

ORDINANCE NO. 84-04

REPEALED
By CHAPTER 2
ORD. 88-02 ON
1-20-88-

ESTABLISHED
SECTION 2.8.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, ESTABLISHING THE PURCHASING SYSTEM AND PROVIDING FOR THE PURCHASE OF SUPPLIES AND EQUIPMENT.

THE CITY COUNCIL OF THE CITY OF RIDGECREST, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SEE
LETTER
FROM
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SYSTEM
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SECTION 1: This Ordinance shall be known and may be referred to as the "Purchasing Ordinance" of the City of Ridgecrest.

SECTION 2: Adoption of the Purchasing System. In order to establish efficient procedures for the purchase of supplies and equipment, to secure for the City supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted.

SECTION 3: Purchasing Authority. The authority for the purchase and sale of supplies and equipment is vested in the City Administrator. The City Administrator or his designated purchasing official shall have authority to:

- A. Purchase or contract for supplies and equipment in accordance with purchasing procedures as prescribed by this chapter and such other rules and regulations as may be adopted by the City Council.
- B. Negotiate and recommend execution of contracts for the purchase of supplies and equipment and seek the needed quality at the least expense to the City. In doing so, he should discourage collusive bidding and endeavor to obtain as full and open competition as possible on all purchases.
- C. Supervise the inspection of all supplies and equipment purchased to insure conformance with specifications.
- D. Supervise the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any agency, or which have become unsuitable for city use.
- E. Operate and maintain the storage facilities of the City and such control records as are necessary for the proper inventory of stocks, supplies and equipment.
- F. Advise the City Council of rules and procedures governing the purchase of supplies and equipment for the City. Recommend revisions and amendments to said purchasing rules and procedures.

SECTION 4: Centralized Purchasing Department. There is hereby created a centralized purchasing department in which is vested authority of the purchase of supplies and equipment.

SECTION 5: Requisitions. The using agency shall submit requests for supplies and equipment to the Purchasing Clerk by standard requisition forms. All using agencies shall file detailed estimates of their requirements of supplies and equipment in such a manner, at such time, and for such future periods, as the City Administrator shall prescribe.

SECTION 6: Bidding. Purchases of supplies and equipment and the sale of supplies and equipment may be by bid procedure, and the bidding shall be utilized as a purchase procedure when in the determination of the City Administrator the best interests of the citizens will be served or negotiation will be utilized in those instances when, in the opinion of the City Administrator, the best value to the citizens can be obtained by that procedure. When the amounts involved are more than \$5,000 and whether bidding procedure is used or not, all such purchases, contracts and sale of personal property, shall be subject to approval by the City Council.

SECTION 7: Purchase Orders. The purchase of supplies and equipment shall be made by purchase orders. The Purchasing Clerk, with written approval of the City Administrator, may authorize in writing any agency to purchase or contract for specified supplies and equipment independently of the purchasing department. Such purchases or contracts shall be made in conformity with the procedures established by this chapter and periodic reports from the agency to the purchasing department on the purchases and contracts shall be required.

SECTION 8: Encumbrance of Funds. Except in cases of emergency, the City Administrator or his designated purchasing official shall not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which said purchase is to be charged.

SECTION 9: Purchases under \$5,000. Except as otherwise provided in this Ordinance, purchase of supplies and equipment of an estimated value in the sum of \$5,000 or less may be made by the City Administrator in the open market pursuant to the procedure described as follows:

- A. Open market purchases shall, wherever possible, be based on at least three competitive quotes, and shall be awarded to the lowest responsible quotation, subject to the instructions and conditions printed on the reverse side of the "Request for Quotes" form
- B. Quotes may be solicited by telephone and telegram, by written request, to prospective vendors and by public notice posted on a public bulletin board in the City Hall.
- C. The City Administrator shall keep a record of all open market orders and quotes for a period of one year after the submission of quotes or the placing of orders.
- D. For purchases of \$1,000 or less, the City Administrator may authorize his designated purchasing official to purchase supplies and

equipment under the above described provisions for open market purchases.

SECTION 10: Purchases over \$5,000. Except as otherwise provided herein, purchase of supplies and equipment of an estimated value greater than \$5,000 shall be by written contract with the lowest responsible bidder, said bidder to be awarded said contract by the City Council pursuant to the procedure prescribed herein.

- A. Notice Inviting Bids. Notice Inviting Bids shall include a general description of the articles to be purchased, shall state where bid plans and specifications may be secured, and the time and place for opening of bids.
1. Published Notice. Notice Inviting Bids shall be published at least once in a newspaper of general circulation, printed and published in the City at least ten (10) days before the date of opening of the bids, which opening date, time and place shall be specified in said notice.
 2. Bidder's List. Sealed bids shall be solicited from all responsible prospective suppliers whose names are on the Bidder's List or who have requested in writing that their names be added thereto.
 3. Bulletin Board. The Purchasing Clerk shall also advertise pending purchases or sales by a notice posted on a public bulletin board in the City Hall.
- B. Bidder's Security. When deemed necessary by the purchasing official, bidders security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the City is responsible for the delay.
- The City Council may, on refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest bidder. The amount of the lowest bidder's security shall be applied by the City to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.
- C. Bid Opening Procedure. Sealed written bids shall be submitted to the Purchasing Clerk and shall be identified as "Bids" on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening. Bids received after the appointed hour for opening will be returned unopened to the sender.

- D. Rejection of Bids. At its discretion, the City Council may reject any and all bids presented and re-advertise for bids pursuant to the procedure hereinabove prescribed.
- E. Tie Bids. If two or more bids received are the lowest and for the same total amount of unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council, in its discretion, may accept the one it chooses or accept the lowest bid made by and after City's negotiation with the tie bidders.
- F. No Bids. If no bids are received, the City Council may make the purchase without further complying with the bidding requirements of this chapter.
- G. Performance Bonds. The City Council, before entering a purchase contract, shall have authority to require a performance bond and a labor and material bond in such amounts as it shall find reasonably necessary to protect the best interests of the City as required by law and the amounts of such bonds shall be described in the Notice Inviting Bids.

SECTION 11: Inspection and Testing. The City Administrator or his designated official shall be responsible for the inspection of said ordered supplies and equipment upon delivery to determine their conformance with the specifications as set forth in the order or the contract. The City Administrator or his designated officials shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. Samples of items, when required, shall be furnished free of expense to the City and, if not destroyed by tests, will, upon request, be returned at the bidder's expense.

SECTION 12: Surplus Supplies and Equipment.

- A. All using agencies shall submit to the City Administrator, at such times and in such form as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out.
- B. The City Administrator shall have authority to sell all supplies and equipment which cannot be used by any agency or which have become unsuitable for City use, or to exchange the same for, or trade in the same on, new supplies and equipment. Such sale shall be made in accordance with Section 9 and 10 hereof, whichever is applicable with the exception that the sale be made to the highest responsible quotation/bid.

SECTION 13: Exemption. This ordinance does not apply where the Council has contracted for and by resolution transferred the authority to make the purchase of supplies and equipment to another governmental agency or officer.

SECTION 14: Cooperative Purchasing. Purchases of supplies or equipment and sales or disposition of City property may be made under a Cooperative Purchasing Program with a County or State and/or Federal Government, subject to prior Council approval by resolution, without City being required to observe the procedures prescribed in this chapter.

SECTION 15: Unlawful Purchases.

- A. If any agency purchases or contracts for any supplies, materials or equipment contrary to the provisions of this ordinance, such purchase order or contract shall be void and of no effect. The head of the agency making such purchase transaction shall be personally liable for the amount of such purchase order or contract.
- B. Gratuities. The acceptance of any gratuity to any official or employee of the City by any vendor or contractor, or any other person, shall be cause for declaring such individual or firm to be an irresponsible bidder and for debaring him from bidding for a reasonable period of not less than one (1) year. Such debarred bidder shall be notified in writing of such action and shall be furnished with a statement of the reasons therefor.

SECTION 16: Severability. If any section, subsection, subdivision sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, or otherwise invalid, such invalidity shall not affect the validity of the entire ordinance or any of the remaining portions thereof. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision sentence, clause and phrase hereof irrespective of the fact that one or more sections, subsections, subdivisions sentences, clause or phrases be declared unconstitutional or otherwise invalid.

APPROVED AND ADOPTED this 21st day of February, 1984, by the following vote:

- AYES: Mayor Cheshire, Councilmembers Bergens and Rieger
- NOES: None
- ABSENT: None
- ABSTAIN: None



RON CHESHIRE, Mayor

ATTEST:



JOYCE M. TAFT, City Clerk