clearlake to update the City's purchasing ordinance to provide greater flexibility and efficiency, while maintaining sufficient safeguards to ensure fair and competitive purchasing procedures and avoidance of waste, improvidence and misuse of public funds.

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

SECTION 1. Chapter 3-4 of the Clearlake Municipal Code is hereby amended, to read as follows:

3-4.5 Exceptions to competitive bidding requirements.

- a. The requirements of Section 3-4.3 concerning competitive bidding shall not apply to the following:
 1. Contracts involving the acquisition of professional or specialized services, such as, but not limited to, services rendered by architects, engineers, surveyors, construction managers, accountants, attorneys and other specialized consultants;
 2. Where the City's requirements can be met solely by a particular patented article or process or item or service available only from a single source;
 3. Where no bids have been received following bid announcements in accordance with this chapter;
 4. When the amount involved is less than twenty thousand dollars (\$20,000);
 5. When an emergency requires dispensing with competitive bidding to protect the public health, safety and welfare;
 6. When another public agency has administered a competitive bidding process within the past two years for the same or substantially similar supplies, services or equipment, the City may purchase supplies, services or equipment in reliance on such executive process of such other public agency in lieu of compliance with this chapter;

7. When the City Council specifically waives the competitive bid process and authorizes staff to negotiate the purchase by a four-fifths vote;
 8. Purchases of items listed on the California Multiple Award Schedule (CMAS) or The Interlocal Purchasing System (TIPS);
 9. When competitive bidding pursuant to this section would be impracticable, infeasible, or otherwise unavailing, and provide no advantage for the public in accordance with legal doctrine discussed in Genevieve Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal.App.3d 631.
- b. Any application to the City Council for an exception under this section shall include the nature of the contract, amount of the contract, and the reasons why competitive bidding is not feasible.

SECTION 2. Effective Date and Publication.

This ordinance shall take effect thirty (30) days from its passage. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof, as provided in California Government Code section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Clearlake.

PASSED, APPROVED AND ADOPTED this 12th day of July, 2018 by vote as follows:

AYES: Mayor Sabatier, Vice Mayor Harris, Councilmembers Overton, Cremer and Bennett

NOES: None

ABSENT: None

ABSTAIN: None



Mayor

ATTEST:



Melissa Swanson, City Clerk

