

Stem - 56  
5/15/18  
(O-2018-96)

ORDINANCE NUMBER O- 20932 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 22 2018

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,  
DIVISION 36 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 22.3612 RELATING TO MINOR  
PUBLIC WORKS CONTRACTS.

WHEREAS, the City seeks to streamline the solicitation and award process for small construction contracts that are funded by the City's operation and maintenance budget; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 36 of the San Diego Municipal Code is amended by amending section 22.3612, to read as follows:

**Article 2: Administrative Code**

**Division 36: Small and Local Business Program for Public Works Contracts**

**§22.3612 Solicitation of Bids for and Award of Minor Public Works Contracts Valued at \$250,000 and Under**

- (a) *Minor public works contracts valued at \$250,000 or less shall be awarded through a competitive bid process open only to businesses listed on the ELBE eligibility list. If there are no businesses on the ELBE eligibility list that have the requisite licenses for the contract, the competitive bid process will also be open to SLBEs.*
- (b) For a public works project previously identified and appropriated through the Annual Capital Improvements Program budget, the City Manager shall award the *minor public works contract* to the lowest responsible and reliable *ELBE bidder*. If there are no *bidders* or responsive bids, the City

Manager may follow the advertising, bidding, and award procedures for *major public works contracts* valued at more than \$500,000 but less than \$1,000,000 as set forth in Section 22.3610.

- (c) For a public works project that was not previously identified and appropriated through the Annual Capital Improvements Program budget, the *minor public works contract* shall be solicited and awarded by the following methods:
- (1) For *minor public works contracts* equal to or less than \$100,000, the City Manager shall request written price quotations from at least three businesses on the *SLBE* or *ELBE* eligibility lists. The City Manager may request additional written price quotations from any contractors with the requisite license(s) for the contract if less than three businesses on the lists have the requisite license(s) for the contract.
  - (2) For *minor public works contracts* greater than \$100,000 but equal to or less than \$250,000, the City Manager shall request written price quotations from at least five businesses on the *SLBE* or *ELBE* eligibility lists. The City Manager may request additional written price quotations from any contractors with the requisite license(s) for the contract if there are less than five businesses on the lists that have the requisite license(s) for the *contract*.
  - (3) The City Manager shall award the contract to the contractor with the written price quotation offering the best value to the City, considering factors such as price, unit cost, life cycle cost,

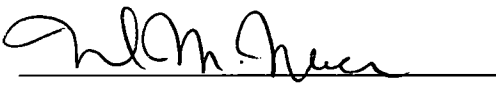
economic cost analysis, operating efficiency, warranty and quality, compatibility with existing equipment, maintenance costs, experience and qualification of the contractor, when the contractor can start and complete the project, and any additional factors the City Manager deems relevant.

- (d) Nothing in this section shall limit the City Manager's right to reject all bids pursuant to Section 22.3015.

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   
Mark M. Mercer  
Deputy City Attorney

MMM:cw  
03/21/18  
Or.Dept: Purchasing & Contracts  
CC No.: N/A  
Doc. No.: 1701376

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 15 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5/21/18  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

"The date of final passage is May 22, 2018, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval."

Passed by the Council of The City of San Diego on MAY 15 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 MAY 22 2018

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 *Hy Bracy*, 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

APR 24 2018

, and on MAY 22 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 *Hy Bracy*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20932

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~  
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-20932 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 22, 2018

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,  
DIVISION 36 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 22.3612 RELATING TO MINOR  
PUBLIC WORKS CONTRACTS.

**Article 2: Administrative Code**

**Division 36: Small and Local Business Program for Public  
Works Contracts**

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at \$250,000 and Under**

- (a) *Minor public works contracts valued at \$250,000 or less shall be awarded through a competitive bid process open only to businesses listed on the ELBE eligibility list, ~~unless~~ If there are no businesses on the ELBE eligibility list that have the requisite license(s) for the contract, ~~in which~~ ease the competitive bid process will also be open to SLBEs.*
- (b) For a public works project previously identified and appropriated through the Annual Capital Improvements Program budget, the City Manager shall award the minor public works contract to ~~T~~the lowest responsible and reliable ELBE bidder ~~shall be awarded the public works contract.~~ If there are no responsible bidders or responsive bids, the City Manager shall may follow the advertising, bidding, and award procedures for major public

*works contracts* valued at more than \$500,000 but less than \$1,000,000 as set forth in Section 22.3610.

(c) For a public works project that was not previously identified and appropriated through the Annual Capital Improvements Program budget, the *minor public works contract* shall be solicited and awarded by the following methods:

- (1) For *minor public works contracts* equal to or less than \$100,000, the City Manager shall request written price quotations from at least three businesses on the *SLBE* or *ELBE* eligibility lists. The City Manager may request additional written price quotations from any contractors with the requisite license(s) for the contract if less than three businesses on the lists have the requisite license(s) for the contract.
- (2) For *minor public works contracts* greater than \$100,000 but equal to or less than \$250,000, the City Manager shall request written price quotations from at least five businesses on the *SLBE* or *ELBE* eligibility lists. The City Manager may request additional written price quotations from any contractors with the requisite license(s) for the contract if there are less than five businesses on the lists that have the requisite license(s) for the project.
- (3) The City Manager shall award the contract to the contractor with the written price quotation offering the best value to the City, considering factors such as price, unit cost, life cycle cost,

economic cost analysis, operating efficiency, warranty and quality,  
compatibility with existing equipment, maintenance costs,  
experience and qualification of the contractor, when the contractor  
can start and complete the project, and any additional factors the  
City Manager deems relevant.

(e)(d) Nothing in this section shall limit the City Manager's right to reject all  
bids pursuant to Section 22.3015 ~~in the event that all bids received exceed~~  
~~the City's projected costs for a particular public works contract.~~

MMM:cw  
03/21/18  
06/14/18 COR. COPY  
Or.Dept: Purchasing & Contracts  
CC No.: N/A  
Doc. No.: 1692679\_3