

**Title 4**

**CONTRACTING**

**Chapters:**

- 4.01 General Provisions**
- 4.02 Informal Purchasing Procedures**
- 4.03 Formal Purchasing Procedures**
- 4.04 Local Bidder Preference**
- 4.05 Accountability**
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## Chapter 01

### GENERAL PROVISIONS

#### Sections:

- 4.01.010 Purpose.**
- 4.01.020 Definitions.**
- 4.01.030 Purchasing Officer designated and duties established.**
- 4.01.040 Execution of Certain Contracts.**
- 4.01.050 Requisitions, Purchase Orders, Vouchers.**
- 4.01.060 Subsequent Modification of Public Contract Code.**

#### **4.01.010 Purpose.**

The purpose of this title is to:

- A. Establish efficient procedures for the purchase or lease of services, supplies, materials and equipment at the lowest feasible cost, taking into consideration the necessary level or quality and the benefit of supporting local businesses;
- B. Ensure that there is accountability and control over purchases by the City; and
- C. Clearly define the authority for purchasing function on behalf of the City.

#### **4.01.020 Definitions.**

For purposes of this title, and except where otherwise expressly defined, the following words and phrases shall have the following meanings respectively ascribed to:

“Bidder” shall mean a person, firm or entity that submits a bid to the City in response to the City’s solicitation of bids under the formal bidding procedure provided in 04.03.

“City Manager” shall mean the City Manager of the City of Ceres or a City employee specifically designated to act for the City Manager.

“Formal bidding procedure” shall mean the City’s competitive bidding procedure as set forth in 04.03.

“Informal bidding procedure” shall mean the procedure adopted under 04.04.

“Local business” or “local vendor” shall mean a business holding a valid City business license and having its principal place of operation within the Municipal boundaries of the City.

“Nonprofessional services” shall mean and include services of a nonprofessional character of any type, description or variety including, but not limited to, tree trimming services, janitorial services,

repair services for office machines and equipment, and automotive vehicles and other similar services which do not involve professional services.

“Professional services” shall mean and include professional services of any type or variety, including, but not limited to, services that require special licenses or certifications, or services rendered by engineers, architects, auditors, consultants, actuaries and attorneys.

“Purchase” shall mean the purchase, rental, or lease of supplies or services.

“Real property” shall mean and include all interests in real property, including, but not limited to, fee title to real property and easements affecting real property, but shall not include leasehold interests except in conjunction with the purchase of other interests in real property.

“Responsible bidder” shall mean a person or entity who has the capability in all respects to fully perform all contract requirements and who is permitted to do so under local, State, and Federal law. A responsible bidder has adequate financial responsibility, resources, judgment, skill, ability, capacity and integrity to perform all aspects of the contract, taking into consideration the criteria set forth in 04.03.050.

“Responsive bid” shall mean an offer, submitted by a responsible bidder to furnish supplies or services in conformity with the specifications, delivery terms and conditions and other requirements included in the invitation for bids.

“Supplies” shall mean and include supplies, goods, equipment and materials, excluding supplies or materials required for the maintenance or repair of any street, sewer or water work which are subject to competitive bidding as a public project under the California Public Contract Code.

**4.01.030 Purchasing Officer designated and duties established.**

A. The City Manager is designated as Purchasing Officer for the City.

B. The Purchasing Officer shall have the authority to:

1. Make, enter into and execute agreements or contracts on behalf of the City when authorized to do so by City Council resolution or ordinance;
2. Through writing, delegate his or her authority to purchase or execute such contracts, or to make and execute such contracts, to other City department heads when authorized to do so by City Council resolution or ordinance, but must require that the purchases or contracts be made in conformity with the procedures established by this Chapter, and shall further require periodic reports from the department head regarding the purchases and contracts made pursuant to such authority;
3. Purchase, or contract for the sale or lease of, supplies or nonprofessional services required by the City in accordance with purchasing procedures established in this title and other applicable law;

4. Negotiate and recommend execution of contracts for purchase or lease of supplies or nonprofessional services in accordance with purchasing procedures established in this title and other applicable law;
5. Act to procure for the City the necessary quality of supplies or nonprofessional services in accordance with the provisions of this chapter and other applicable law;
6. Prepare and recommend to the City Council amendments to the purchasing rules;
7. Establish and maintain such forms as reasonably necessary to the purchasing function and maintain other records necessary for the efficient acquisition of supplies or nonprofessional services;
8. Supervise the inspection of all supplies or nonprofessional services purchased or leased by the City to ensure conformance with specifications;
9. Recommend and oversee the sale or disposal of all supplies or nonprofessional services which cannot be used by the City, or which have become unsuitable for City use;
10. Maintain a bidders' list, including a local bidders' list that identifies businesses and service providers that have an established place of business within the City and that have had a City business license for at least twelve (12) months.

**4.01.040 Execution of Certain Contracts.**

The City Manager, or his or her designee, is authorized to execute contracts on behalf of the City for services, supplies, and equipment:

- A. Whenever authorization is provided by the City Council;
- B. When the contract sum does not exceed twenty-five thousand dollars (\$25,000.00); or
- C. The contract term does not exceed one year in duration and the amount of the contract for the services, supplies and equipment has been approved in the City's current adopted budget, or subsequent any modifications.

**4.01.050 Requisitions, Purchase Orders, Vouchers.**

Each department or division shall utilize the form of requisition prescribed by the Purchasing Officer. No purchase requisition shall be initiated unless the department has a sufficient unencumbered balance in excess of all unpaid obligations in the department budget where the purchase is to be charged.

**4.01.060 Subsequent Modification of Public Contract Code.**

Should any sections of the California Public Contract Code referred to in this Title be amended, modified or replaced, by the State Legislature, the sections amended, modified or replaced shall govern the provisions of this Title.

## Chapter 02

### INFORMAL PURCHASING PROCEDURES

**Sections:**

**4.02.010 Informal Purchasing Procedures.**

**4.02.020 Cooperative Purchasing Agreements.**

**4.02.010 Informal Purchasing Procedures.**

The Purchasing Officer, or a department head authorized pursuant to this Title, may make purchases of supplies, equipment, or services with a value of less than twenty-five thousand dollars (\$25,000.00) by following the informal bid procedures provided in this Section.

A. *Minimum Number of Bids:* Except in unusual circumstances when three (3) bids cannot be obtained, all purchases shall be based on at least three (3) bids or price quotes, and shall be awarded to the lowest responsible bidder.

B. *Solicitation of Bids:* The Purchasing Officer, or a department head authorized pursuant to this Title, may solicit bids by mail, telephone, public notice to vendors, posting of notice or any other appropriate method. Copies of all bids or price quotes shall be retained for public inspection during regular business hours for not less than one year after receipt.

**4.02.020 Cooperative Purchasing Agreements.**

The Purchasing Officer, where advantageous to the City, may, by cooperative purchasing agreements approved by the City Council, purchase supplies or nonprofessional services through legal contracts of other governmental jurisdictions or public agencies without separate formal bidding procedures by the City.

## Chapter 03

### FORMAL PURCHASING PROCEDURES

**Sections:**

- 4.03.010**      **Formal Purchasing Procedures.**
- 4.03.020**      **Alternative Award Upon Failure of Bidder to Enter into Contract.**
- 4.03.030**      **Readvertisement.**
- 4.03.040**      **Exceptions to Formal Bidding.**
- 4.03.050**      **Lowest Responsible Bidder.**
- 4.03.060**      **Inspection and Testing of Supplies and Equipment.**

**4.03.010**      **Formal Purchasing Procedures.**

Except as otherwise provided in this Title, purchases of supplies, equipment, or services, over twenty-five thousand dollars (\$25,000.00) shall be by formal bid awarded to the lowest responsible bidder, pursuant to the procedure described in this Section.

A. *Notice:* The Purchasing Officer shall request that the City Clerk call for formal bids by publishing a notice inviting bids at least once in a newspaper of general circulation in the City not less than ten (10) calendar days prior to the date set for opening bids. The Purchasing Officer, when he or she deems it to be advisable, may require more than one (1) advertising of the request for bids. The notice inviting bids shall be prepared and shall include: a general description of the supplies or nonprofessional services to be purchased, where the bid instructions and specifications may be obtained, the time and place for the bid openings, and whether a bid deposit or bond, or other security, such as performance, payment or maintenance bonds, will be required.

B. *Bidder's Security:* When deemed necessary by the Purchasing Officer, or a department head authorized pursuant to Section 3.04.030 of this Chapter, bidder's security may be prescribed by the Purchasing Officer in the public notices inviting bids. Where required, each bidder shall be required to submit with the bid as bid security, either in cash, by cashier's check or certified check in favor of and payable to the City, or by surety bond, an amount determined to be sufficient, but not to exceed ten percent (10%) of the total amount of the bid. The bid security shall be returned to all bidders except the successful bidder within ten (10) days of the contract being awarded. The bid security shall be returned to the successful bidder once the contract is executed and any required bonds or securities required under the contract have been deposited, as required. If the successful bidder refuses or fails to execute the contract or post any required bonds within twenty (20) days of receiving the contract award from the City, the bid security shall be forfeited to the City and the Purchasing Officer shall draw the money due on such bid security and pay the same, or any cash deposited, into the City treasury. The bid security shall not be returned to the defaulting bidder in such case unless the City Council approves the return of the bid security in whole or in part. Upon good cause being shown, the Purchasing Officer may extend the time for the bidder to enter the contract for a period not to exceed thirty (30) days.

*C. Bid Opening Procedure:* Sealed bids shall be submitted to the Purchasing Officer, or a department head authorized pursuant to this Title, and shall be identified as bids on the envelope. All bids shall be made upon forms to be prepared by the City and furnished upon application. The preparation of such forms by bidders shall be subject to procedures formulated by the Purchasing Officer and shall include controls over erasures, corrections, and interlineations. Bids shall be opened by the City Clerk or his or her designated representative in public, at the time and place stated in the public notice. Bids received after the deadline established in the notice inviting bids shall be returned to the bidder unopened. 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.

*D. Award of Contracts and Purchase Orders:* Except as otherwise provided in this Chapter, contracts and purchase orders shall be awarded to the lowest responsible bidder, taking into consideration the local vendor preference provided in 04.04.

*E. Tie Bids:* If two (2) or more bids are received for the same total amount or unit price, quality and service being equal, City Council may accept the one it chooses or accept the lowest bid made by negotiation with the tie bidders.

*F. Performance Bonds:* The Purchasing Officer, or a department head authorized pursuant to this Title, shall have the authority to require a performance bond before entering into a contract. The bond will be in an amount reasonably necessary to protect the best interest of the City. If a performance bond is required, the form and amount of the bond shall be described in the notice inviting bids.

*G. Splitting or Separating Purchases or Contracts:* Contracts for the purchase or supplies, equipment or services may not be split or separated into smaller work orders for the purpose of evading the provisions of this Section.

**4.03.020 Alternative Award Upon Failure of Bidder to Enter into Contract.**

If the bidder to whom the contract is awarded shall fail to enter into the contract as required, the City Council may declare the award to that bidder a nullity, and award the contract to the next lowest responsible bidder, or it may readvertise for bids, or dispense with competitive bidding, as provided in this Chapter.

**4.03.030 Readvertisement.**

In the event the City Council rejects any and all bids, receives no bids, or in the event the bidder to whom a contract award is made fails to enter into the contract as required and the City Council does not make an award to the next lowest responsible bidder, the City Council may readvertise for bids, or may dispense with competitive bidding pursuant to state law.

**4.03.040 Exceptions to Formal Bidding.**

Sections 3.04.050 and 3.04.060 of this Chapter shall not apply to the purchase of supplies, services, equipment, or furnishings under the following circumstances:



- A. The Purchasing Officer finds that such supplies, services, or equipment are unique because of the quality, durability, availability, or fitness for a particular use and are available from only one source, or if available from more than one source, bidding is not likely to result in the lowest price;
- B. The Purchasing Officer finds that circumstances require the immediate purchase of such supplies, equipment services, or furnishings;
- C. When the amount of the purchase is less than two thousand dollars (\$2,000.00);
- D. Purchases of supplies, equipment, or furnishings are made through a cooperative purchase agreement.

**4.03.050      Lowest Responsible Bidder.**

Where any provision of this Chapter requires award of the contract for supplies or nonprofessional services to the “lowest responsible bidder,” it shall mean a responsible bidder who submits the lowest monetary bid that is a responsive bid. In determining whether a bidder is a responsible bidder, the City may use any of the following criteria to evaluate bidders:

- A. The ability, capacity and skill of the bidder to perform the contract, provide the services required, or effectuate the transaction;
- B. The ability of the bidder to perform the contract or effectuate the transaction within the time specified, without delay;
- C. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- D. The quality of the bidder’s performance on previous purchases by, or contracts with, the City;
- E. Prior and current compliance by the bidder with applicable law, including, without limitation, compliance with any applicable licensing requirements;
- F. The sufficiency of the bidder’s financial and staffing resources for performing the contract or providing supplies or nonprofessional services;
- G. The quality, availability and adaptability of the supplies or nonprofessional services to the particular use required; and
- H. The ability of the bidder to provide future maintenance, repair parts and services for the supplies provided.

**4.03.060      Inspection and Testing of Supplies and Equipment.**

The Purchasing Officer, or a department head authorized pursuant to this Title, shall inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract. The Purchasing Officer shall have 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 specifications.

## Chapter 04

### LOCAL BIDDER PREFERENCE

**Sections:**

**4.04.010 Local Bidder Preference.**

**4.04.010 Local Bidder Preference.**

A. In order to stimulate and enhance the local economy, the City Council has determined that, all other factors being equal, it is in the best interest of the community to allow local bidders a preference regarding goods and services purchased by the City. Therefore, where formal bidding is required by this Chapter, local bidders for the provision of supplies, equipment, or services to the City may, in the discretion of the Purchasing Officer, be allowed a three percent (3%) preference. For the purpose of this Section, "local bidder" shall mean a business holding a valid City business license and having its principal place of operation within the Municipal boundaries of the City. This discretionary authority to grant a preference to a local bidder shall not apply to any contracts or purchases required by Federal or State law to be let to the "lowest responsible bidder."

B. Where formal bidding is not required by this Chapter for supplies or nonprofessional services, preference shall be given to local vendors who can provide such supplies and nonprofessional services at a price that will be substantially competitive with businesses which are not located in the City. The administrative procedures shall provide that in making said determination, the officer or employee of the City may consider factors which include the need to undertake timely repair and maintenance of City equipment critical for the operations of the City, savings in staff time and expense associated with making purchases of supplies and nonprofessional services, and the desirability of having a local source of supplies and nonprofessional services for use by the City and its residents.

## Chapter 05

### ACCOUNTABILITY

#### Sections:

- 4.05.010 Collusion with Vendor.**
- 4.05.020 Unauthorized Purchases – Exceptions.**
- 4.05.030 Independent Price Determination.**

#### **4.05.010 Collusion with Vendor.**

Any officer or employee of the City, or of any City department, who shall aid or assist a vendor in securing a contract to furnish supplies or nonprofessional services at a higher price than that proposed by any other vendor, or who shall favor one (1) vendor over another by giving or withholding information, or who shall willfully mislead any vendor in regard to the character of the supplies called for, or who shall knowingly accept supplies of a quality inferior to those called for in the contract, or to the receipt of greater amount or different kind of supplies than has been actually received, shall be deemed guilty of a misdemeanor.

#### **4.05.020 Unauthorized Purchases – Exceptions.**

It shall be unlawful for any City officer or employee to purchase or contract for supplies or nonprofessional services on behalf of the City, other than as prescribed in this Title, excepting purchases made from petty cash, emergency purchases or other purchases made in conformance with procedures established by the Purchasing Officer. Any purchases, contracts, or obligations to pay made contrary to the provisions of this chapter shall be null and void.

#### **4.05.030 Independent Price Determination.**

A. No person submitting any bid or proposal in connection with the procurement of supplies or nonprofessional services by the City shall:

1. Propose or bid prices which have not been arrived at independently without consultation, communication, or agreement with any other bidder, offeror, or competitor for the purpose of restricting competition as to any matter relating to the prices bid or proposed;
2. Unless otherwise provided by law, prior to opening of the bids or proposals, knowingly disclose any price bid or proposed to any other bidder, offeror or to any competitor;
3. Make any attempt to induce any other person, firm or other entity or association to submit or not to submit a bid or proposal for the purpose of restricting competition;
4. Knowingly be interested in more than one (1) bid as the principal bidder; provided, however, subcontract bids to the principal bidders are excluded from this subsection (A)(4).

B. In the case of joint venture bids, the joint venture and each and every member of the joint venture shall, for purposes of this section be construed to be the person submitting the bid or proposal.

C. Any violation of this section shall be unlawful and a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Any bid received or contract awarded where there was a violation of this section shall be null and void and the City Council shall proceed with the bid as if the bidder failed to enter into the contract after the award. Nothing in this section shall limit the City to any other remedy available to it under law and equity.

## Chapter 06

### SURPLUS PROPERTY AND EQUIPMENT

#### Sections:

#### **4.06.010 Surplus Supplied and Equipment.**

#### **4.06.010 Surplus Supplied and Equipment.**

A. All departments shall submit to the Purchasing Officer, at such times and in such form as prescribed, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out.

B. The Purchasing Officer shall cause an inventory of surplus property to be prepared and maintained. The Purchasing Officer shall make a copy of the inventory, prepare a report, and place the item on the City Council agenda, requesting approval to sell the surplus items.

C. The City Council shall be informed of the condition of any item proposed for disposition, and the determination of the City Council that such item is surplus shall be obtained before proceeding with disposition.

D. After a determination has been made by the City Council that the supplies and equipment are surplus property, the Purchasing Officer shall have authority to sell such supplies and equipment, or to exchange the same for, or trade in the same, on new supplies and equipment, or otherwise dispose of the property for the common benefit of the City.

E. Surplus property shall be sold pursuant to the following procedures:

1. Requests for bids shall be issued, and sales shall be made to the highest bidder; provided, however, sales may be made by public auction or private sale or exchange as deemed appropriate by the Purchasing Officer and pursuant to any applicable state and federal law.

2. All sales shall be paid for by cash, cashier's check, or money order payable to the City.

3. The Purchasing Officer or his or her designee shall be authorized to sign bills of sale and any other papers or documents evidencing such sales for and on behalf of the City.

4. In the event no bids or purchase proposals are received for any item offered for sale pursuant to the provisions of this section, the item may be disposed of as deemed appropriate by the Purchasing Officer and pursuant to any applicable state and federal law.

5. No City employee, officer, agent, nor a member of the immediate family of a City employee, such as a spouse, child, or parent, officer, or agent, may purchase any item from the City at auction, sealed bid, or private sale or exchange.

## Chapter 07

### AGREEMENTS FOR PROFESSIONAL SERVICES

#### Sections:

- 4.07.010 Contracting for Professional Services in General.**
- 4.07.020 Professional Services Agreements Exceeding Twenty-Five Thousand Dollars (\$25,000.00).**
- 4.07.030 Professional Services Agreements of Twenty-Five Thousand Dollars (\$25,000.00) or Less.**
- 4.07.040 Consideration for Local Business.**

#### **4.07.010 Contracting for Professional Services in General.**

Because of their unique nature, it is in the best interest of the public, as allowed by State law, that contracts for professional services such as attorneys, architects, planning consultants, engineers, auditors, financial advisors, election service providers, public relations consultants, real estate agents and brokers, insurance and bond agents and brokers, or other professional or consultant services of a similar nature, be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required, negotiated between the parties at fair and reasonable prices. Contracts for such services are not required to be let to the lowest responsible bidder, nor shall they be subject to the formal purchasing procedures.

#### **4.07.020 Professional Services Agreements Exceeding Twenty-Five Thousand Dollars (\$25,000.00).**

The City Council shall authorize the execution of all agreements for professional services where the amount to be expended under each such agreement exceeds twenty-five thousand dollars (\$25,000.00). Such contracts shall be formal written agreements executed by the Purchasing Officer on behalf of the City. The signature of the Purchasing Officer shall constitute his or her certification that there remain unexpended and unapplied balances of the appropriations or funds applicable sufficient to pay the estimated expense of performance of such contract.

#### **4.07.030 Professional Services Agreements of Twenty-Five Thousand Dollars (\$25,000.00) or Less.**

The Purchasing Officer may, without prior consent of the City Council, execute agreements for professional services where the amount to be expended under each such agreement is twenty-five thousand dollars (\$25,000.00) or less.

#### **4.07.040 Consideration for Local Business.**

To the extent permitted by Federal and State law, in selecting parties to provide professional services to the City, the City Council and Purchasing Officer shall take into consideration and shall favorably consider local businesses who are competent to provide the professional services for which the City proposed to contract.

## Chapter 08

### CONTRACTS FOR PUBLIC PROJECTS

**Sections:**

- 4.08.010 Application.**
- 4.08.020 Election to be Subject to the Uniform Construction Cost Accounting Procedure.**
- 4.08.030 Contracts for Public Projects.**
- 4.08.040 Formal Bidding Procedure.**
- 4.08.050 Public Projects; Emergencies.**
- 4.08.060 Contractors List.**

**4.08.010 Application.**

The provisions of this Chapter shall apply only to contracts for public projects as defined in Public Contract Code section 22002 subdivision (c).

**4.08.020 Election to be Subject to the Uniform Construction Cost Accounting Procedure.**

The City Council of the City of Ceres does elect to become subject to the uniform construction cost accounting procedures set forth in Division 2, Part 3, Chapter 2, Article 2 of the California Public Contract Code (commencing with section 22010).

**4.08.030 Contracts for Public Projects.**

A. Contracts for public projects as defined by Public Contract Code section 22002, may be performed, contracted for, and constructed as provided in Public Contract Code section 22032.

B. Public projects falling within the monetary limitations of Public Contract Code section 22032(b) shall be let to contract by the informal procedures set forth in Public Contract Code section 22034, which procedures are adopted by reference as though set forth fully in this Chapter.

C. Public projects exceeding the monetary limitation established by Public Contract Code section 22032(c) shall be let to contract by the formal bidding procedure set forth in Section 3.06.040 of this Chapter.

**4.08.040 Formal Bidding Procedure.**

The following formal bidding procedure shall apply with regard to public projects which exceed the monetary limitation of Public Contract Code section 22032(c).

A. *Notice Inviting Bids:* Notice inviting bids shall state the time and place of the receiving and opening of sealed bids and shall distinctly describe the project. The notice shall be published at least fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the City. The notice inviting formal bids shall also be mailed



to all construction trade journals specified pursuant to section 22036 of the Public Contract Code. Said notice shall be mailed at least thirty (30) calendar days before the date of opening the bids. In addition, the City Manager, and/or designee the City Engineer may notify such other qualified contractors as he may deem appropriate or necessary.

*B. Bidder's Security:* When deemed necessary by the City Manager and/or designee, bidder's security may be prescribed in the public notice 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 it to the next lowest bidder. If the City Council awards 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 bids shall be submitted to the City Manager, and/or designee specified in the bid documents and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. 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.

**D. Award of Contract, Rejection of Bids, No Bids:**

1. In its discretion, the City may reject any bids presented after furnishing notice to the apparent low bidder informing the bidder of City's intention to reject the bid. Such notice shall be mailed at least two (2) business days prior to the hearing at which the City intends to reject the bid. If after the first invitation for bids all bids are rejected, the City shall state the reason for the rejection, and after reevaluating its cost estimates of the project, the City shall have the option of either of the following:

a. Abandoning the project or re-advertising for bids in the manner described by this Section.

b. By passage of a resolution by a four-fifths (4/5ths) vote of the City Council declaring that the project can be performed more economically by the employees of the City, the City may have the project done by force account.

2. If a contract is awarded upon the opening of the bids received, it shall be awarded to the lowest responsible bidder. If two (2) or more bids are the same and the lowest, the City may choose either of the two bids.

3. If no bids are received, the project may be performed by City employees by force account, or by the informal bidding procedures set forth in subsection 3.06.030B of this Chapter without further complying with the formal bidding procedures in this Section.

E. *Performance Bonds and Labor and Materials Bonds*: A performance bond and a labor and materials bond shall be required before entering into a contract in an amount equal to the contract price. The form and amount of the bonds shall be described in the notice inviting bids.

F. *Approval of Plans and Specifications*: The City Council grants authority to the Director of Public Works and/or City Engineer to provide and approve plans, specifications, and working details for all public projects. Such documents shall be completed for all public projects which exceed the monetary limitation of Public Contract Code section 22032(c).

**4.08.050 Public Projects; Emergencies.**

In cases of emergency the City Council may expedite the contracting and construction of public projects pursuant to Public Contract Code sections 22035 and 22050.

**4.08.060 Contractors List.**

A list of contractors, identified according to categories of work, shall be developed and maintained in accordance with the provisions of Public Contract Code section 22034 and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.