

## BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

### AN ORDINANCE AMENDING CHAPTER 3.20 (PURCHASING, PROCUREMENT, AND LEASING) AND CHAPTER 3.22 (INFORMAL BIDDING PROCEDURES) OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 1007-2025

**WHEREAS**, the City Council finds it appropriate to amend Section 3.20.030, Section 3.20.040, Section 3.20.050, Section 3.20.060, and Section 3.22.040; and

**WHEREAS**, the City Council has determined that the following changes should be made to the Chapter for consistency, accuracy, and ease of use by the City's staff and citizens;

**NOW, THEREFORE, the City Council ordains as follows:**

**Section 1. Legislative Findings.** The City Council hereby finds as follows:

1. The City of Fort Bragg Municipal Code Section 3.20.030 Section 3.20.040 and Section 3.22.040 have been reviewed by staff, the Finance & Administration Committee, and the City Attorney to identify inconsistencies and inaccuracies.
2. Chapter 3.20 is used extensively by City staff in determining what actions are required for purchasing of goods and services.
3. Chapter 3.22 is used extensively by City staff in determining what procedures are required for public projects.
4. The Code needs to reflect current legislative actions of the City Council and the means by which the City is being operated and must be accurate and consistent to aid staff, residents, and various other persons in making determinations on Code related issues.
5. Certain provisions of the Code are not accurate reflections of its current legislative intent nor are they consistent with the City Council's intent as expressed elsewhere in the Code.
6. Amending Chapters 3.20 and 3.22 in the manner described in this ordinance is in the public interest for the aforementioned reasons.
7. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

**Section 2.**

Section 3.20.030 Exceptions to this Chapter will be updated to include "bidding" in the following section. "The bidding procedures described in this chapter shall govern the purchase of all goods and services except as follows:"

Section 3.20.030 Exceptions to this Chapter will be updated to reflect \$60,000 instead of \$45,000.

A. Any Public Project described in Chapter 3.22, unless the public project is under \$60,000 and informal bidding procedures are not used.

Section 3.20.040 Procedures the Purchasing Officer shall have the authority to:

B. The City Manager or designee may delegate all or a portion of the duties of Purchasing Officer to the Administrative Services Director and/or the Finance Director.

F. The Purchasing Officer shall have the authority to:

1. Recommend a contract for execution for the purchase or lease of goods or services required by the City in an amount equal to or less than \$60,000;

2. Execute contracts, leases or agreements for the purchase or lease of goods or services by the City in an amount equal to or less than \$60,000 if the adopted budget has appropriated funds for the goods or services;

G. Contracts or agreements for the purchase or lease of goods or services in excess of \$60,000 require City Council approval prior to execution by the City Manager. Contracts of less than \$60,000 which are approved by the City Manager shall be reported to the Finance and Administration Committee on a quarterly basis.

Section 3.20.050 Procedures For Purchases Of Less Than Or Equal To \$60,000.

A. For purchases of goods or services less than or equal to \$60,000, the Purchasing Officer shall use the following procedures:

Section 3.20.060 Procedures for Purchases Of More Than \$60,000.

Section 3.22.040 Procedures.

A. Public projects of \$60,000 or less may be performed by City employees by force account, by negotiated contract, or by purchase order using procedures described in Chapter 3.20

E. The City Manager's authority to approve contracts shall be limited to a maximum of \$60,000.

Section 3.22.050 Informal Bidding Procedures For Public Projects Of More Than \$60,000 And Less Than \$175,000.

### **Section 3.**

Chapter 3.20.030, 3.20.040, 3.20.050, and 3.20.060 entitled **PURCHASING, PROCUREMENT, AND LEASING** and Chapter 3.22.040, 3.22.050 **INFORMAL BIDDING PROCEDURES** is hereby repealed in its entirety and replaced with the following:

### **“CHAPTER 3.20: PURCHASING POLICIES AND PROCEDURES”**

#### **Section**

3.20.010	Purpose of purchasing policies and procedures
3.20.020	Definitions
3.20.030	Exceptions to this Chapter
3.20.040	Purchasing officer duties and authority
3.20.050	Procedures for purchases of less than or equal to \$60,000
3.20.060	Procedures for purchases of more than \$60,000
3.20.070	Prevailing wages
3.20.080	Recycled products
3.20.090	Inspection and testing of purchases

3.20.100 Local preference for discretionary purchases

**Statutory references:**

*Provisions regarding the purchase of supplies and equipment by local agencies, see Cal. Government Code §§ 54201 et seq.*

*Provisions regarding contracting for specially trained and experienced persons, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters, see Cal. Government Code §§ 37103 and 53060.*

*Provision regarding the City's authority to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, see Cal. Const. Art. XI, § 7.*

**§ 3.20.010 PURPOSE OF PURCHASING POLICIES AND PROCEDURES.**

The purpose of this chapter is to:

- A. Comply with the requirements of state law;
- B. Establish efficient and effective processes for the purchase or lease of services, supplies, materials, and equipment at the lowest feasible cost commensurate with the level of quality required;
- C. Exercise financial control and accountability over purchases; and
- D. Clearly define authority for the purchasing function.

In adopting the ordinance codified in this chapter, it is the intent of the City Council to responsibly manage public funds and provide responsibility for, and consistency in, implementing purchasing policies and procedures.

**§ 3.20.020 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GOODS OR SERVICES.** Goods, services, supplies, materials and equipment that are the subject of this chapter.

**LOCAL VENDOR.** A bidder, vendor, or supplier of Goods or Services having an established place of business within the City and having had a current City business license continuously for at least 12 months prior to the date of the purchase or contract.

**PURCHASING OFFICER.** The City Manager or designee as provided for in 3.20.040 B.

**§ 3.20.030 EXCEPTIONS TO THIS CHAPTER.**

The bidding procedures described in this Chapter shall govern the purchase of all Goods and Services except as follows:

A. Any Public Project described in Chapter 3.22, unless the public project is under \$60,000 and informal bidding procedures are not used.

B. Contracts for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms which shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

C. Contracts for furnishing special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services.

D. In case of an emergency, when public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

E. Situations where no quotes or bids have been received following requests for quotes or all quotes received exceed budget appropriations or cost estimates.

F. Contracts for which other public agencies have gone through a competitive bidding process and are able to have the bid prices they received extended to the City. These "cooperative purchasing" or

“piggyback purchasing” agreements (including, but not limited to, CCOP State Department of General Services, U.S. General Services Administration, any county, and state cooperative purchasing pools) in which the City is eligible to participate may be used in lieu of any bidding requirement under this chapter.

G. When, by a four-fifths vote, the City Council specifically waives the procedures described in this Chapter and authorizes staff to negotiate the purchase.

H. When the Goods or Services are unique and only available from one source.

### **§ 3.20.040 PURCHASING OFFICER DUTIES AND AUTHORITY.**

A. The City Manager is designated as Purchasing Officer for the City.

B. The City Manager or designee may delegate all or a portion of the duties of Purchasing Officer to the Administrative Services Director and/or the Finance Director.

C. All purchases, leases and contracts are to be made or executed on behalf of the City.

D. Except in cases of emergency or in cases where specific authority has been first obtained from the City Manager, the Purchasing Officer shall not issue any purchase order or payment for Goods or Services unless there exists an unencumbered appropriation in the account against which said purchase is to be charged.

E. Purchases of Goods and Services in excess of \$5,000 shall be made only by purchase order. Except as otherwise provided herein, no purchase shall be issued unless the prior approval of the Purchasing Officer has been obtained. Departments shall submit requests to the Purchasing Officer for Goods and Services by standard requisition form, or by other means as maybe established by Administrative Regulation. The Purchasing Officer shall prepare a purchase order once an approved Requisition has been submitted.

F. The Purchasing Officer shall have the authority to:

1. Recommend a contract for execution for the purchase or lease of Goods or Services required by the City in an amount equal to or less than \$60,000;
2. Execute contracts, leases or agreements for the purchase or lease of Goods or Services by the City in an amount equal to or less than \$60,000 if the adopted Budget has appropriated funds for the Goods or Services;
3. Execute all purchase orders in accordance with this Chapter;
4. Act to procure for the City the necessary quality in Goods or Services;
5. Prepare and recommend to the City Council amendments to this Chapter;
6. Establish and maintain such forms as reasonably necessary to the purchasing function and maintain other records necessary for the efficient acquisition of Goods or Services;
7. Supervise the inspection of all Goods or Services purchased or leased by the City to ensure conformance with specifications; and
8. Authorize for payment invoices for Goods or Services purchased or leased.

G. Contracts or agreements for the purchase or lease of Goods or Services in excess of \$60,000 require City Council approval prior to execution by the City Manager. Contracts of less than \$60,000 which are approved by the City Manager shall be reported to the Finance and Administration Committee on a quarterly basis.

### **§ 3.20.050 PROCEDURES FOR PURCHASES OF LESS THAN OR EQUAL TO \$60,000.**

A. For purchases of Goods or Services less than or equal to \$60,000, the Purchasing Officer shall use the following procedures:

1. For purchases of Goods or Services having an estimated value of \$5,000 or less in a 12 month period, informal quotes may be obtained from vendors/suppliers but are not required. No purchase order is required.
2. For purchases of Goods or Services having an estimated value of more than \$5,000, but less than or equal to \$45,000, firm quotes from at least three vendors/suppliers, either received in writing or taken verbally but confirmed in writing, shall be obtained. At the

discretion of the Purchasing Officer, the process described in § 3.20.060 may be used for the acquisition of Goods or Services having an estimated value of more than \$5,000 but less than or equal to \$45,000. A purchase order is required.

3. Purchases made by credit card are limited to \$2,000.
- B. Quotes should be solicited and obtained from responsible Local Vendors whenever feasible.
- C. Contracts shall be awarded to the vendor that meets the City's requirements and is otherwise in the best interests of the City.
- D. The City Manager may approve contract change orders not exceeding a total of 10% of the approved contract or up to the contingency amount whichever amount is less for any one purchase. Such change orders shall be made by standard requisition form, or by other means as may be established by Administrative Regulation, and shall be reported to the Finance and Administration Committee on a quarterly basis.

#### **§ 3.20.060 PROCEDURES FOR PURCHASES OF MORE THAN \$60,000.**

A. When the estimated amount of value involved in a purchase transaction exceeds \$60,000, the authorization to award a purchase contract shall be made by City Council resolution following a process as outlined below:

1. A request for quotes shall be prepared and shall include a general description of the Goods or Services to be purchased and the time and place for submittal of quotes.
2. The Purchasing Officer shall solicit quotes from known responsible Local Vendors whenever feasible.
3. The Purchasing Officer may advertise the request for quotes in applicable publications and websites accessible to the public. At least three quotes from vendors shall be obtained.
4. Quotes shall be submitted to the Purchasing Officer and shall be identified on the envelope.
5. Where the Goods or Services are standardized or of uniform quality, the award shall be given to the vendor with the lowest quote. If the Goods or Services are not standardized or of uniform quality, the City Council shall award the contract to the vendor that meets the City's requirements and is otherwise in the best interests of the City.
6. In its sole discretion, the City Council may reject all quotes presented.
7. The City Manager may approve contract change orders not exceeding a total of 10% of the approved contract or up to the contingency amount whichever amount is less for any one project. Such change orders shall be reported to the Finance and Administration Committee on a quarterly basis.

#### **§ 3.20.070 PREVAILING WAGES.**

Potential bidders for Goods and Services that are subject to the requirements of the California Prevailing Wage Law (Cal. Labor Code §§ 1720, et seq.) shall comply therewith.

#### **§ 3.20.080 RECYCLED PRODUCTS.**

Product purchases, whenever feasible, shall contain the highest amount of post-consumer and recovered materials practicable. In all cases, Goods or Services must meet reasonable performance standards, and be readily available at a competitive price.

#### **§ 3.20.090 INSPECTION AND TESTING OF PURCHASES.**

The Purchasing Officer is authorized to order the inspection of supplies and equipment delivered and services performed to determine their conformance with the specifications set forth in the order or contract. The Purchasing Officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

### **§ 3.20.100 LOCAL PREFERENCE FOR DISCRETIONARY PURCHASES.**

To the extent permitted by applicable law, and subject to the provisions of this chapter, purchases that are exempt from competitive bidding law shall be made from Local Vendors, so long as the Purchasing Officer determines that the Local Vendor meets the City's requirements and that the purchase from a Local Vendor is otherwise in the best interests of the City.

## **CHAPTER 3.22**

### **INFORMAL BIDDING PROCEDURES**

#### **Section**

- 3.22.010 Purpose of informal bidding procedures
- 3.22.020 Definitions
- 3.22.030 Exceptions to this chapter
- 3.22.040 Procedures
- 3.22.050 Informal bidding procedures for public projects of more than \$60,000 and less than \$175,000
- 3.22.060 Formal bidding procedures for public projects of more than \$175,000
- 3.22.070 Award or rejection of bids
- 3.22.080 Splitting orders prohibited
- 3.22.090 Prevailing wages

#### **Statutory reference:**

Provisions regarding the Uniform Public Construction Cost Accounting Act, see Public Contract Code § 22000 et seq.

Provision regarding the City's authority to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, see Cal. Const. Art. XI, § 7.

### **3.22.010 PURPOSE OF INFORMAL BIDDING PROCEDURES.**

Pursuant to Public Contract Code § 22000, general law cities may adopt an alternative method for the bidding of public works projects. The purpose of this chapter is to:

- A. Comply with the requirements of state law; and
- B. Establish efficient and effective processes for the bidding of public projects at the lowest feasible cost commensurate with the level of quality required.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.020 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*COMMISSION.* Uniform Public Construction Cost Commission.

*CONSTRUCTION TRADE JOURNALS.* The appropriate construction trade journals for Mendocino County as determined by the Commission.

*PUBLIC PROJECT.* As defined in Public Contract Code § 22002(c), as set forth below, and as may be amended from time to time:

- A. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
- B. Painting or repainting of any publicly owned, leased, or operated facility.
- C. "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

1. Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
2. Minor repainting.
3. Resurfacing of streets and highways at less than 1 inch.

4. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
5. Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

*QUALIFIED CONTRACTOR LIST.* A list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the qualified contractors list shall be determined by the Commission.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.030 EXCEPTIONS TO THIS CHAPTER.**

The procedures described in this chapter shall govern the bidding of public projects, except in cases of public projects constituting an emergency when repair or replacements or immediate action are necessary. In such cases, the City Council by four-fifths vote of its members may authorize emergency contracting subject to compliance with Public Contract Code § 22050.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.040 PROCEDURES.**

- A. Public projects of \$60,000 or less may be performed by City employees by force account, by negotiated contract, or by purchase order using procedures described in Chapter 3.20.
- B. Public projects of more than \$60,000 and less than \$175,000 shall be let to contract after following informal bidding procedures.
- C. Public projects of more than \$175,000 shall be let to contract by formal bidding procedures. In such cases, the City Council shall approve the plans, specifications, and working details.
- D. The City Manager may approve contract change orders not exceeding a total of 10% of the approved contract or up to the contingency amount whichever amount is less for any 1 project. Such change orders shall be reported to the Finance and Administration Committee on a quarterly basis.
- E. The City Manager's authority to approve contracts shall be limited to a maximum of \$25,000.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.050 INFORMAL BIDDING PROCEDURES FOR PUBLIC PROJECTS OF MORE THAN \$60,000 AND LESS THAN \$175,000.**

- A. The City shall compile a qualified contractor list. The vendor's name shall remain on the list for a period of 12 months, unless otherwise requested to be removed by the vendor. The vendor must notify the City whether or not they wish to remain on the list. It is the responsibility of the vendor to ensure, from time to time, that its name is on the qualified contractor list.
- B. At least twice a year, the Director of Public Works or his/her designee shall publish on the City's website the qualified contractor list.
- C. All contractors on the qualified contractor list for the category of work being bid and all construction trade journals shall be mailed a notice inviting informal bids unless the product or service is proprietary.
- D. All mailing of notices to qualified contractors and construction trade journals shall be completed not less than 10 calendar days before bids are due.
- E. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.
- F. The City Council may delegate the authority to award informal contracts to the Purchasing Officer as defined in § 3.20.040.
- G. Contracts shall be awarded to the lowest responsible bidder submitting a responsive bid. Upon the refusal or failure of the successful bidder to execute the contract, the contract may be awarded to the next lowest responsible bidder submitting a responsive bid.
- H. If all bids received are in excess of \$175,000, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract, at \$187,500 or less, to the lowest responsible bidder submitting a responsive bid if the Council determines the cost estimate of the public agency was reasonable.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.060 FORMAL BIDDING PROCEDURES FOR PUBLIC PROJECTS OF MORE THAN \$175,000.**

- A. Notice inviting formal bids shall be handled as set forth in Public Contract Code § 22037.
- B. When required by law or deemed appropriate by the City, and if included in bid instructions, bidders may be required to submit a bid deposit or bond in an amount determined by the City. Bidders shall be entitled to return of bid security, except that a successful bidder (and a successful bidder's surety, if a bid bond is required) shall be liable for any damages suffered or incurred by the City upon refusal or failure to execute a contract within 10 days after the notice of award of contract has been mailed, unless the City is responsible for the delay.
- C. The City Council shall award the contract to the lowest responsible bidder submitting a responsive bid. The City Council may, upon refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder submitting a responsive bid. If the City Council awards the contract to the next lowest bidder, and bidders were required to provide security, following a forfeit of the bid security by the lowest bidder the amount of the lowest bidder's bid security shall be applied by the City to the difference between the low bid and the second lowest bid; the surplus, if any, shall then be returned to the lowest bidder.
- D. When deemed appropriate by the City, and if included in bid instructions, any person or entity entering into a contract with the City may be required to furnish a faithful performance deposit or bond in an amount determined by the City.
- E. Sealed bids shall be submitted to the City 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 30 calendar days after the bid opening.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.070 AWARD OR REJECTION OF BIDS**

- A. In its discretion, the City may reject any formal or informal bids presented and abandon the project or readvertise.
- B. In its discretion, the City may also reject any formal or informal bids presented and, by passage of a resolution by a four-fifths vote of the City Council, declare that the project can be performed more economically by the employees of the City. However, prior to rejecting all bids, the City must first furnish written notice to the apparent low bidder informing the bidder of the City's intention to reject the bid. Such notice shall be mailed at least 2 business days prior to the hearing at which the City intends to reject the bid.
- C. If 2 or more bids are the same and the lowest, the public agency may accept the one it chooses.
- D. If no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account, or negotiated contract without further complying with this chapter.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.080 SPLITTING ORDERS PROHIBITED.**

It is unlawful to split or separate into smaller work orders or projects any public project for the purpose of evading the competitive bidding provisions of this chapter.

(Ord. 918, § 2, passed 08-10-2015)

### **3.22.090 PREVAILING WAGES.**

Potential bidders for public projects that are subject to the requirements of the California Prevailing Wage Law (Cal. Labor Code § 1720 et seq.) shall comply therewith.

(Ord. 918, § 2, passed 08-10-2015)

**Section 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council

of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 5. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

**The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on February 24, 2025, and adopted at a regular meeting of the City of Fort Bragg held on March 24, 2025, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Jason Godeke,  
Mayor**

**ATTEST:**

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**Diana Paoli  
City Clerk**

**PUBLISH:** March 13, 2025, and April 3, 2025 (by summary)  
**EFFECTIVE DATE:** \_\_\_\_\_