

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2835

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING SECTIONS 4-9 AND 4-10 OF THE OXNARD CITY CODE GOVERNING PURCHASING PROCEDURES FOR PUBLIC PROJECTS

WHEREAS, the City Council desires to amend certain sections of the Oxnard City Code concerning purchasing procedures to be followed in connection with public projects;

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part1. Section 4-9 of the Oxnard City Code is amended in its entirety to read as follows:

**SEC. 4-9. INFORMAL BIDDING PROCEDURES.**

(A) When the city intends to contract for a public project from \$25,000.01 to \$125,000, or such informal bid limit amount as may from time to time be set forth in the California Public Contract Code for agencies which subscribe to the uniform construction cost accounting procedures set forth therein, the purchasing agent shall mail a notice inviting informal bids to all contractors on the list for the category of work being bid, to all construction trade journals on the list, and to such other contractors and trade journals as may be requested by the city staff in charge of the project. However, if a project or service essential to the project is proprietary and can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent only to such contractor or contractors.

(B) All mailing of notices inviting informal bids shall be completed not less than ten calendar days before bids are due.

(C) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and shall state the time and place for the submittal of bids.

(D) The city council shall award the contract to the lowest responsible and responsive bidder and the purchasing agent may execute the contract.

(E) The purchasing agent and the director of the department in charge of the project are each authorized to reject or to execute any change order to such a contract if the total contract amount after the change order does not exceed \$25,000. Any change orders causing a contract to exceed such amount shall be submitted for approval by the city council. A contract adjustment, whether or not labeled a change order, which changes the scope of work by reducing time, material or equipment devoted to one aspect of scope of work or contract line item

and increasing time, material and equipment devoted to another aspect or contract line item in an amount greater than \$25,000 shall be submitted for approval to the city council. If the city council is not in session or if there exists in the view of the city manager an immediate need to do so, a change order in an amount greater than \$25,000 may be approved jointly by the city manager and the most senior available member of the city council. The city manager shall place the jointly executed change order on the agenda for ratification at the next regular city council meeting occurring more than five (5) days after execution. All change orders that are jointly approved shall contain a provision that the authority to perform work under the change order will automatically terminate on the date that ratification is denied.

(F) If all bids received are in excess of \$125,000 contract or such informal bid limit amount as may from time to time be set forth in the California Public Contract Code for agencies which subscribe to the uniform construction cost accounting procedures set forth therein, the city council may, by adoption of a resolution by a four-fifths vote, award the for an amount up to 10% greater than such sum to the lowest responsible bidder, if the city council determines that the city's cost estimate was reasonable.

(G) If no bids are received, the project may be performed by negotiated contract approved by the City Council and executed by the purchasing agent or by city employees by force account. "No bids" means that no bids at all were received or that no bids that conform to the city's specifications were received or that no bids that conform to the city's specifications were submitted by a responsible bidder.

(H) All contracts and change orders governed by this article shall be in a form approved by the city attorney.

('64 Code, Sec. 2-98) (Ord. No. 2332, 2520, 2533, 2584)

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Part 2. Section 4-10 of the Oxnard City Code is amended in its entirety to read as follows:

#### **SEC. 4-10. FORMAL BIDDING PROCEDURES.**

(A) The city council shall adopt plans, specifications and working details for all public projects of more than \$125,000 or such other informal bid limit amount as may from time to time be provided in the Public Contact Code for agencies which subscribe to the uniform construction cost accounting procedures set forth therein.

(B) When the city is to contract for a public project of more than \$125,000 or such informal bid limit amount as may from time to time be set forth in the California Public Contract Code for agencies which subscribe to the uniform construction cost accounting procedures set forth therein, the purchasing agent shall prepare a notice inviting formal bids, which shall distinctly describe the project and state the time and place for receiving and opening sealed bids.

(C) At least 14 days before the date of opening the bids, the purchasing agent shall publish the notice in a newspaper of general circulation, printed and published in the city. At least 30 days before the date of opening the bids, the purchasing agent shall mail the notice to all construction trade journals on the list referred to in subsection (B) of section 4-8. The purchasing agent may also give such other notice as the purchasing agent deems proper.

(D) The purchasing agent may reject any bids received. If, after the first invitation for bids, all bids are rejected, the purchasing agent may, after reevaluating the cost estimates for the project:

(1) Abandon the project;

(2) Readvertise for bids; or

(3) Request that the city council adopt a resolution by a four-fifths vote, declaring that the project can be performed more economically by city employees. If such a resolution is adopted, the purchasing agent may have the project completed by force account.

(E) The city council shall award any contract to the lowest responsible and responsive bidder and the purchasing agent is authorized to execute such contract.

(F) If no bids are received, the project may be performed by negotiated contract approved by the city council or by city employees by force account. "No bids" means that no bids at all were received or that no bids that conform to the city's specifications were received or that no bids that conform to the city's specifications were submitted by a responsible bidder.

(G) The purchasing agent is authorized to execute any change order to a contract awarded pursuant to subsections (E) or (F) of this section; provided, however, that the purchasing agent shall submit to the city council for approval any change order exceeding \$25,000. In addition, a contract adjustment, whether or not labeled a change order, which changes the scope of work by reducing time, material or equipment devoted to one aspect of scope of work or contract line item and increase time, in material or equipment devoted to another aspect or contract line item, whether or not deemed a change order, shall, if greater than \$25,000, be submitted for approval to the city council. If the city council is not in session or if there exists in the view of the city manager an immediate need to do so, a change order in an amount greater than \$25,000 may be approved jointly by the city manager and the most senior available member of the city council.

The city manager shall place a jointly approved change order on the agenda for ratification at the next regular city council meeting occurring more than five (5) days after execution. All change orders that are jointly executed shall contain a provision that the authority to perform work under the change order will automatically terminate on the date that ratification is denied.

(H) In the event of an emergency or if exigent circumstances exist or in the view of the project manager delay would result in a significant cost to the City, the project manager may direct work to the extent necessary to address the emergency or exigent circumstance or avoid the cost to the City. The project manager shall at the earliest opportunity notify the city manager who shall then contact the senior member of the City Council and follow the procedure set forth in subsection G.

('64 Code, Sec. 2-99) (Ord. No. 2332, 2520, 2533, 2584)  
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Part 3. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation with the City. Ordinance No. \_\_\_\_\_ was first read on November 19, 2010, and finally adopted on \_\_\_\_\_ 2010,

to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSENT:

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Dr. Thomas E. Holden, Mayor

ATTEST:

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Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  

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Alan Holmberg, City Attorney