

ORDINANCE NUMBER 0- 17297 (NEW SERIES)

ADOPTED ON MAY 15 1989

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 22.0504 AND 22.0505 RELATING TO PURCHASING AGENT.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 2, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 22.0504 and 22.0505 to read as follows:

SEC. 22.0504 PURCHASE LIMITATIONS

The Purchasing Agent shall have the power to purchase materials, supplies, equipment and insurance and, subject to the provisions of the City Charter and Section 23.1801 of this Code, to provide for contracts for personal services, as defined in this section, upon direct request by the various departments or offices of the City, without first seeking sealed proposals or Council approval, if said purchase or contract for personal services does not exceed the sum of twenty thousand dollars (\$20,000), provided that for purchases exceeding ten thousand dollars (\$10,000), requests for written price quotations are solicited from at least five potential sources. The Purchasing Agent shall seek competitive prices for all purchases and for all

contracts for personal services over five hundred dollars (\$500), except that annual blanket purchase orders may be issued for commercially available materials and supplies which are not normally kept in City stores and which are required by City forces for immediate completion of work in progress. For purposes of this section of the terms "contracts for personal services" excludes contracts for professional or expert services.

The Purchasing Agent is prohibited from subdividing any purchase or contract for personal services which should logically be made as a single transaction requiring the expenditure of more than twenty thousand dollars (\$20,000) into two or more purchases, or contracts, each involving an expenditure of less than twenty thousand dollars (\$20,000), for the purpose of avoiding compliance with the procedure elsewhere in this Code and in the City Charter provided for the making of purchases or contracts for personal services where the expenditure involved exceeds the sum of twenty thousand dollars (\$20,000).

The Purchasing Agent shall not purchase materials, supplies, equipment and insurance, nor enter into contracts for personal services requested by various departments or offices of the City, where said purchase or contract exceeds the sum of twenty thousand dollars (\$20,000) without having first advertised for sealed proposals, except in the case of bonafide emergency affecting public health or safety in which case he shall there-

after immediately report the fact to the City Council. The Purchasing Agent shall not be required to advertise for sole source procurement provided certification to this effect is approved by the City Manager.

If the cost of any purchase or any contract for personal services required by the City is in excess of fifty thousand dollars (\$50,000), said purchase or contract for personal services may be made by the Purchasing Agent only after said Purchasing Agent has advertised for sealed proposals and has obtained Council approval to award the contract, except in the case of bonafide emergency affecting public health or safety in which case he shall thereafter immediately report the fact to the City Council who shall then by Resolution so note and ratify the procurement. The authority to so purchase shall be limited to \$200,000. The Purchasing Agent shall not be required to advertise for sole source procurement provided certification to this effect is approved by the City Manager.

Within the same dollar amounts as set forth herein, the Purchasing Agent is authorized to participate in joint and cooperative purchasing and to participate in joint and cooperative contracts for personal services with the State of California, County of San Diego, school districts, water districts, and such other agencies as the Council may by resolution direct, so long as purchases above ten thousand dollars (\$10,000) are made through a competitive bidding process.

O-17297

SEC. 22.0505

REQUISITIONS

a. Requisitions for articles, commodities, supplies, materials or equipment by any department or office shall be addressed to the Purchasing Agent, approved by the head of such department or office. Purchase orders issued pursuant to such requisitions shall bear the certificate or stamp or like approval of the Auditor and Comptroller pursuant to Section 80 of the Charter and shall be reviewed by him for compliance with Section 81 of the Charter.

b. If the department or office making the requisition has available a sufficient appropriation balance, the Purchasing Agent shall either furnish the items requisitioned from the storerooms or warehouses under his control or shall procure them by purchase. Whenever any department or office requires supplies or equipment which another department or office is able to furnish, suitable work order or requisition may be made or transfer without monetary consideration may be affected, and such supplies or equipment may be furnished to the requiring department or office. In such cases, appropriate charges and credits, if any, shall be made to the accounts affected by such transaction.

c. Whenever any department requires supplies, materials, equipment or services which are not available from City sources, the requesting department shall provide the Purchasing Agent with specifications completely describing the procurement by purpose,

function, description or combination thereof. The specifications so provided shall be subject to the approval of the Purchasing Agent prior to procurement action.

d. Brand Names. Specifications may include reference to a brand name for illustrative purposes only, provided each brand name used is followed by the words "or equal." Whenever reference to a specific brand name is made, it is illustrative and to be construed as a term of specification which describes a component that has been tested or evaluated by the City as best meeting the specific operational, design, performance, maintenance, quality and/or reliability standards and requirements of the City, thereby incorporating these requirements by reference within the specification. An equivalent ("or equal") may be offered by the bidder, subject to testing and evaluation at the option of the City prior to award of bid. The City reserves the sole right to reject a substituted component that will not fulfill requirements. It shall be the sole responsibility of the bidder to provide at bidder's expense any product information, test data and other information the City may require to fully evaluate the acceptability of the offered substitute. Where appropriate, independent testing including destructive testing or evaluation at qualified test facilities at bidder's expense may be required as a condition of acceptance. Exceptions to the foregoing are permissible for procurement for replacement parts, or for testing

Q 17297

and evaluation purposes or where compatibility with existing City equipment is mandated.

e. "Sole Source." As used in this Division, "sole source" means that the procurement is available from only one source and there is no permissible substitute.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By *Custice M. Lume, DCA, Jr*
Mary Kay Jackson
Deputy City Attorney

MKJ:sk
04/13/89
Or. Dept.: Purchasing
0-89-
Form=0.none

0-17297

CERTIFICATE OF PUBLICATION

FILED
1989 JUN -7 AM 11:26
SAN DIEGO, CALIF. P-

CITY OF SAN DIEGO
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION
5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTIONS 22.0504 AND 22.0505 RELATING TO PURCHASING AGENT.

ORDINANCE NUMBER O-17297 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 22.0504 AND 22.0505 RELATING TO PURCHASING AGENT.

This ordinance amends the San Diego Municipal Code relating to the Purchasing Agent's authority, powers and purchasing practices. The monetary limit for the Purchasing Agent to make purchases without advertising for sealed bids is increased from \$10,000 to \$20,000 in cases where written price quotations are requested from five or more potential sources of supply. The monetary limit for the Purchasing Agent to make purchases without Council approval is increased from \$25,000 to \$50,000. The requirement to list at least two brand names in bid specifications which incorporate brand names is deleted.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on May 1, 1989

Passed and adopted by the Council of The City of San Diego on

May 16, 1989

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By **ELLEN BOVARD**, Deputy

Pub. May 29

144514

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17297 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAY 29

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 29 day of MAY, 19 89.

(Signature)

2 1/2" x 2 x 28.33 = 59.74