



AGENCY:	City Council
MEETING DATE:	July 27, 2015
DEPARTMENT:	Administration
PRESENTED BY:	L. Ruffing

## **AGENDA ITEM SUMMARY**

### **TITLE:**

**RECEIVE RECOMMENDATION OF FINANCE & ADMINISTRATION COMMITTEE, CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION RECONFIRMING ELECTION TO BECOME SUBJECT TO THE UNIFORM CONSTRUCTION COST ACCOUNTING ACT PROCEDURES, AND CONSIDER INTRODUCING, BY TITLE ONLY, AND WAIVE FURTHER READING OF ORDINANCE 918-2015 ADDING CHAPTER 3.22 (INFORMAL BIDDING PROCEDURES) TO THE FORT BRAGG MUNICIPAL CODE**

### **ISSUE:**

City staff has identified the need to update the City's purchasing regulations. The current ordinance contains inconsistencies and is difficult to understand and administer. Additionally, staff believes the City's purchasing procedures would be improved by allowing for informal bidding procedures in certain circumstances, consistent with the Uniform Public Construction Cost Accounting Act (UCCAA). This agenda item relates to the establishment of informal bidding procedures consistent with the Uniform Public Construction Cost Accounting Act.

On October 2, 2013, November 6, 2013, June 26, 2015, and June 29, 2015, the Finance & Administration Committee considered proposed updates to Fort Bragg Municipal Code (FBMC) Chapter 3.20, which governs purchasing, procurement and leasing of supplies, equipment, and services. The Committee recommended that this ordinance be reviewed by the City Attorney's office and then be brought forward to the City Council for introduction and adoption.

### **RECOMMENDED ACTION:**

Two actions are recommended by the Finance & Administration Committee:

1. Adopt City Council Resolution Reconfirming Election to Become Subject to the Uniform Construction Cost Accounting Act Procedures, and
2. Introduce, by Title Only, and Waive Further Reading of Ordinance 917-2015 Amending Chapter 3.20 (Purchasing, Procurement and Leasing) of the Fort Bragg Municipal Code

### **ALTERNATIVE ACTION(S):**

1. Continue action on the matter. Provide direction to staff regarding modifications to proposed ordinance and/or additional information necessary to inform Council's legislative process.

### **ANALYSIS:**

The proposed ordinance relaxes the statutory competitive bidding procedures for certain public projects. Public Contracts Code 20160 et seq. requires competitive bidding when contracting for certain "public projects" requiring an expenditure that exceeds \$5,000. This low threshold amount is cumbersome and results in inefficiencies and delays.

The proposed ordinance would adopt certain statutory informal bidding procedures (per Public Contracts Code 22000 et seq.) allowing for higher dollar thresholds for certain “public projects.” The informal bidding ordinance would replace the process in Section 20160 with a new process. The important differences are as follows:

1. The definition of “public project” is different. A “public project” for purposes of the informal bidding ordinances is “(1) construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility or (2) painting or repainting of any publicly owned, leased, or operated facility.” This means certain projects (e.g. street or sewer repair) that were not subject to statutory competitive bidding will be subject to the informal bidding ordinance.
2. Instead of having to competitively bid every public project in excess of \$5,000, the City can use the informal bidding procedures described in Section 3.22.050 for contracts up to \$175,000. Formal bidding procedures apply after that.

**FISCAL IMPACT:**

The ability to use informal bidding procedures under the UCCAA will result in greater efficiencies and will have a positive fiscal effect.

**IMPLEMENTATION/TIMEFRAMES:**

If the ordinance is introduced by the Council, it will be brought back for adoption on August 10, 2015 and would become effective on September 9, 2015.

**ATTACHMENTS:**

1. Resolution Reconfirming Election to Become Subject to the UCCAA Procedures
2. Ordinance 918-2015

**NOTIFICATION:**

1. None

**City Clerk's Office Use Only**

Agency Action      ☐ Approved      ☐ Denied      ☐ Approved as Amended

Resolution No.: \_\_\_\_\_ Ordinance No.: \_\_\_\_\_

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

☐ Deferred/Continued to meeting of: \_\_\_\_\_

☐ Referred to: \_\_\_\_\_