

001961

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 130
12/02

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): PURCHASING & CONTRACTING

3. DATE: 8/11/2008

4. SUBJECT: CONFLICT OF INTEREST CODE FOR PURCHASING & CONTRACTING

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Alice Nelson, (619) 533-4083 - MS 56P

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)
Nora Nugent, (619) 533-3948 - MS 56P

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	8/13/08	8	DEPUTY CHIEF	<i>[Signature]</i>	
2				9	COO		
3				10	CITY ATTORNEY	<i>[Signature]</i>	11/10/08
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	11/10/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6					COUNCIL PRESIDENT <input checked="" type="checkbox"/>	SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/>	
7					REFER TO: _____	COUNCIL DATE: 12/2/08	

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

Adopting the revised Conflict of Interest Code for Purchasing & Contracting

11A. STAFF RECOMMENDATIONS:
Approve the revised Conflict of Interest Code and appendices as submitted for Purchasing & Contracting

12. SPECIAL CONDITIONS:
COUNCIL DISTRICT(S): All
COMMUNITY AREA(S): Citywide
ENVIRONMENTAL IMPACT: N/A
HOUSING IMPACT: N/A
OTHER ISSUES: NONE

001963

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: August 11, 2008 REPORT NO:
ATTENTION: City Council
ORIGINATING DEPARTMENT: Purchasing & Contracting
SUBJECT: Biennial Review: Conflict of Interest Code
COUNCIL DISTRICT(S): N/A
CONTACT/PHONE NUMBER: Purchasing & Contracting - (619) 236-6000

AS BUILT PER
SAN DIEGO, CALIF.
CIVIL
CLERK'S OFFICE
2008

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION: Pass Resolution

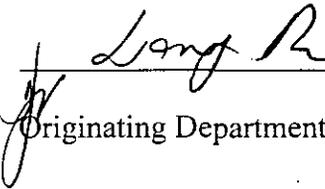
EXECUTIVE SUMMARY: This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Purchasing & Contracting's code has been revised to: [include new positions which had not been previously designed, remove positions previously designated but now more appropriated included in other City's department's Conflict of Interest Codes, and to update the required filing categories for each designated position.]

FISCAL CONSIDERATIONS: 0

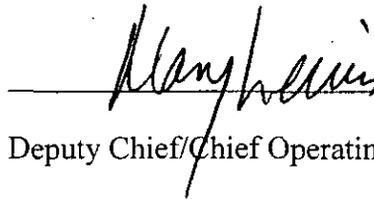
PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

2008 Local Agency Biennial Notice

Name of Agency: Purchasing & Contracting Department

Mailing Address: 1200 3rd Ave., Suite 200, San Diego, CA 92101

Contact Person: Alice Nelson

Phone Number: (619) 533-4083 Fax Number: (619) 236-5904

E-mail: anelson@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

- The code needs to be amended and the following amendments are necessary:
(Check all that apply)
- Include new positions (including consultants) which must be designated (App. A)
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories (App. B)
- Revise the titles of existing positions (App. A)
- Delete the titles of positions that have been abolished (App. A)
- No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Lang Pa
Signature of Chief Executive Officer

8/12/08
Date

You must complete this report regardless of how recently your code was approved or amended.

Please return this report by August 22, 2008, to:

Denise Jenkins, Elections Analyst
Office of the City Clerk
202 C Street, MS 2A, San Diego, CA 92101

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of

San Diego's PURCHASING & CONTRACTING
(name of department/agency/board)

after a fair opportunity was offered to the members of the department/agency/board to present their views.

Long Pi
(signature of executive officer)

8/12/08
(date)

PURCHASING AND CONTRACTING
CONFLICT OF INTEREST CODE

APPENDIX A
DESIGNATED POSITIONS, DUTIES, AND CATEGORIES

POSITIONS	DUTIES	CATEGORY
<u>Administration</u>		
Director	Manages and directs the activities of Purchasing & Contracting. Plans, directs and administers the City's procurement; directs solicitation of bids and issuance of contracts for supplies, materials, equipment, non-professional services, and minor construction.	1
Assistant Director	Directs daily operations and ensures City policy is followed; approves and/or recommends financial decisions regarding public works, consultancy and contracting in an audit function.	1
Supervising Management Analyst	Plans and directs the work of budget functions; oversees administrative support staff, the Procurement Card Program, and Living Wage Ordinance administration.	1
Information Systems Analyst III	Supervises and administers departmental information systems; serves as primary liaison on citywide IT committees and with SDDPC; provides support and technical expertise in maintaining department systems; generates data reports; prepares, monitors, and analyzes department's data processing budget.	1
Living Wage Administrator	Monitors City service contracts, Facility Agreements and Financial Assistance Agreements for inclusion of Living Wage Ordinance (LWO); serves as liaison with City staff, Mayor and Council Offices, City Attorney's Office, community based organizations, labor representatives, and City facility operators; develops and conducts LWO trainings; provides public information.	1
Procurement Card Program Administrator	Manages Procurement Card Program; serves as liaison with US Bank; reviews payments; conducts audits; prepares reports; and coordinates all program activities. Coordinates with Procurement staff on citywide contracting issues; seeks to expand procurement card opportunities; serves as back-up on department budget coordination.	1
<u>Contracts</u>		
Principal Contract Specialist	Plans and directs the work of Contract Specialist; participates in complex contract administration; negotiates, awards, administers, and terminates various types of contracts including public work consulting, design, construction, and material and equipment contracts. Develops negotiation plans and strategies; and prepares reports.	1

Deleted: and
Formatted: Right: 1"

Deleted: .
Deleted: Approves and or recommends financial decisions regarding public works, consultancy and contracting in an audit function.¶

Formatted: Right: 1"

Formatted: Right: 1"

Formatted: Right: 1"

Deleted: ing

Deleted: Deputy Director . Directs daily operations and ensures City policy is . . . ¶
followed; manages and administers contracting programs; Approves and/or recommends financial decision regarding the operation of the Contracting Division.¶

Supervising Management . Plans and directs the work of contract specialist; . . . ¶
Analyst . and/or recommend financial decisions regarding public works, consultancy and contracting in an audit function.¶

Deleted: c

Deleted: s

Deleted: 2

Deleted: the more highly

Deleted: . N

Deleted: . a

Deleted: pre-purchases

Deleted: s

Deleted: ;

Deleted: develops and maintains commercial terms and conditions of contracts;

Deleted: d

Senior Contract Specialist Plans and directs the work of Contract Specialists and participates in the more highly complex duties. Recommends and negotiates financial decisions such as the selection of service providers. 2

Purchasing

Principal Procurement Specialist Plans, assigns, and supervises work of Procurement Specialists in solicitation of bids for purchase of materials, supplies, equipment, and non-professional services; plans and performs purchases of assigned commodities. 2

Senior Procurement Specialist Plans and performs high value or complex purchases of equipment, materials, supplies and non-professional services. 2

Procurement Specialist Purchases an assigned group of commodities including equipment, materials and non-professional services. 2

Buyer's Aide I & II Purchases an assigned group of relatively low value and less complex commodities including equipment, materials, supplies and non-professional services. 2

Central Stores

Stores Operations Supervisor Supervises citywide inventory control system and maintains system integrity, including accuracy of value and quantities on hand of all materials; supervises Central Stores' accounts payable section, including liaison with Auditors and San Diego Data Processing Corporation; arranges for disposal of City surplus by bid sales. 1

Storekeeper III Oversees day-to-day operations of Central Stores; plans, organizes, and directs receipt, inspection, storage and issuance of City stock items; arranges for disposal of City surplus by auction, bid sales or discard; processes City surplus for disposition; monitors adherence to policies and procedures. 2

Storekeeper II Plans, organizes and directs receipt, inspection, storage, and issuance of City stock items; arranges for disposal of City surplus by auction, bid sales or discard; processes City surplus for disposition; monitors adherence to policies and procedures; and may receive, inspect and issue stock. 2

Storekeeper I Manages day-to-day activities of assigned storeroom; receives and inspects goods for proper quality and quantity; places orders with pre-approved suppliers for stock items. 2

Consultants

Consultant Performs consultant services for Purchasing & Contracting Department. Disclosure will be as required. See Appendix B. 3

Deleted: in
Deleted: the more . . . 2
Deleted: of a Managed Competition staff
Deleted: §

Deleted: Purchasing Agent/Deputy . . . Plans, directs and administers the City's Purchasing . . . 1
Director . Program; and directs solicitation of bids and issuance of contracts for supplies, materials, equipment, non-professional services, and minor construction. §

Deleted: buyers

Deleted: and

Deleted:

Deleted: S

Deleted:

Deleted: Receives

Deleted: Central Stores Supervisor . Supervises Citywide Inventory control system and . 2
maintains system integrity, including accuracy of value and quantities on hand of all materials; supervises Central Stores' accounts payable section, including liaison with Auditors and San Diego Data Processing Corporation; arranges for disposal of City surplus by bid sales. §

Formatted: Centered

Formatted Table

Formatted: Right: 0.5"

**PURCHASING AND CONTRACTING
CONFLICT OF INTEREST CODE**

**APPENDIX A
DESIGNATED POSITIONS, DUTIES, AND CATEGORIES**

POSITIONS	DUTIES	CATEGORY
Administration		
Director	Manages and directs the activities of Purchasing & Contracting. Plans, directs and administers the City's procurement; directs solicitation of bids and issuance of contracts for supplies, materials, equipment, non-professional services, and minor construction.	1
Assistant Director	Directs daily operations and ensures City policy is followed; approves and/or recommends financial decisions regarding public works, consultancy and contracting in an audit function.	1
Supervising Management Analyst	Plans and directs the work of budget functions; oversees administrative support staff, the Procurement Card Program, and Living Wage Ordinance administration.	1
Information Systems Analyst III	Supervises and administers departmental information systems; serves as primary liaison on citywide IT committees and with SDDPC; provides support and technical expertise in maintaining department systems; generates data reports; prepares, monitors, and analyzes department's data processing budget.	1
Living Wage Administrator	Monitors City service contracts, Facility Agreements and Financial Assistance Agreements for inclusion of Living Wage Ordinance (LWO); serves as liaison with City staff, Mayor and Council Offices, City Attorney's Office, community based organizations, labor representatives, and City facility operators; develops and conducts LWO trainings; provides public information.	1
Procurement Card Program Administrator	Manages Procurement Card Program; serves as liaison with US Bank, reviews payments; conducts audits; prepares reports; and coordinates all program activities. Coordinates with Procurement staff on citywide contracting issues; seeks to expand procurement card opportunities; serves as back-up on department budget coordination.	1
Contracts		
Principal Contract Specialist	Plans and directs the work of Contract Specialist; participates in complex contract administration; negotiates, awards, administers, and terminates various types of contracts including public work consulting, design, construction, and material and equipment contracts. Develops negotiation plans and strategies; and prepares reports.	1

001972

Senior Contract Specialist	Plans and directs the work of Contract Specialists and participates in the more highly complex duties. Recommends and negotiates financial decisions such as the selection of service providers.	2
----------------------------	--	---

Purchasing

Principal Procurement Specialist	Plans, assigns, and supervises work of Procurement Specialists in solicitation of bids for purchase of materials, supplies, equipment, and non-professional services; plans and performs purchases of assigned commodities.	2
----------------------------------	---	---

Senior Procurement Specialist	Plans and performs high value or complex purchases of equipment, materials, supplies and non-professional services.	2
-------------------------------	---	---

Procurement Specialist	Purchases an assigned group of commodities including equipment, materials and non-professional services.	2
------------------------	--	---

Buyer's Aide I & II	Purchases an assigned group of relatively low value and less complex commodities including equipment, materials, supplies and non-professional services.	2
---------------------	--	---

Central Stores

Stores Operations Supervisor	Supervises citywide inventory control system and maintains system integrity, including accuracy of value and quantities on hand of all materials; supervises Central Stores' accounts payable section, including liaison with Auditors and San Diego Data Processing Corporation; arranges for disposal of City surplus by bid sales.	1
------------------------------	---	---

Storekeeper III	Oversees day-to-day operations of Central Stores; plans, organizes, and directs receipt, inspection, storage and issuance of City stock items; arranges for disposal of City surplus by auction, bid sales or discard; processes City surplus for disposition; monitors adherence to policies and procedures.	2
-----------------	---	---

Storekeeper II	Plans, organizes and directs receipt, inspection, storage, and issuance of City stock items; arranges for disposal of City surplus by auction, bid sales or discard; processes City surplus for disposition; monitors adherence to policies and procedures; and may receive, inspect and issue stock.	2
----------------	---	---

Storekeeper I	Manages day-to-day activities of assigned storeroom; receives and inspects goods for proper quality and quantity; places orders with pre-approved suppliers for stock items.	2
---------------	--	---

Consultants

Consultant	Performs consultant services for Purchasing & Contracting Department. Disclosure will be as required. See Appendix B.	3
------------	---	---

**PURCHASING AND CONTRACTING DEPARTMENT
CONFLICT OF INTEREST CODE**

**APPENDIX B
DISCLOSURE CATEGORIES**

Category 1 All investments and business positions in business entities, and income from construction firms, building firms, real estate or financial institutions, located in or doing business in the City.

All interests in real property located in the City, including property located within a two-mile radius of any property owned and used by the City.

All reportable income, including gifts, from any person or business entity that supplies goods or services to the City of San Diego.

Category 2 Investments and business positions in any business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party of the City in a legal proceeding, or that is granted authority by the City to use City facilities.

Income and gifts from any person or business entity that supplies goods or services to the City, receives goods or services from the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding or that is granted authority by the City to use City facilities.

Interest in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

Category 3 Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in this code subject to the following limitation:

The Department Director, Assistant Director, Deputy Directors or Assistant Deputy Directors may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The determination is a public record and shall be retained for public inspection in the same manner and location of this Conflict of Interest Code.

001975

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE PURCHASING AND
CONTRACTING DEPARTMENT

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

001976

WHEREAS, by Resolution No. R-302215, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Purchasing and Contracting Department, which at the time was part of a larger code for the Business Support division; and

WHEREAS, the Purchasing and Contracting Department now seeks to revise its conflict of interest code to have a stand-alone code, and to add positions, delete positions more appropriately included in other department codes, and to update required filing categories for positions; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Purchasing and Contracting Department; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Purchasing and Contracting Department is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Purchasing and Contracting Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Purchasing and Contracting Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Purchasing and Contracting Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
11/07/08
Or.Dept:Purchasing & Contracting
R-2009-221