

CITY OF HAWAIIAN GARDENS

COUNTY OF LOS ANGELES

ORDINANCE NO. 134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS ADDING TO ARTICLE II OF THE HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 6, ESTABLISHING THEREBY A PURCHASING SYSTEM FOR THE CITY OF HAWAIIAN GARDENS.

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

Chapter 6 is hereby added to Article II of the Hawaiian Gardens Municipal Code, said chapter to read as follows:

Chapter 6 Purchasing System

2601. Adoption of Purchasing System. In order to establish efficient procedures for the purchase of supplies, services and equipment, to secure for the City supplies, services and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted.

2602. Purchasing Officer. The responsibility and authority for the purchase of supplies, services and equipment is hereby vested in the City Administrator who shall be the Purchasing Officer of the City of Hawaiian Gardens. As such Purchasing Officer, the City Administrator shall have authority to:

(a) Purchase or contract for supplies, services and equipment required by any using agency in accordance with the purchasing procedures prescribed by this ordinance, such administrative regulations as the City Administrator shall adopt for the internal management and operation of the purchasing system, and such other rules and regulations as shall be prescribed by the City Council.

(b) Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment.

(c) Act to procure for the City the needed quality in supplies, services and equipment at least expense to the City.

(d) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases.

(e) Prepare and recommend to the City Council rules governing the purchase of supplies, services and equipment for the City.

(f) Prepare and recommend to the City Council revisions and amendments to the purchasing rules.

(g) Keep informed of current developments in the field of purchasing, prices, market conditions and new products.

(h) Prescribe and maintain such forms as reasonably necessary to the operation of this ordinance and other rules and regulations.

(i) Supervise the inspection of all supplies, services and equipment purchased to insure conformance with specifications.

(j) Recommend the transfer of surplus or unused supplies, and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which have become unsuitable for City use.

(k) Maintain a Bidders' List, Vendor's Catalog file and records needed for the efficient operation of the Purchasing System.

2603. Exemptions from Centralized Purchasing. The City Administrator, with approval of the City Council, may authorize in writing any officer or agency to purchase or contract for specified supplies, services and equipment independently of the City Administrator, but he shall require that such purchases or contracts be made in conformity with the procedures established by this ordinance, and shall further require periodic reports from the agency on the purchases and contracts made under such written authorization.

2604. Estimates of Requirements. All using officers or agencies shall file detailed estimates of their requirements in supplies, services and equipment in such manner, at such time, and for such future periods as the City Administrator shall prescribe.

2605. Requisitions. Using officers or agencies shall submit request for supplies, services and equipment to the City Administrator by standard requisition forms.

2606. Bidding. Purchases of supplies, services, equipment and the sale of personal property shall be by bid procedures pursuant to 2609 and 2610. Bidding shall be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than \$500.00 or when the commodity can be obtained from only one vendor.

2607. Purchase Orders. Purchases of supplies, services and equipment may be made by purchases order, but not restricted thereto.

2608. Encumbrance of Funds. Except in cases of emergency, the City Administrator shall not issue any purchase order for supplies, services or equipment unless there exists an encumbered appropriation in the fund account against which said purchase is to be charged.

2609. Formal Contract Procedure. Except as otherwise provided herein, purchases and contracts for supplies, services, equipment and the sale of personal property of estimated value greater than \$5,000 shall be by written contract with the lowest or highest responsible bidder, as the case may be, pursuant to the procedure prescribed herein.

(a) Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

(1) Published Notice. Notice inviting bids shall be published at least ten days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation, published in the City, or if there is none, it shall be posted in the City in at least three public places in the City that have been designated by ordinance as the places for posting public notices.

(2) Bidders List. The City Administrator shall also solicit sealed bids from all responsible prospective suppliers whose names are on the Bidders List or who have requested their names to be added thereto.

(3) Bulletin Board. The City Administrator shall also advertise pending purchases or sales by a notice posted on a public bulletin board in the City Hall.

(b) Bidder's Security. When deemed necessary by the City Council, or City Administrator, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security, provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the City is responsible for the delay. The City Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder or if a sale of property is involved, to the next highest responsible bidder. If the City Council awards the contract to the next bidder, the amount of the lowest (highest) bidder's security shall be applied by the City to the difference between the low (high) bid and the second lowest (highest) bid, and the surplus, if any, shall be returned to the lowest (highest) bidder, as the case may be.

(c) Bid Opening Procedure. Sealed bids shall be submitted to the City Administrator 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 thirty (30) calendar days after the bid opening.

(d) Rejection of Bids. In its discretion, the City Council may reject any and all bids or parts thereof presented and readvertise for bids.

(e) Award of Contracts. Contracts shall be awarded by the City Council to the lowest responsible bidder (or if a sale is involved, to the highest responsible bidder), except as otherwise provided herein. The decision of the City Council shall be final.

(f) Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay of readvertising for bids, the City Council may accept the one it chooses or accept the lowest bid (or if a sale is involved, the highest bid) made by negotiation with the tie bidders at the time of the bid opening.

(g) Performance Bonds. The City Council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interests of the City. If the City Council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

2610. Open Market Procedure. Purchases of supplies, equipment, contractual services, and sales of personal property of an estimated value in the amount of \$5,000 or less may be made by the City Administrator in the open market without observing the procedure prescribed by Section 2609.

(a) Minimum Number of Bids. Open market purchases or sales, shall, wherever possible, be based on at least three bids, and shall be awarded to the lowest responsible bidder, if a purchase, or to the highest responsible bidder, if a sale.

(b) Notice Inviting Bids. The City Administrator or City Clerk shall solicit bids by written requests to prospective vendors, or purchasers, by telephone, and by public notice posted on a public bulletin board in the City Hall.

(c) Written Bids. Sealed written bids shall be submitted to the City Administrator, who shall keep a record of all open market orders, and bids for a period of one year after the submission of bids for the placing of orders. This record, while so kept, shall be open to public inspection upon written request.

2611. Inspection and Testing. The City Administrator shall inspect supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications set forth in the order or contract. The City Administrator shall have authority to require chemical and physical test of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

2612. Surplus Supplies and Equipment. All using officers or agencies shall submit to the City Administrator at such times and in such form as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The City Administrator shall have authority to sell all supplies and equipment which cannot be used by any officer or agency or which have become unsuitable for City use, or to exchange the same for, or trade in the same on, new supplies and equipment. Such sales shall be made pursuant to Section 9 and 10, whichever is applicable.

2613. Severability. If any section, subsection, subdivision, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

2614. Effect on Public Projects. The provisions of this chapter shall not govern public projects as defined in Section 37901 et seq of the Government Code, and as to projects as therein described the provisions of the Government Code shall govern.

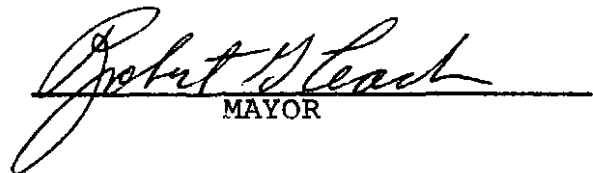
PASSED, APPROVED AND ADOPTED this 24th day of April, 1973, BY
THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA.

AYES: Leach, Lee, Furgeson, Johnson, Rodgers

NOES: None

ABSENT: None

ABSTAIN: None


MAYOR

ATTEST:


CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS

I, Carol J. Dorfmeier, Deputy City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 134 was duly and regularly passed and adopted by the City Council of the City of Hawaiian Gardens on the 24th day of April, 1973, as the same appears on file and of record in the office of the City Clerk.


DEPUTY CITY CLERK