

ORDINANCE NO. 09-963 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES MAKING CERTAIN AMENDMENTS TO CHAPTER 6.04 OF THE CITY'S MUNICIPAL CODE

WHEREAS, the City of El Paso de Robles (the "City") endeavors to stimulate the local economy by using its purchasing power to support local businesses and promote the creation and retention of local jobs;

WHEREAS, to further this goal, the City Council desires to grant a preference to local vendors when evaluating bids or quotations for the City's purchase of discretionary goods and services; and

WHEREAS, the City Council desires to clarify the provisions in the City's Municipal Code pertaining to the hiring of consultants.

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 6.04.160 of the City's Municipal Code is hereby revised to read as follows:

"6.04.160 Authority to hire consultants.

The restrictions and provisions of this chapter shall not apply to contracts involving the acquisition of professional or specialized services such as, but not limited to, those rendered by architects, attorneys, engineers, programmers, economists and other specialized consultants. Selection for such services will be made on the basis of qualifications and approved by the City Council whenever the cost of the work to be performed is greater than \$20,000."

SECTION 2. Section 6.04.210 of the City's Municipal Code is hereby revised to read as follows:

"6.04.210 Quotations – Notice of invitation.

Quotations from prospective sellers, vendors, suppliers or contractors, shall be solicited either by verbal or written request.

SECTION 3. Section 6.04.220 of the City's Municipal Code is hereby revised to read as follows:

"6.04.220 Quotations - Submission.

Quotations shall be submitted to the purchasing authority, who shall keep a record of open market quotations and orders for a period of ninety days after the receipt of such quotations."

SECTION 4. Section 6.04.250 of the City's Municipal Code is hereby revised to read as follows:

"6.04.250 Award of purchase orders.

Purchase orders shall be awarded by the purchasing authority to the person submitting the lowest responsible quotation, except as follows:

- a. If two or more quotations are received for the same total amount or unit price, quality and service being equal, and if, at the discretion of the purchasing authority, the public interest will not permit the delay of inviting new quotations, then the purchasing authority may accept the lower quotation obtained through negotiation with the persons submitting the tie quotations;
- b. In comparing quotations for discretionary goods or services to be purchased by the City, the City may grant local vendors a preference pursuant to the guidelines set forth in the purchasing manual, as described in Section 6.04.130; or
- c. If no quotations are received, the purchasing authority may make the required purchase without further notice."

SECTION 5. Section 6.04.350 of the City's Municipal Code is hereby revised to read as follows:

"6.04.350 Award of contract.

Subject to the prior approval of the city manager, contracts shall be awarded by the purchasing authority to the lowest responsible bidder, except as follows:

- a. If, at the time of bid opening, two or more bids received are for the same total amount or unit price, quality and service being equal, and if in the discretion of the purchasing authority the public interest will not permit the delay of readvertising for bids, then the purchasing authority may accept the one he chooses or the lowest bid obtained through subsequent negotiation with the tie bidders;
- b. In computing bids for discretionary goods or services to be purchased by the City, the City may grant local vendors a preference pursuant to the guidelines set forth in the purchasing manual, as described in Section 6.04.130."

SECTION 6. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 7. Publication.

[The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause the same to be published once in a newspaper of general circulation, published and circulated in the City of El Paso de Robles.](#)

SECTION 8. Effective Date.

This Ordinance will take effect thirty (30) days after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of El Paso de Robles on November 3, 2009, and PASSED AND ADOPTED by the City Council this November 17, 2009, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk