

#64
11-15-16

(O-2016-160)

ORDINANCE NUMBER O- 20747 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 01 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,
DIVISION 30 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 22.3012 AND 22.3020 RELATING TO
ELECTRONIC BID OPENING.

WHEREAS, the City has been authorized to receive bids and proposals electronically pursuant to Ordinance No. O-20444 since January 16, 2015; and

WHEREAS, for most construction projects the City is not receiving any bid or proposals other than by electronic transmission; and

WHEREAS, in instances when only electronic bids and proposals are received, they can be opened more efficiently and conveniently if they are opened electronically with results posted on the internet than having City staff host a public bid opening at a City building; 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 sections 22.3012 and 22.3020 to read as follows:

Division 30: Contract Definitions and Procedures

§ 22.3012 Bid Opening Exceptions

- (a) In the event of public calamity or some unforeseen event, including an unusually large number of people in attendance, that renders it impossible or highly impracticable to open the bids at the time and place specified,

the City may change the date, time and location without invalidating the bid opening.

- (1) A sign shall be continuously posted at the original location, giving notice of an alternate location of the bid opening, from the time of the public calamity or unforeseen event until completion of the bid opening. An officer or employee of the City will remain by the sign to answer inquiries. Not less than one-quarter hour nor more than one hour after the originally specified time for the opening of bids, the bids may be opened in the alternate location.
 - (2) If it is impossible or impracticable to use the procedure under Section 22.3012(a)(1), the bids will either be returned to the bidders or be held unopened for a period of forty-eight hours. After forty-eight, but not later than seventy-two hours after the originally specified time and place of the bid opening, bids may be opened at any hour, provided that every reasonable means has been taken to notify the respective bidders of the alternate time and place of the bid opening.
- (b) Notwithstanding section 22.3011, if all the bids the City receives in response to an invitation to bid are submitted by electronic transmission pursuant to section 22.3020, the City may open the bids electronically without a public bid opening provided that:

- (1) The bid results are available on the internet at, or immediately after, the date and time noticed for the bid opening. If the results are not immediately available on the internet, the City shall provide the bid results upon request of a *bidder* or the public as soon as reasonably possible.
- (2) The bid results shall include the names of all *bidders* and their respective total bid amounts.
- (3) The location on the internet where bid results are posted shall be accessible to the public free of charge without a requirement of a subscription, registration, or membership.

§22.3020 Electronic Transactions

- (a) The City may use electronic transmission, including electronic signatures, to send and receive bids, proposals, contracts, and other documents related to the award and administration of contracts, pursuant to regulations to be adopted by the City Manager. Such regulations shall include, but not be limited to:
 - (1) A method to verify all bids, proposals, and signatures are authentic.

- (2) A method to ensure accurate retrieval or conversion of electronic forms of such information into a medium that permits inspection and copying.

- (b) When the City Charter or Municipal Code requires submission of sealed bids or proposals, the regulations to be adopted by the City Manager shall include, but not be limited to:
 - (1) Safeguards to ensure that no bid or proposal may be opened before the deadline established for opening.

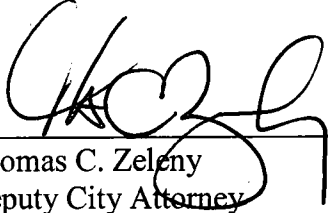
 - (2) An electronic receipt for each bidder and proposer provided either by immediate electronic transmission or by access to an electronic file on the internet that confirms receipt and can be viewed and printed by the bidder or proposer.

Section 2. 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 3. 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



Thomas C. Zeleny
Deputy City Attorney

TCZ:mt
6/10/2016
Or.Dept:Public Works
Doc. No. 1304046_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2016.

ELIZABETH S. MALAND
City Clerk

By *Linda Krueger*
Deputy City Clerk

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 11/28/16
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is December 1, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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- (2) An electronic receipt for each bidder and proposer provided either by immediate electronic transmission or by access to an electronic file on the internet that confirms receipt and can be viewed and printed by the bidder or proposer.
- ~~(e) Nothing in this section shall relieve the City from holding a public bid opening when required by this Division.~~

TCZ:mt
June 10, 2016
Or.Dept: Public Works
Doc. No.: 1303974_2

Passed by the Council of The City of San Diego on NOV 15 2016, 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"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Chris Cate	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 01 2016

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 Linda Bruen, 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

OCT 25 2016

, and on

DEC 01 2016

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 Linda Bruen, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20747