

ORDINANCE NUMBER O- 20442 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 17 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 2, DIVISION 30 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.3003, AND AMENDING CHAPTER 2, ARTICLE 2, DIVISION 32 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.3208, RELATING TO THE DEFINITION OF A COOPERATIVE PROCUREMENT CONTRACT AND CONTRACTS NOT REQUIRED TO BE COMPETITIVELY BID.

WHEREAS, the San Diego Municipal Code requires the City of San Diego (City) to award contracts for goods and services using a certain competitive process based on the estimated cost of the contract; and

WHEREAS, the City is authorized to use cooperative procurement contracts under Charter section 35, the San Diego Municipal Code, and Council Policy 100-01; and

WHEREAS, the San Diego Municipal Code authorizes the Purchasing Agent to award cooperative procurement contracts for goods and services without advertisement or a competitive process if certain requirements are met; and

WHEREAS, the Purchasing and Contracting Department wishes to amend certain sections of the San Diego Municipal Code relating to the definition and award of cooperative procurement contracts; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 30 of the San Diego Municipal Code is amended by amending section 22.3003, to read as follows:

§22.3003 Definitions

Terms defined in Chapter 2, Article 2, Divisions 30, 31, 32, 33, 34, 35, 36, and 38 are indicated by italics. For purposes of these Divisions:

Agency through Contract for services [No change in text.]

Cooperative procurement contract means (a) a contract resulting from the joint and cooperative purchase of goods or services by the City and one or more *agencies*, or (b) a contract between a contractor and one or more *agencies*, or agencies thereof, that allows other *agencies* to use the terms, conditions, and pricing of the original *contract for goods* or *contract for services*.

Job order contract through Valued at [No change in text.]

Section 2. That Chapter 2, Article 2, Division 32 of the San Diego Municipal Code is amended by amending section 22.3208, to read as follows:

§22.3208 Contracts Not Required to be Competitively Awarded

The Purchasing Agent may award the following contracts without advertisement or a competitive process:

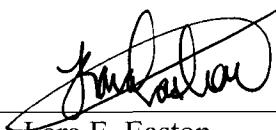
- (a) [No change in text.]
- (b) A contract necessary to safeguard life, health, or property due to extraordinary fire, flood, storm, epidemic, or other disaster, provided that:
 - (1) The Purchasing Agent immediately reports the emergency award and its justifications to the City Council in writing;
and
 - (2) The City Council ratifies the award by resolution and by a two-thirds vote.

- (c) *A cooperative procurement contract* provided that the Purchasing Agent first certifies in writing that the *cooperative procurement contract*:
 - (1) Is in the best interests of the City; and
 - (2) Is to the City's economic advantage; and
 - (3) Was competitively awarded using a process that complies with the policies, rules, and regulations developed and implemented by the City Manager.
- (d) *A sole source contract* certified by the Purchasing Agent pursuant to section 22.3016, provided that if the justification of the *sole source contract* is the emergency nature of the project, the Purchasing Agent notifies the City Council and obtains the City Council's approval pursuant to section 22.3208(b).
- (e) Annual blanket purchase orders for an expenditure greater than \$25,000 for commercially available materials and supplies provided that they are:
 - (1) Required by City forces for immediate completion of work in progress; and
 - (2) Not normally kept in City stores; and
 - (3) Less than \$150,000.
- (f) *Contracts for inmate services* which comply with section 22.3209.
- (g) *Contracts for services* with *agencies* or non-profit organizations which comply with section 22.3210.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Lara E. Easton
Deputy City Attorney

LEE:cfq:cw
06/02/14
02/01/2016 COR.COPY
Or.Dept:P&C
Doc. No.: 768465

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 09 2014.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(See attached memo and signature page.)

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

DATE: February 1, 2016
TO: Elizabeth Maland, City Clerk
FROM: City Attorney
SUBJECT: Corrections to San Diego Municipal Code section 22.3208

On November 17, 2014, the City Council introduced an ordinance amending San Diego Municipal Code section 22.3208. San Diego Ordinance O-20442 (Nov. 17, 2014). This included changes to the lettering of subsections within Municipal Code section 22.3208. We noticed that we failed to change a reference found in section 22.3208(d). As such, the ordinance will need to be revised in accordance with Municipal Code section 11.0207.

The change, provided in strikethrough format, is as follows:

§22.3208 Contracts Not Required to be Competitively Awarded

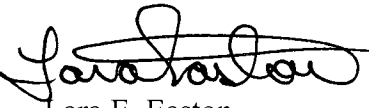
The Purchasing Agent may award the following contracts without advertisement or a competitive process:

- (a) through (c) [No change in text.]
- (d) A *sole source contract* certified by the Purchasing Agent pursuant to section 22.3016, provided that if the justification of the *sole source contract* is the emergency nature of the project, the Purchasing Agent notifies the City Council and obtains the City Council's approval pursuant to section 22.3208(e)(~~b~~).

(e) through (g) [No change in text.]

Thank you for your assistance in this matter.

JAN I. GOLDSMITH, City Attorney

By 
Lara E. Easton
Deputy City Attorney

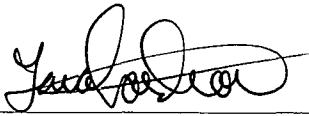
LEE:cw

Doc. No.: 1205952

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

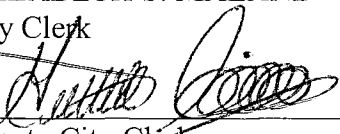
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Lara E. Easton
Deputy City Attorney

LEE:cfq:cw
06/02/14
Or.Dept:P&C
Doc. No.: 768465

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 09 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12/17/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underlined

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Agency through Contract for services [No change in text.]

Cooperative procurement contract means (a) a contract to obtain goods or services for at least two agencies resulting from the joint and cooperative purchase of goods or services by the City and one or more agencies, or (b) a contract between a contractor and one or more agencies, or agencies thereof, that allows other agencies to use the terms, conditions, and pricing of the original contract for goods or contract for services.

Job order contract through Valued at [No change in text.]

§22.3208 **Contracts Not Required to be Competitively Awarded**

The Purchasing Agent may award the following contracts ~~may be awarded~~ without advertisement or a competitive process:

- (a) [No change in text.]
- (b) ~~A cooperative procurement contract in an amount less than \$10,000;~~
- (e)(b) A contract necessary to safeguard life, health, or property due to extraordinary fire, flood, storm, epidemic, or other disaster, provided that:
 - (1) The Purchasing Agent immediately reports the emergency award and its justifications to the City Council in writing; and
 - (2) The City Council ratifies the award by resolution and by a two-thirds vote.
- (d)(c) ~~A cooperative procurement contract awarded by another agency~~ provided that the Purchasing Agent first certifies in writing that the cooperative procurement contract:
 - (1) ~~The Purchasing Agent certifies in writing that the cooperative procurement contract~~ is in the best interests of the City; and
 - (2) ~~The cooperative procurement~~ is to the City's economic advantage; and
 - (3) ~~The agency's bidding process substantially complies with the City's competitive bidding requirements~~ Was competitively awarded using a process that complies with the policies, rules, and regulations developed and implemented by the City Manager.
- (e)(d) A sole source contract certified by the Purchasing Agent pursuant to section 22.3016, provided that if the justification of the sole source

contract is the emergency nature of the project, the Purchasing Agent notifies the City Council and obtains the City Council's approval pursuant to section 22.3208(e)(b).

- (~~f~~)(e) Annual blanket purchase orders for an expenditure greater than \$25,000 for commercially available materials and supplies provided that they are:
- (1) Required by City forces for immediate completion of work in progress; and
 - (2) Not normally kept in City stores; and
 - (3) Less than \$150,000.
- (f) *Contracts for inmate services* which comply with section 22.3209.
- (g) *Contracts for services with agencies* or non-profit organizations which comply with section 22.3210.

LEE:cfq:cw
06/02/14
02/01/2016 COR.COPY
Or.Dept:P&C
Doc. No.: 768334

Passed by the Council of The City of San Diego on DEC 09 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 17 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on NOV 17 2014, and on DEC 17 2014.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20442