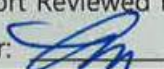


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: October 5, 2021
To: Honorable Mayor and City Councilmembers
From: Councilmember Neysa Hinton
Administrative Services Director
Subject: Amendment of Purchasing Policy to Include Procedures for Request for Proposals/Request for Qualifications
Recommendation: City Council Direction to Staff
Funding: Currently Budgeted: Yes No N/A
Net General Fund Cost: None

Account Code/Costs authorized in City Approved Budget _AK_ (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item tonight is for City Council Consideration to Direct Staff to Review and Amend Purchasing Policy to Include Procedures for Request for Proposals/Request for Qualifications.

BACKGROUND:

The City purchases and contracts for a wide variety of supplies, services, equipment, and expert assistance to provide our community a full range of municipal services and programs. For best practices, cities procure goods and services through two different processes, depending upon legal requirements. Procurement requiring competitive bidding, such as for commodities and public works contracts, are administered typically by Engineering or Public Works Departments and procurement of professional services, such as engineering and design services, is done through a Request for Proposal (RFP) process administered by various operating departments.

Purchasing within the City is decentralized, which allows each department to purchase supplies directly. The City's purchasing ordinance and purchasing policy is set by the City Council and is implemented by the Administrative Services Director.

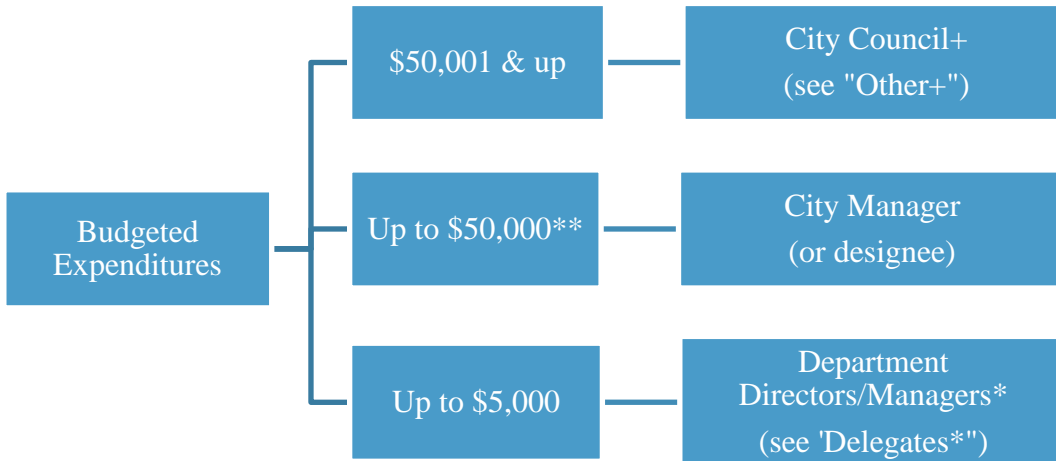
DISCUSSION:

Unlike public bidding requirements which are specified in numerous statutes, there are few specific statutory requirements for when an RFP or RFQ must be used, the required contents of an RFP or RFQ, or how an RFP or RFQ process must be conducted. If public bidding is required by statute or the city's own municipal requirements, an RFP or RFQ should not be used.

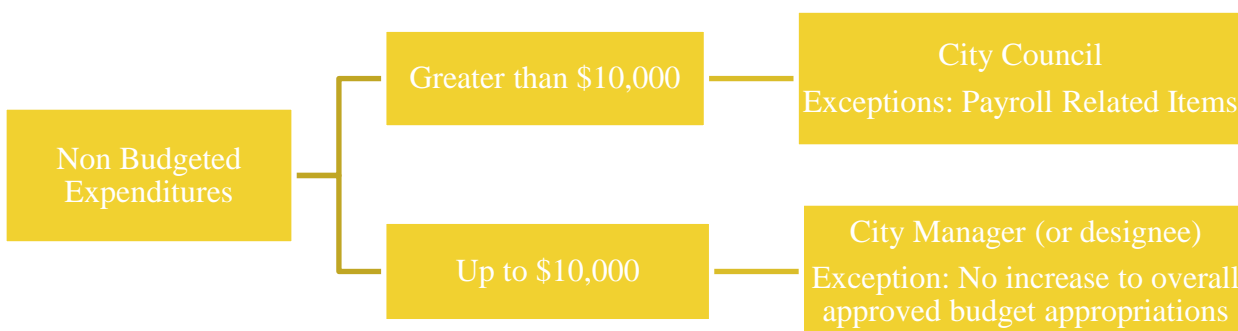
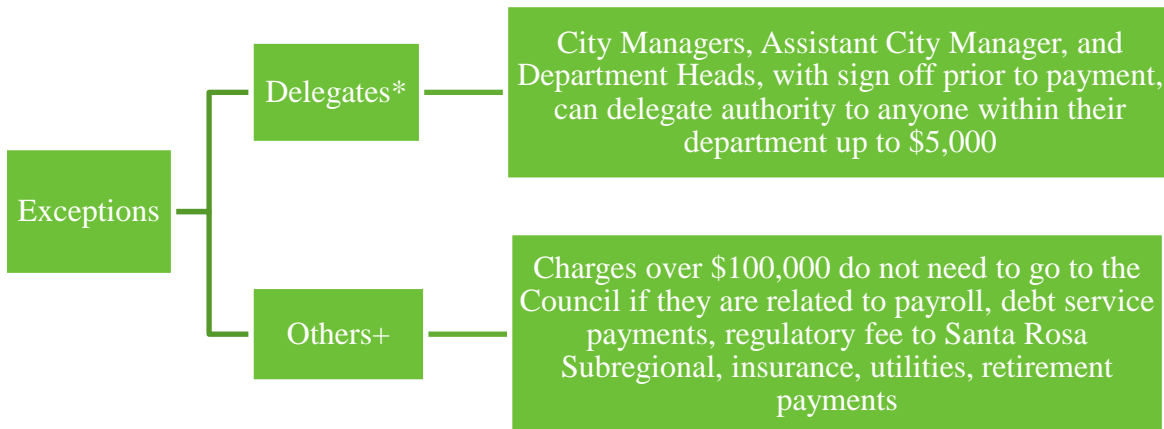
The item tonight is to discuss when a RFP or RFQ is required and creation of a process for obtaining quotes for goods, vehicles, equipment, and contracts for consultants. RFP should include detailed scope of work.

Currently there is no requirement as to when a RFP, RFQ or informal bid process is used; however, in the last few years, the City has worked to move towards use of RFPs or informal bids for purchases of equipment, goods, vehicles and consultants. The agenda item tonight is to formalize the process which is not consistent and should

be outlined in the City of Sebastopol's current purchasing policy. To maintain transparency and open government, it is proposed that an RFP or RFQ (other than those required by Public Contract Law) be required for goods or services with an estimated value greater than \$30,000 and then final contract shall be approved by the City Council at a publicly noticed meeting. It is proposed that an RFP or RFQ not be required for goods or services under \$30,000, but three quotes be obtained with final award approval authority be granted to City Manager, as detailed in the purchase authority or unless otherwise directed by the City Council.



** Subject to competitive bidding if requirement herein



It is proposed to amend the current policy which is attached for reference and provide a uniform process for the issuance, evaluation, and selection of competitive proposals or quotes for services and/or customized goods, equipment, vehicles or consultants and to ensure the policy meets best practices as well as promoting transparency, ethics and efficiency in conducting the City's procurement efforts.

The item tonight is also to discuss possible costs savings measures by combining purchases with all departments. By purchasing items as a City and not individual departments, it is estimated a cost savings would be a result of this process.

The end result of the discussion tonight is to direct staff to amend the current policy based on the Council consensus and direction to ensure the policy reflects the Council's commitment to maintaining a fair and open purchasing process for the City and its vendors while obtaining the best possible product for the City in a fiscally prudent manner.

GOALS:

This action supports the following City Council Goals and General Plan Actions:

- Operate City government in a fiscally responsible and responsive manner.
- Develop and Implement Sound Financial Management Policies and Procedures
- Review the City Council Financial Policies to ensure they meet the needs of the City
- Create easy to read documents that educate the public and community on City Finances.
- Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received public comment. If staff receives additional public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT

There is no fiscal impact associated with discussion of this item as this item is for discussion only. However, the Council can direct staff to return to a future council meeting with associated costs for specific items.

RECOMMENDATION:

That the City Council direct staff to amend the current policy based on the Council consensus and direction to ensure the policy reflects the Council's commitment to maintaining a fair and open purchasing process for the City and its vendors while obtaining the best possible product for the City in a fiscally prudent manner.

ATTACHMENTS:

Current City Purchasing Policy

PURCHASING POLICY

Effective September 5, 2017

Council Policy # 89

OVERVIEW

This policy is written to document the policies and procedures that shall be followed when purchasing goods or services. All purchases of materials, supplies, equipment, vehicle and services required by the City shall be made in accordance with the following, and pursuant to applicable provisions of the Government Code. This policy will be reviewed with new members of the City Council and new Department Heads/Managers as soon as possible after they assume office/responsibility. This policy shall also be reviewed as part of the annual budgeting process.

ETHICS AND RESPONSIBILITY

The City Manager (or designee) serves as the Purchasing Agent, and is charged with the responsibility and authority for coordinating and controlling the City's purchasing function in accordance with Purchasing Policies.

The Purchasing Agent and all departments shall adhere to the Purchasing Policy when procuring materials, supplies, equipment, vehicles and services. All purchases shall be limited to the approved budget or as otherwise authorized by the City Manager. Purchasing dollar limits specified in the Purchasing Policy is "per order" unless otherwise indicated.

Applicable competitive bidding categories, authorization limits or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of standing purchase orders or similar ongoing purchasing arrangements. Staging of purchases to avoid competitive bidding procedures or authorization limits is prohibited.

All personnel engaged in the purchasing function shall exercise good judgment in the use and stewardship of City resources, and all purchasing functions shall be conducted with absolute integrity and objectivity. Purchases are subject to public scrutiny; employees shall follow a strict rule of personal conduct that will not compromise the City in the conduct of its business. Any employee intentionally and/or repeatedly making purchases in a manner that circumvents, ignores or fails to comply with Purchasing Policies will be subject to disciplinary action, in accordance with City Personnel procedures.

PURCHASING AGENT RESPONSIBILITIES

The City Manager or his/her designee shall act as the City's Purchasing Agent. The Purchasing Agent is responsible for procurement of materials, supplies, equipment, vehicles and services; administration of purchasing policies and procedures; and management of surplus City property. To perform these functions efficiently and assist departments, the Purchasing Agent shall:

- a.** Coordinate and manage procurement of the City's materials, supplies, equipment, vehicles and services from the lowest responsive and responsible bidder when required by the

Purchasing Policies.

- b. Ensure full and open competition on all purchases as required by the Purchasing Policies, and make purchase award recommendations to the appropriate authority.
- c. Identify, evaluate and utilize purchasing methods that best meet the needs of the City (cooperative purchases, standing purchase orders, contractual agreements, etc.)
- d. Recommend revisions to purchasing policies and procedures when necessary, and keep informed of current developments in the field of Public Purchasing.
- e. Act as the City's agent in the transfer and disposal of surplus equipment, vehicle and materials.

DEPARTMENT RESPONSIBILITIES

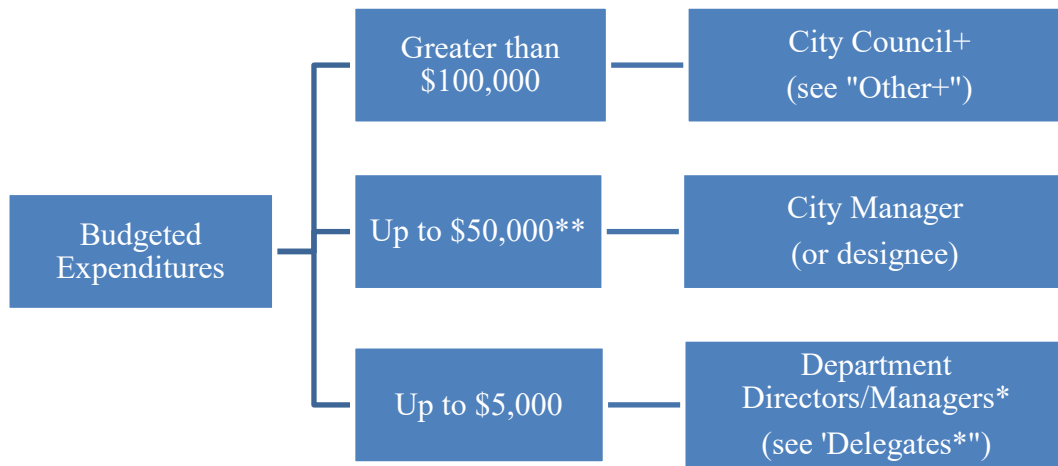
Each Department is responsible for facilitating prudent, efficient and cost-effective purchases. To meet these responsibilities, Departments shall:

- a. Ensure staff is trained on the terminology and requirements set forth in the Purchasing Policies.
- b. Minimize urgent and sole source purchases, and provide written findings and documentation when such purchases may be necessary.
- c. Refrain from "splitting" orders or projects for the purpose of avoiding procurement requirements or authorization limits.
- d. Anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with best purchasing practices.
- e. Maximize coordination of purchases into a lesser number of large transactions to take advantage of cost savings for bulk purchases of commonly used goods and services.

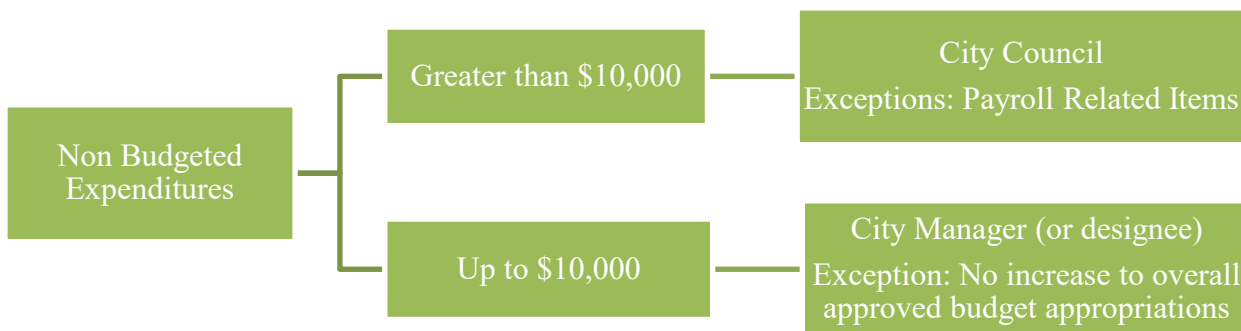
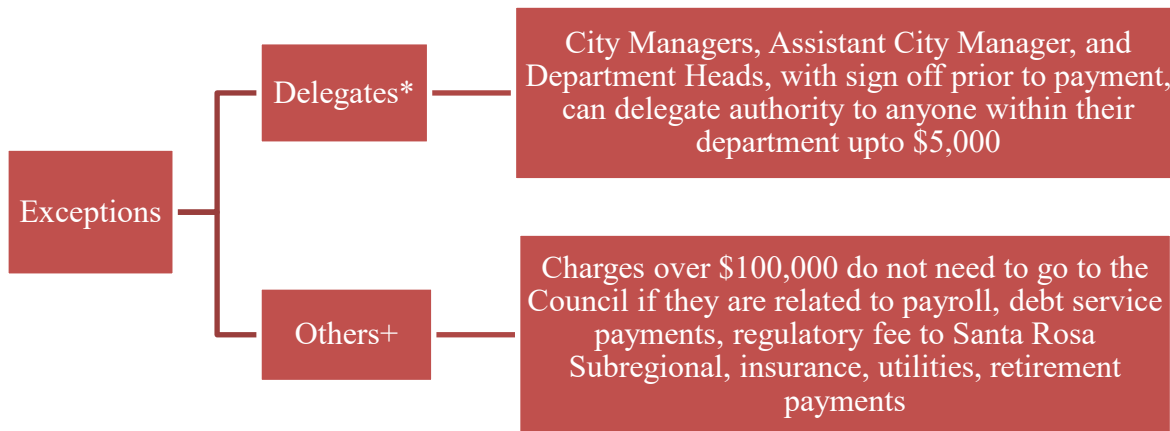
PURCHASING AUTHORITY

The City Council adopts an annual budget, which includes detail of all capital items, professional fees for services and all other expenditures. Items referred to hereafter as "budgeted" refer to expenditures that have been appropriated in the adopted budget or approved for expenditure by the Council after the budget is adopted for the current fiscal year.

Authority to approve expenditures shall be determined as shown in the diagrams below. Expenditures shall not be broken down or divided into sub-groups for purposes of avoiding the guidelines.

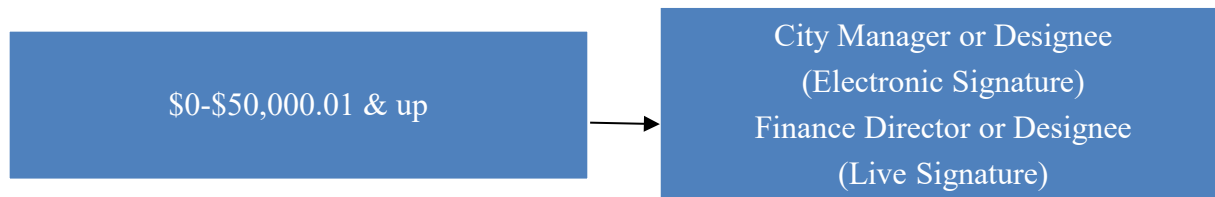


**** Subject to competitive bidding if requirement herein**



CHECK SIGNING AUTHORITY

The City Manager and Finance Director may designate their signature authority in their absence.



CONTRACTS FOR GOODS, SERVICES AND EQUIPMENT; PROFESSIONAL SERVICES; SOLE SOURCE, LOCAL BUSINESSES, PUBLIC PROJECTS

The City shall invite bid proposals or quotations for goods, services and equipment as required by applicable provisions of California Law. Invitations to bid shall include all information required by law and grant requirements. City personnel shall always use their best judgment in receiving either oral or written quotations. For expenditures over \$30,000, the City shall solicit, if available, three (3) written quotations or bids. Generally, the purchase will be made from the lowest responsible bidder. The City in its sole discretion reserves the right to reject all bids or quotations. In the event bids or quotations are not received or, in the City's sole discretion are unacceptable, the City reserves the right to have the work done by its own forces. City Manager may require a contract in lieu of a purchase order.

PROFESSIONAL SERVICES

The City may in its discretion, but is not required to, utilize a request for proposal process or other formal process for the selection of consultants to provide professional services. Selection of professional services consultants shall be made in the City's sole discretion based on demonstrated competence, professional qualifications and other criteria which the City deems relevant. Professional services include engineers, architects, scientific researchers, surveyors, financial experts, auditors and legal services. This category is to include consultants of a technical nature where the City is hiring them based upon their technical expertise. The method for obtaining professional services is as follows:

- a.** The Request for Qualifications (RFQ) - A RFQ is a solicitation to a wide variety of consultants requesting their qualifications to perform the project. A RFQ does not require the consultants to prepare a proposal for the service. The RFQ is used to determine consultants who will be issued a RFP for the project. The RFQ is used when there are a wide variety of consultants that are qualified to perform the work.
- b.** Requests for Proposals (RFP) –A RFP is sent to a smaller group of consultants than a RFQ. A RFP requests their qualifications, a proposal to perform the work and schedule of their rates. An RFP can be the second stage of an RFQ/RFP process or a single step when only a small number of consultants are qualified to perform the project.
- c.** The City Manager or his/her designee will determine which process for procurement of services is selected.
- d.** Once the most qualified consultant is identified, staff negotiates an agreement that includes cost considerations. If an agreement cannot be reached with the most qualified consultant, the second most qualified consultant is negotiated with and the process continues. If none of the qualified consultants can come to an agreement with the City, sole source procurement is authorized.

Material Supplies and Equipment are items that are not construction or professional/non-professional service related. Non-Professional Services includes service contracts that are not

professional services. Examples of these are material suppliers, janitorial services, landscapers and painters. For non-professional service contracts more than \$30,000 the City Council must approve all contracts.

Sole source procurement is authorized if one of the following conditions are met:

- a. The work is specialized, or requires specific knowledge that only one consultant has that leads to project efficiencies.
- b. Is a continuing project that the consultant has worked on before that leads to efficiencies.
- c. An emergency
- d. Less than \$30,000

LOCAL VENDOR PREFERENCE:

Whenever possible, the City wishes to support, promote the use of local businesses, suppliers and services providers to help create a sustainable economy, preserve local businesses, and make a commitment to circulate tax dollars within city limits.

Environmentally Preferable Purchasing (EPP) Policy.

Purpose:

- Conserve natural resources, such as water, fuels, fiber, and minerals.
- Encourage waste stream diversions and reduced land filling of waste.
- Minimize environmental impacts, such as pollution and habitat destruction.
- Eliminate or reduce toxics that create hazards to workers, our community, and the environment.
- Support strong recycling markets, reduce City operating costs where possible, and reduce materials that are landfilled.
- Identify and increase the use of environmentally preferable products.
- Consider life cycle cost analysis when making purchasing decisions

Policy:

- Select environmentally preferable products and services that include recycled content, are durable and long-lasting, conserve energy and water, use agricultural fibers and residues, use unbleached or chlorine-free manufacturing processes, are lead-free and mercury-free, and reduce greenhouse gas emissions, when feasible.
- Promote product efficiency and effectiveness.
- Purchase products and services that minimize environmental impacts, toxics, pollution, waste, and hazards to worker and community safety to the greatest extent practicable.
- Encourage and support standardization and consider life cycle costs when making purchases for the City, such as vehicles, computers, etc.
- Encourages diversion to the waste stream through beneficial reuse.

Procedure:

- The health and safety of workers and citizens is of utmost importance and takes precedence over all other policies.
- Nothing contained in this policy shall be construed as requiring a department, purchaser, or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.
- Nothing contained in this policy shall be construed as requiring the City, department, purchaser, or contractor to take any action that conflicts with local, state or federal requirements.

Specifications:

I. Source Reduction

- a. The City shall purchase remanufactured and recycled products.
- b. The City shall require equipment purchased to be compatible with City source reduction targets, when practicable.
- c. The City shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes evaluation of total costs expected during the time a product is owned, including but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs, and expected lifetime compared to other alternatives.
- d. Products that are durable, long lasting, reusable, or refillable are preferred whenever feasible.
- e. Suppliers of electronic equipment, including but not limited to, cell phones, computers, monitors, printers, and copiers shall be encouraged to take back equipment for reuse or environmentally safe recycling when the City has completed its use of that equipment or discards or replaces it, whenever possible. The City shall encourage the purchase of rechargeable batteries whenever possible.

II. Recycled Content Products

- a. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines, such as those for printing paper, office paper, janitorial paper, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous, and non-paper office products, shall contain the highest post-consumer content practicable, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines, whenever practical. The EPA has developed the Comprehensive Procurement Guidelines (CPG) for the designation of products.
- b. Copiers and printers bought or leased shall be designed for use with recycled content products.
- c. The City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.
- d. When specifying asphalt, concrete, aggregate base, or Portland cement concrete for road and other construction projects, the City shall use recycled, reusable, or reground materials, when practicable.

- e. The City shall encourage the use of fly ash and other recyclable material content in any concrete foundation projects.
- f. The City shall specify and purchase recycled content transportation products, including signs, cones, parking stops, delineators, and barricades, whenever practical.
- g. All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper is comprised of recycled content.
- h. Allow, as a general rule, the procurement of a product with a recycled or recyclable content over a virgin product if the price is within 2.5% of the virgin product, when products are equivalent (See 2.1 EPA Guidelines).
- i. The City shall make previously used and/or left over office supplies available for
- j. office reuse, located in each City office building. Examples of these supplies are binders, folders, organizers, etc.

III. Energy Savings:

- a. Where applicable, energy-efficient equipment shall be purchased with the most up-to-date, economically feasible, and proven energy efficiency functions. This includes but is not limited to, high efficiency space heating systems and cooling systems.
- b. When practicable, the City shall replace inefficient lighting with energy-efficient equipment.
- c. All products purchased by the City and for which the U.S. EPA Energy Star certification is available shall meet the Energy Star certification and possess the Energy Star label, when practicable. When products with Energy Star labels are not available, choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.

IV. Green Building – Construction and Renovations:

- a. The City will comply with the adopted Green Building Code guidelines and green points system for the construction of all permanent municipal building and renovation projects which exceed 2,000 sq. ft. in area.

V. Water Savings:

- a. The City shall purchase water-saving products, whenever practicable.

VI. Landscaping:

- a. All landscape renovations, construction, and maintenance by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction, and maintenance whenever possible, including but not limited to, integrated pest management, grass cycling, drip irrigation, composting, and procurement and use of mulch and compost that give preference to those produced from regionally generated plant debris and/or food waste programs.
- b. Plants should be selected to minimize water waste and increase survivability by choosing species that are appropriate to the microclimate, species that can grow to their natural size in the space allotted them, and perennials rather than annuals for

color. Native and drought-tolerant plants that require no or minimal watering once established are preferred. Invasive species shall be avoided.

- c. Hardscapes and landscape structures constructed of recycled content materials are encouraged. The City shall limit the amount of impervious surfaces in the landscape, where practicable and where life cycle costs are considered. Permeable substitutes such as permeable asphalt or pavers are encouraged for walkways, patios, and driveways, when practical and considering the Americans with Disabilities Act (ADA), and other code or compliant issues.

VII. Toxics and Pollution:

- a. To the extent practicable, no cleaning or disinfecting products (i.e. for janitorial or automotive use) shall contain ingredients that are carcinogens, mutagens, or teratogens. These include chemicals listed by the U.S. EPA or the National Institute for Occupational Safety and Health on the Toxics Release Inventory and those listed under Proposition 65 by the California Office of Environmental Health Hazard Assessment.
- b. The use of chlorofluorocarbon (CFC) containing refrigerants, solvents, and other products shall be phased out, and new purchases shall not contain them.
- c. All surfactants and detergents shall be biodegradable, where practicable, and shall not contain phosphates.
- d. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical, and biological controls. The City has adopted Resolution No. 5108 and practices using the least toxic methods practicable.
- e. When maintaining buildings, the City shall use products with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or formaldehyde free when purchasing materials such as paint, carpeting, adhesives, furniture, and casework where practicable.
- f. The City shall reduce or eliminate its use of products that contribute to the formation of dioxins and furans. This includes but is not limited to purchasing paper, paper products, and janitorial paper products that are unbleached or that are processed without chlorine or chlorine derivatives, whenever practicable, and prohibiting purchase of products that use polyvinyl chloride (PVC) such as but not limited to, office binders furniture, flooring, and medical supplies, whenever practicable.
- g. The City shall purchase products and equipment with no lead or mercury, whenever possible.
- h. When purchasing or replacing vehicles, the City shall consider fuel efficient and decreased emission alternatives, such as compressed natural gas, bio-based fuels, hybrids, electric batteries, and fuel cells, as available, and as they meet the City's work needs.
- i. Vehicle fuels made from renewable energy sources, such as non-wood, plant-based contents (e.g. vegetable oils), are encouraged whenever practicable and
- j. where approved by State air pollution control bodies and the Original Equipment Manufacturer (OEM)

VIII. Forest Conservation:

- a. To the greatest extent practicable, the City shall not procure wood products such as lumber that originates from forests harvested in an environmentally unsustainable manner. When possible, the City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system. The certification system shall include independent third-party audits, with standards equivalent to those of the Forest Stewardship Council (FSC) certification.

IX. Agricultural Bio – Based Product

- a. Paper, paper products, and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged, whenever practicable.

Implementation:

- The City Manager or their designee shall implement this policy in coordination with other appropriate City personnel.
- Successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with State law, vendors shall be required to specify the minimum or actual percentage of recovered and post-consumer material in their products, even when such percentages are zero.
- Upon request, City employees making the selection from competitive bids shall be able to provide justification for product choices that do not meet the Environmentally Preferable Purchasing criteria in this policy.
- Purchasers are encouraged to include businesses certified by the Bay Area Green Business Program in requests for products and services.
- Vendors, contractors, and grantees shall be encouraged to comply with applicable sections of this policy for products and services provided to the City, where practicable.

PUBLIC PROJECTS

The City reserves the right in its discretion to determine whether it will seek competitive bids for public works projects. Public Projects are subject to definitions, terms and conditions specified in the California Public Contract Code and/or the Uniform Construction Cost Accounting Procedures (“UCCAP”) set forth in the Uniform Public Construction Cost Account Act (“The Act”), as they may be amended from time to time. When Public Contract Code (PCC) requirements contradict City requirements, the PCC will apply. PCC §22002(c), as may be amended, defines a Public Project for formal bidding purposes as:

(c) "Public project" means any of the following:

- 1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
- 2) Painting or repainting of any publicly owned, leased, or operated facility.

- 3) In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, power-plants, and electrical transmission lines of 230,000 volts and higher.

(d) "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 one 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.

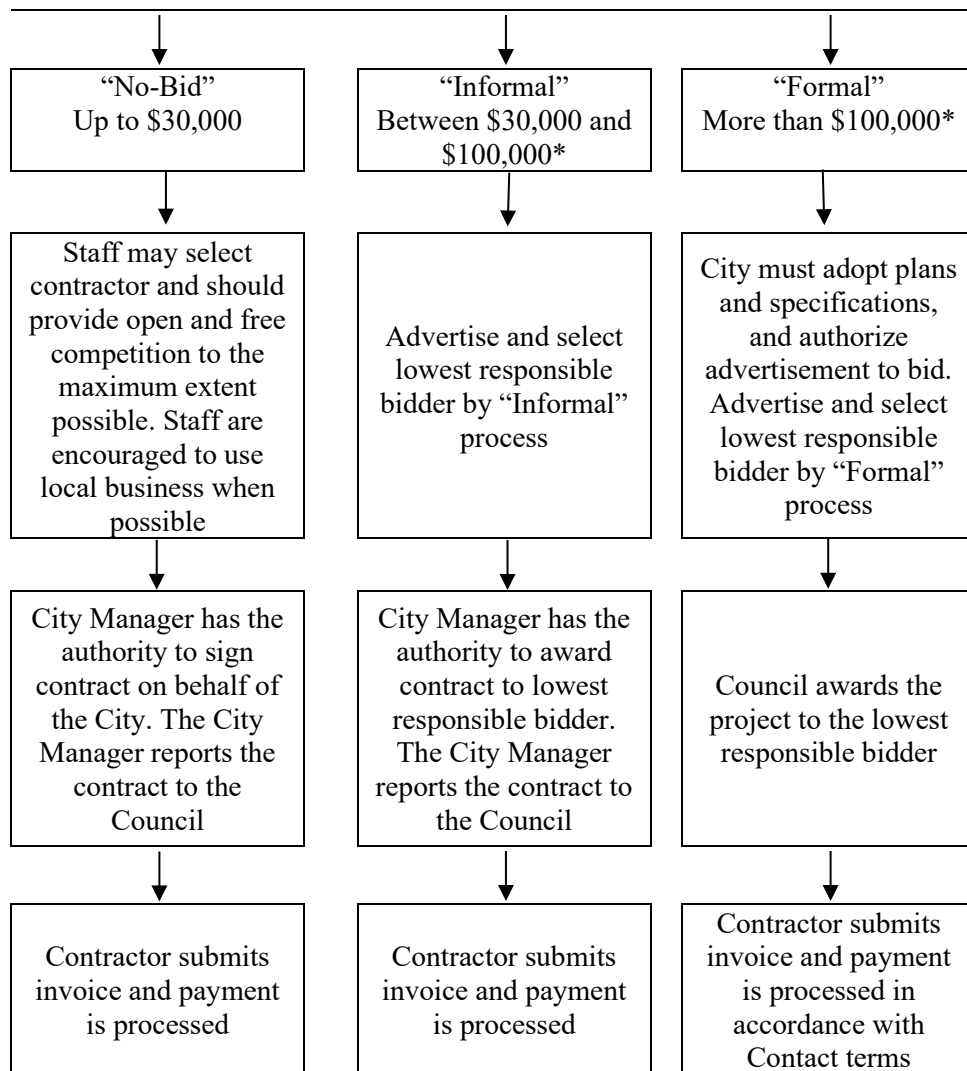
(e) For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

(f) Every November of each year, Department of Public Works send out a written notice to all constructions trade journals designated for the City under PCC §22036(c), inviting all licensed contractors to register on the City's Bidders List for Notification of Informal Bids for the following calendar year. A qualified bidders' list can be obtained at the Public Works Department.

(g) Projects valued at less than \$100,000 may be let to informal bidding, in accordance with the informal bidding procedures of the Uniform Public Construction Cost Accounting Act. When a project is to be awarded via informal bidding, contractors that have been registered on the informal bidders list will be notified with a general project description, location of where to obtain more detailed information, and the time and place of bid submission at least 10 days in advance of the submission deadline and bid opening.

The following diagram illustrates the steps to follow for construction contracts:

Construction Contracts for Public Projects



EXCEPTIONS TO COMPETITIVE BIDDING

Competitive bidding may be waived in the case of an emergency as defined above or when:

- ▶ The items or services to be furnished are in such short supply that there is no competition.
- ▶ Where the specifications or other restrictions limit the number of prospective suppliers.
- ▶ Where the skill or knowledge of a particular individual is sought.
- ▶ “Piggy-backing” or consolidating its procurement with that of another agency or entity constituted for governmental purposes; provided that the commodities or contractual

services to be procured have been subjected to competitive bidding by said other agency or entity and documentation of such competitive bidding exists.

CHANGE ORDERS, TASK ORDERS, AND CONTRACT AMENDMENTS

A substantial change to a Purchase Order or Contract (i.e., pricing, terms and conditions, specifications and/or scope of work) shall be documented as a Change Order, Task Order, or Contract Amendment.

- a. Department Heads or their designees may sign Change Orders, Task Orders, and Contract Amendments for purchases and contracts up to \$5,000.
- b. When the initial purchase or contract exceeds \$5,000, the signature authority for that purchase shall be the City Manager or his/her designee.
- c. Change Orders, Task Orders, and Contract Amendments generally should not exceed 10% of the original contract amount, unless authorized by the City Manager or his/her designee. A new scope of work and/or a new contract may be required when the change exceeds 10% of the original amount. The signature authority for this purchase shall be the City Manager or his/her designee
- d. A Change Order, Task Order or Contract Amendment is not required when taxes, shipping and/or handling cause a purchase to exceed the authorized (Purchase Order) amount; the signatory limit may also be exceeded in that circumstance.

This section replaces and rescinds Council Policy #27 (Change Orders), Administrative Policy # 2 (Work Order Procedures), #3 (Small Purchase Order Procedures) and #17 (Processing Invoices)

URGENT AND EMERGENCY PURCHASES

Sound judgment shall be used in keeping urgent and emergency purchases to an absolute minimum. Specific procedures for managing these purchases shall apply, as determined by the Purchasing Agent.

- a. **Urgent Purchases** – Immediate purchases of material, supplies, equipment, vehicle and services may be made when an urgent circumstance (as defined in the Purchasing Policies) exists, and procurement should not be delayed by use of normal competitive and financial procedures. Urgent purchases of up to \$5,000 shall be authorized by the Department Head or designee; the City Manager may authorize urgent purchases up to \$50,000. Urgent purchases shall be followed, as soon as practical, with submission of a written justification for the purchase having been made outside normal procedures.
- b. **Emergency Purchases** – In an emergency (as defined in the Purchasing Policy), the City Manager or designee may authorize the immediate purchase of material, supplies, equipment, and services, including those in excess of his/her City Council-approved signature threshold. Such purchases shall be followed, as soon as practical, with submission of a written justification for the purchase having been made outside normal

procedures. City Council shall be notified, at its next regular meeting, of any emergency purchases in excess of \$50,000.

- a. Poor and/or lack of planning does not constitute justification for an urgent and emergency condition. An urgent and/or emergency condition is defined as “a situation that creates a threat to public health, welfare, safety, or public property such as floods, epidemics, riots, fire, unexpected equipment failures, or such other reasons as may be determined by the City Manager or his/her designee.” An urgent and emergency purchase may be made when the existence of an urgent and/or emergency condition creates an immediate and serious need for goods or services that cannot be met through normal procurement methods.
- c. In the case of a disaster or for civil defense, nothing contained in this document shall limit the authority of the City Manager to make purchases and take such other emergency steps as are, or may be, authorized by the City Council, including opening a line or lines of credit to accommodate necessary purchases.
- d. Emergency purchases related to Public Projects are authorized under jurisdiction of the Public Contract Code/UCCAP, and are subject to definitions, regulations and processes that vary from City policy. Emergency purchases to repair or replace public facilities may proceed prior to adoption of the working details, drawing, plans and specifications, only when in accordance with the UCAAP definition and requirements. Staff responsible for Public Projects shall be held accountable for compliance with these requirements.
- e. Should any urgent or emergency purchase cause any budget line item to exceed the approved budget, the Department shall request City Manager approval to exceed and amend the budget, subject to subsequent City Council approval of an additional budget appropriation or budget amendment to cover the purchase. This section runs concurrent with the Amended City Council Policy #69 (Financial Policies).

DISPOSAL OF SURPLUS PROPERTY

The City Manager or designee is authorized to exchange, trade-in, sell and dispose of surplus property having salvage value in the open market, by public auction, by competitive sealed bids or by exchange or trade in for new goods. The sale or lease of surplus property to a governmental, public or quasi-public agency may be without advertisement for or receipt of bids. Employees are not eligible to receive or purchase surplus property, however, employees may receive personalized items, and receive or purchase at market value items considered to be memorial or commemorative in nature, subject to City Manager approval. This section replaces and rescinds Council Policy #3 (Disposal of Surplus City Property to Qualified Charitable Organizations)

PROPERTY WITH NO SALVAGE VALUE

Surplus property with no salvage value, as determined by the Department and recommended by the Finance Director to the City Manager or designee, shall be disposed of in a manner that salvages recyclable components, if practical.

UNCLAIMED, SEIZED OR ABANDONED PROPERTY

The Department is hereby authorized to make recommendation to the City Manager to sell or dispose of all goods in the possession or custody of the Police Department which are unclaimed, seized and/or abandoned and may be legally disposed of by the City.

DONATIONS OF SURPLUS PROPERTY

Upon approval in advance in writing by the Finance Director with the City Manager approval, surplus property may be donated to governmental, public or quasi-public agencies, charitable or non-profit organizations on a first-come first-served basis to be utilized for non-profit purposes.

REPORTING

The Department shall provide regular reports to the City Manager indicating surplus property disposed of, the method of disposal, and the amounts received from disposal, and shall maintain records for public inspection relative to the disposal of surplus property for a period of time in compliance with State law and the City's records retention schedule. Annual reports shall be provided to City Council accordingly.

CAPITAL EQUIPMENT

Purchase of equipment or furniture at a unit cost of \$10,000 or greater with a useful life greater than 5 years shall be capitalized. At the time of receipt, an asset number shall be issued and affixed to the asset.

INFORMATION TECHNOLOGY-RELATED PURCHASES

To keep costs under control and assure implemented technologies work together harmoniously and meet staff needs, the City shall work with our I.T consultant to standardize and control all purchases of equipment, including but not limited to desktops, laptops, and other electronic devices.

- a. With limited exceptions, the department shall include in its annual budget funding to support technology purchases. While the Information Technology consultant may provide support for specific departmental technology needs, those needs shall be funded through department budgets.
- b. The list of those authorized by the City Manager to request technology purchases shall be maintained by the Finance Department.

CREDIT CARDS

The City Manager or designee may acquire credit cards in the name of the City for use by designated City Department Heads. The City shall maintain a written log of credit cards. Department Heads assigned credit cards will sign an acknowledgement form (Exhibit A) agreeing to the limitations of the card use as described below.

- ▶ May be used to charge necessary supplies and equipment, authorized travel, food and lodging for the person in possession of the credit card and any other City employee.
- ▶ May be used for the purchase of gas, oil, supplies, and repairs for City vehicles.
- ▶ May be used to purchase conference/seminar registration, airline, hotel, meals, car rental costs for the City Council, City Manager, or other City employee.
- ▶ May be acquired for vendors (i.e. Office Depot, Sebastopol Hardware, etc.)
- ▶ May not be used for personal benefit or personal use.
- ▶ May not be issued to members of the City Council. They will be reimbursed according to the City's established Reimbursement Policy.
- ▶ Must be returned to the City upon termination or resignation prior to receiving their last paycheck.

Misuse of the credit card privilege can result in disciplinary action, including termination.

Receipts for all credit card expenditures must be promptly turned into the Finance Department along with appropriate documentation stating the purpose of the expenditure.

Credit card limits are as follows:

City Manager	\$10,000
Assistant City Manager/City Clerk	\$10,000
Finance Director	\$10,000
Planning Director	\$5,000
Building Official	\$5,000
Engineering Manager	\$5,000
Police Chief	\$5,000
Fire Chief	\$5,000
Public Works Superintendent	\$5,000

This section replaces and rescinds Council Policy #71 (Credit Card Use Policy)

PURCHASE ORDERS

A signed purchase order will be made for all expenditures in excess of \$5,000 and a copy will be given to the Finance Department. Purchase orders should be approved (signed by the City Manager or his/her designee) prior to making the actual purchase or commitment of funds. It is the responsibility of each department directors/managers to verify that the funding amount of the requested purchase is available before authorizing the purchase order.

PETTY CASH FUND

A Petty Cash fund of \$200 will be established for each City department. Expenditures up to \$20 may be made for postage, freight, permit fees, licenses and similar charges, and employee expenses. In each instance a written receipt for payment is required. The Finance Director or designee will be responsible for the Petty Cash Fund.

PREVAILING WAGES

State Law requires that contractors pay their workers "prevailing wages" when a project is a "public work". The meaning of "public works" is defined in the California Labor Code Section 1720-1743. Therefore, the City will affirmatively state in all "public works" contracts over \$1,000 that contractors are required to pay their workers "prevailing wages".

GRANT COMPLIANCE

Grant-required language will be incorporated in bid documents, professional services agreements, equipment supply contracts and construction contracts as needed. City contracts will provide language required to be in all subcontracts and disclosure of an audit requirement.

EXHIBIT A

CITY OF SEBASTOPOL CREDIT CARD HOLDER AGREEMENT

Employee: _____ Department: _____
(Cardholder)

The Cardholder has been issued a City credit card and hereby agrees to comply with all terms and conditions set forth in the City's Purchasing policy, including but not limited to:

- 1. Official Use Only. Charging personal expenses on City cards is a misuse of public funds even if the intent is to reimburse the City at a later time and may result in disciplinary action, including termination, at the City Manager's discretion.
2. Timely, Accurate and Supported Payments. Credit card payments will be processed on a timely basis, and adequate supporting documentation (such as vendor order forms, receipts, invoices and credit card receipts) will be retained for all charges and submitted to the Finance Department.
3. Disputed Charges. It is the responsibility of the cardholder to immediately notify the vendor and issuing bank of any disputed charges.
4. Lost or Stolen Cards. The issuing bank and the Finance Department will be notified immediately of a lost or stolen card. Failure to do so could make the Cardholder responsible for any fraudulent use of the card.
5. Surrender Upon Request or Separation. The credit card will be immediately surrendered upon separation from the City or upon request of the City Manager or designee. Use of the credit card for any purpose after its surrender is prohibited. The bottom section of this form will be signed upon return of the credit card.
6. Credit Card Limit. The credit limit of this card is \$_____.

Cardholder Signature Date

RETURN OF CREDIT CARD UPON SEPARATION FROM CITY EMPLOYMENT

I HEREBY SURRENDER the credit card issued to me by the City of Sebastopol to the Finance Director. I declare that all outstanding charges on the credit card are for official City business and will be paid through established procedures.

Cardholder Signature Date Finance Director Date