

ORDINANCE NUMBER O- 20893 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 18 2018

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 32 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING DIVISION 32; AND BY AMENDING SECTIONS 22.3201 AND 22.3202, RELATING TO THE COMPETITIVE PROCESS FOR AWARDING CONSULTANT CONTRACTS.

WHEREAS, on August 1, 2016, the San Diego City Council (City Council) approved placing a measure on the ballot amending certain sections of the City Charter relating to City of San Diego (City) contracting pursuant to San Diego Ordinance O-20711, which was later designated as Measure H; and

WHEREAS, at the Municipal Special Election of November 8, 2016, Measure H was approved by 77% of the votes cast; and

WHEREAS, Measure H requires that contracts for public works, goods, services, and consultants be competitively bid in compliance with rules adopted by the City Council by ordinance; and

WHEREAS, the competitive process for awarding consultant contracts is currently found in Council Policy 300-7, which was approved by resolution; and

WHEREAS, the City Council desires to amend the San Diego Municipal Code to incorporate the current competitive process for awarding consultant contracts in Council Policy 300-7; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 32 of the San Diego Municipal Code is amended by retitling Division 32, to read as follows:

Article 2: Administrative Code

Division 32: Contracts for Goods, Services, and Consultants

Section 2. That Chapter 2, Article 2, Division 32 of the San Diego Municipal Code is amended by amending sections 22.3201 and 22.3202, to read as follows:

§22.3201 Purpose and Intent; Authorization

- (a) This Division establishes requirements for award of *contracts for goods, contracts for services, and consultant contracts*.
- (b) This Division authorizes the Purchasing Agent to enter into contracts on behalf of City departments and establishes thresholds below which the Purchasing Agent may award contracts without City Council approval. The City Manager may exercise the authority granted to the Purchasing Agent by this Division. The Purchasing Agent and City Manager may designate City employees to act on their behalf in the award of contracts.

§22.3202 Competitive Process for Consultant Contracts

Except as otherwise provided in section 22.3208:

- (a) For *consultant contracts* estimated to be \$25,000 or more, notice of requests for qualifications and proposals shall be published in a newspaper or posted on the City's website, or a website of a firm hired by the City to post such notices.
- (b) The selection of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional

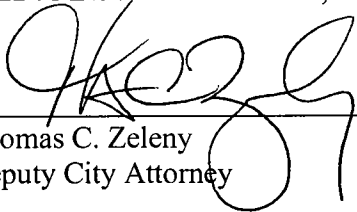
qualifications necessary for the satisfactory performance of the services required.

- (1) The Purchasing Agent shall negotiate the cost of the *consultant contract* with the most qualified firm, for a price determined to be fair and reasonable to the City.
 - (2) If the Purchasing Agent is unable to reach agreement with the most qualified firm on the cost of the *consultant contract*, the Purchasing Agent shall reject the proposal of the most qualified firm and may begin negotiations with the next most qualified firm.
 - (3) This negotiation process may continue until an agreement is reached with a qualified firm, or until all proposal are rejected pursuant to this section or section 22.3015.
- (c) The selection of all other consultants shall be on the basis of the proposal offering the best value to the City, considering price, qualifications, experience, and other factors determined by the Purchasing Agent.
 - (d) The Purchasing Agent may establish a short-list of qualified firms through requests for qualifications or proposals to compete for consultant services on a rotating, as-needed basis.
 - (e) This section does not apply to *consultant contracts* that are entered into pursuant to a developer reimbursement agreement as defined in Chapter 14, Article 2, Division 6 of this Code.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the 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: MARA W. ELLIOTT, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:amc
January 26, 2017
Or.Dept:P&C
Doc. No.: 1429025_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 09 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1/18/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strikeout~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 32 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING DIVISION 32; AND BY AMENDING SECTIONS 22.3201 AND 22.3202, RELATING TO THE COMPETITIVE PROCESS FOR AWARDING CONSULTANT CONTRACTS.

Article 2: Administrative Code

Division 32: Contracts for ~~Services~~ Goods, Services, and Consultants

§22.3201 Purpose and Intent: Authorization

- (a) This Division establishes requirements for award of ~~contracts other than public works contracts for goods, contracts for services, and consultant contracts.~~
- (b) This Division authorizes the Purchasing Agent to enter into contracts on behalf of City departments and establishes thresholds below which the Purchasing Agent may award contracts without City Council approval. The City Manager may exercise the authority granted to the Purchasing Agent by this Division. The Purchasing Agent and City Manager may designate City employees to act on their behalf in the award of contracts.

§22.3202 ~~Authority to Enter Contracts; Competitive Bid Process Required~~

Competitive Process for Consultant Contracts

Except as otherwise provided in section 22.3208:

~~The Purchasing Agent is authorized to enter into contracts on behalf of City departments. All contracts shall be awarded through a competitive process unless otherwise provided in this Division. The City Manager may exercise the authority granted to the Purchasing Agent by this Division.~~

- (a) For consultant contracts estimated to be \$25,000 or more, notice of requests for qualifications and proposals shall be published in a newspaper or posted on the City's website, or a website of a firm hired by the City to post such notices.
- (b) The selection of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.
 - (1) The Purchasing Agent shall negotiate the cost of the consultant contract with the most qualified firm, for a price determined to be fair and reasonable to the City.
 - (2) If the Purchasing Agent is unable to reach agreement with the most qualified firm on the cost of the consultant contract, the Purchasing Agent shall reject the proposal of the most qualified firm and may begin negotiations with the next most qualified firm.

- (3) This negotiation process may continue until an agreement is reached with a qualified firm, or until all proposal are rejected pursuant to this section or section 22.3015.
- (c) The selection of all other consultants shall be on the basis of the proposal offering the best value to the City, considering price, qualifications, experience, and other factors determined by the Purchasing Agent.
- (d) The Purchasing Agent may establish a short-list of qualified firms through requests for qualifications or proposals to compete for consultant services on a rotating, as-needed basis.
- (e) This section does not apply to *consultant contracts* that are entered into pursuant to a developer reimbursement agreement as defined in Chapter 14, Article 2, Division 6 of this Code.

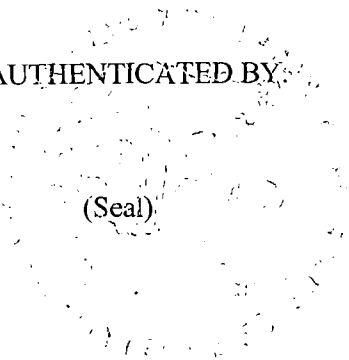
TCZ: amc
January 26, 2017
Or.Dept: P&C
Doc. No.: 1428091_5

Passed by the Council of The City of San Diego on JAN 09 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 18 2018

AUTHENTICATED BY:



(Seal)

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

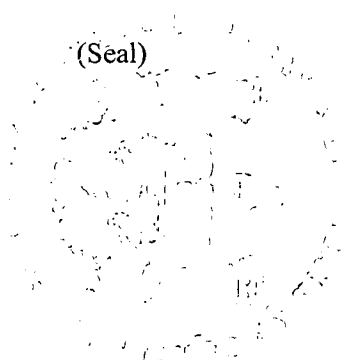
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

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

DEC 05 2017, and on JAN 18 2018

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- <u>20893</u>