§22.3103 General Requirements Contracts

(a) General Requirements Contracts for public work may be awarded by the City Council under written agreement under the provisions of Section 94 of the City Charter, subject to the limitations of Section 22.3103(a)–(d):

(1) The specifications were advertised in accordance with Section 22.3006.

(2) The specifications provided for sealed competitive bidding on unit–cost terms for all labor, material, and equipment necessary to perform all work contemplated for individual Task Orders.

(3) The General Requirements Contract does not exceed a term of two years in duration.

(b) If a General Requirements Contract is awarded for a term less than two years, one or more extensions may be awarded but the entire term of the requirements contract, including extensions, may not exceed two years.

(c) A General Requirements Contract may not contain any provision which would guarantee the contractor cumulative Task Orders in excess of $50,000.

(d) A General Requirements Contract may not exceed the sum of $10,000,000 for the time in which the requirements contract is effective, including any extensions.

("General Requirements Contracts" added 6–29–1998 by O–18532 N.S.)

§22.3104 Task Orders

(a) Following award of a General Requirements Contract by the Council, the City Manager may thereafter identify and issue Task Orders under the General Requirements Contract and shall certify in accordance with Section 22.3104(b) that the public will not benefit from strict compliance with the competitive bidding requirements of Charter section 94 for the Task Order because, under the particular circumstances, one or more of the following criteria have been met:

Attachment 4

(1) strict compliance with the competitive bidding requirements will work an incongruity and not affect the final result; or

(2) strict compliance will not produce an advantage; or

(3) advertising for bids is undesirable because it will be practically impossible to obtain what is needed or required.

(b) The duty to provide the certification set forth in Section 22.3104(a) may not be delegated or executed by any person other than the City Manager, except that the City Manager may authorize the Assistant City Manager, and Deputy City Manager, or any Department Director to make the certification.

(c) An individual Task Order may not exceed the sum of $500,000, except in the case of a bona fide emergency affecting health, safety, or property.

(d) Upon a decision by the City Manager to issue a Task Order exceeding $250,000, the City Manager shall immediately inform the City Auditor and Comptroller in writing of the decision, the project or task for which the Task Order is issued, and the facts justifying the certification issued pursuant to Section 22.3104(a).

(e) The City Manager is prohibited from subdividing any public work which logically should be performed as a single contract transaction requiring the expenditure of more than $500,000 into separate Task Order requirements for purposes of avoiding this limitation.

("Task Orders" added 6–29–1998 by O–18532 N.S.)

§22.3105 Use of City Forces

(a) City forces shall not be used on public works projects if the cost therefor exceeds the sum of $100,000 unless the Council has approved use of City forces on those projects. When Council approval is required, the City Manager shall indicate justification for the use of City forces and shall indicate whether the work can be done by City forces more economically than if let by contract.

(b) The City Manager may exercise his or her discretion of the use of City forces on public works when the cost therefor does not exceed the amount of $100,000.

("Use of City Forces" added 6–29–1998 by O–18532 N.S.)