

1 RESOLUTION NO. 23256

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,  
3 CALIFORNIA ESTABLISHING RULES AND REGULATIONS FOR THE  
4 PROCUREMENT OF GOODS, SERVICES AND CONSTRUCTION  
5 CONTRACTS AND ESTABLISHING CONTRACT EXECUTION  
6 AUTHORITY, HEREINAFTER TO BE KNOWN AS THE PURCHASING  
7 RESOLUTION; AND REPEALING RESOLUTION NO. 22576.

8 WHEREAS, the City Manager, subject to approval of the City Council, is authorized and  
9 directed by Article VI, Section 601 (d) of the Charter of the City of Riverside, Article XI, Section  
10 1105 of the Charter of the City of Riverside, and Chapter 3.16 of the Riverside Municipal Code to  
11 prepare and recommend adoption of rules and regulations governing the contracting for and the  
12 procuring, purchasing, storing, distributing and disposing of all supplies, materials and equipment  
13 required by any office, department or agency of the City; and

14 WHEREAS, the City Manager is authorized by Resolution as directed by Article IV,  
15 Section 419 of the Charter of the City of Riverside, to bind the City, with or without written  
16 contract, for the acquisition of equipment, materials, supplies, labor, services, or other items, if  
17 included within the budget approved by the City Council, and may impose a monetary limit upon  
18 such authority; and

19 WHEREAS, the City Council desires to consolidate the City's various rules and regulations  
20 governing procurements into a single resolution documenting the requirements and to maintain  
21 clarity and transparency for the City's procurement policies and procedures.

22 NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Riverside  
23 California, as follows:

24 Section 1: That the following rules and regulations are hereby adopted for the  
25 administration of the City's centralized purchasing system:  
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**TITLE: PURCHASING RESOLUTION RULES AND REGULATIONS**

**TABLE OF CONTENTS**

<b>ARTICLE ONE: DEFINITION OF TERMS .....</b>	<b>5</b>
SECTION 100. Definitions.....	5
<b>ARTICLE TWO: GENERAL PURCHASING POLICY STATEMENT AND DELEGATED AUTHORITY FOR PURCHASES AND CONTRACT EXECUTION .....</b>	<b>11</b>
SECTION 200. Policy .....	11
SECTION 201. Exceptions.....	12
SECTION 202. Authorization .....	12
SECTION 203. Delegation by City Manager .....	12
SECTION 204. City Attorney Authorization .....	12
<b>ARTICLE THREE: EMERGENCY PROCUREMENT.....</b>	<b>13</b>
SECTION 300. Policy .....	13
SECTION 301. Conditions .....	13
SECTION 302. Authorization .....	13
SECTION 303. Expenditure Limits.....	14
<b>ARTICLE FOUR: INFORMAL PROCUREMENT.....</b>	<b>14</b>
SECTION 400. Policy .....	14
SECTION 401. Informal Procurement Procedure .....	15
SECTION 402. General Limitations on Informal Procurement .....	15
SECTION 403. Exceptions.....	15
SECTION 404. Utilities Exception.....	15
SECTION 405. Riverside Public Library Exception.....	16
SECTION 406. Request for Bids or Proposals.....	17
SECTION 407. Rejections and Awards.....	17
SECTION 408. Contract Bonds.....	17
SECTION 409. Public Records .....	17

1	SECTION 410. Bidder Contact with City .....	18
2	<b>ARTICLE FIVE: FORMAL PROCUREMENT .....</b>	<b>18</b>
3	SECTION 500. Policy .....	18
4	SECTION 501. Formal Procurement Procedure .....	18
5	SECTION 502. General Limitations on Formal Procurement.....	18
6	SECTION 503. Soliciting Formal Bids .....	19
7	SECTION 504. Submittal of Bids and Bid Securities .....	19
8	SECTION 505. Opening of Bids .....	20
9	SECTION 506. Tabulation and Inspection of Bids .....	20
10	SECTION 507. Rejection of Bids.....	20
11	SECTION 508. Awards .....	20
12	SECTION 509. Approval of Contracts .....	21
13	SECTION 510. Contract Bonds.....	21
14	SECTION 511. Assignment of Contract .....	21
15	SECTION 512. Public Records .....	22
16	SECTION 513. Bidder Contact with City .....	22
17	<b>ARTICLE SIX: ACQUISITION OF GOODS .....</b>	<b>22</b>
18	SECTION 600. Policy .....	22
19	SECTION 601. Acquisition of Goods Procedure .....	22
20	SECTION 602. Exceptions.....	22
21	SECTION 603. Grant Purchases.....	24
22	SECTION 604. Preference Policy .....	24
23	SECTION 605. Local Preference .....	24
24	SECTION 606. Recycled Goods Preference .....	25
25	<b>ARTICLE SEVEN: ACQUISITION OF SERVICES.....</b>	<b>25</b>
26	SECTION 700. Policy .....	25
27	SECTION 701. Acquisition of Services Procedure.....	25

1	SECTION 702. Exceptions.....	26
2	SECTION 703. Grant Purchases.....	28
3	<b>ARTICLE EIGHT: ACQUISITION OF CONSTRUCTION SERVICES .....</b>	<b>28</b>
4	SECTION 800. Policy .....	28
5	SECTION 801. Acquisition of Construction Services Procedure .....	28
6	SECTION 802. Exceptions.....	29
7	SECTION 803. Grant Purchases.....	30
8	SECTION 804. Change Order Exception.....	30
9	<b>ARTICLE NINE: ACQUISITION OF DESIGN-BUILD SERVICES.....</b>	<b>30</b>
10	SECTION 900. Policy .....	30
11	SECTION 901. Acquisition of Design-Build Services Procedure .....	30
12	SECTION 902. Exceptions.....	30
13	SECTION 903. Grant Purchases.....	30
14	<b>ARTICLE TEN: ACQUISITION OF REAL PROPERTY .....</b>	<b>31</b>
15	SECTION 1000. Policy .....	31
16	SECTION 1001. Acquisition of Real Property Procedure .....	31
17	SECTION 1002. Exceptions.....	31
18	SECTION 1003. Grant Purchases.....	31
19	SECTION 1004. Signatory Authority.....	31
20	SECTION 1005. Public Utilities.....	32
21	SECTION 1006. Notification to Manager .....	32
22	<b>ARTICLE ELEVEN: PURCHASE ORDER AND PURCHASE REQUISITION</b>	
23	<b>PROCEDURES .....</b>	<b>32</b>
24	SECTION 1100. Policy and Purpose.....	32
25	SECTION 1101. Who May Requisition .....	32
26	SECTION 1102. Purchase Requisition Procedure.....	33
27	SECTION 1103. Purchase Order and Encumbrance of Funds .....	33
28	SECTION 1104. Change Orders.....	33

1	SECTION 1105. Bidders' Lists .....	34
2	<b>ARTICLE TWELVE: DISPOSITION OF SURPLUS GOODS</b> .....	35
3	SECTION 1200. Reporting.....	35
4	SECTION 1201. Custody of Surplus Goods .....	35
5	SECTION 1202. Transfer .....	35
6	SECTION 1203. Disposition .....	35
7	SECTION 1204. Library Books .....	36
8	SECTION 1205. Contributions to Other Agencies.....	36

## ARTICLE ONE: DEFINITION OF TERMS

SECTION 100. Definitions. The words set forth hereinafter in this Resolution shall have the following meanings whenever they appear in these rules and regulations, unless the context in which they are used clearly requires a different meaning:

(a) "Awarding Entity" means the City Council when referencing Procurement for the City or for any Using Agency of the City except for the Riverside Board of Public Utilities or Riverside Department of Public Utilities and Board of Library Trustees or Library Department; and means the Riverside Board of Public Utilities when referencing Procurement for the Riverside Department of Public Utilities in accordance with Article XII, Section 1202 of the Charter of the City of Riverside; and means the Board of Library Trustees when referencing Procurement for the Library Department in accordance with Article VIII, Section 808(d) of the Charter of the City of Riverside.

(b) "Bid" means an offer or proposal submitted by a Bidder setting forth the price for the Goods, Services, or Construction to be provided.

(c) "Bidder" means any individual, firm, entity, partnership, corporation, or combination thereof, submitting a Bid, acting directly or through a duly authorized representative of a Using Agency.

1 (d) "Change Order" means a City-issued document used to modify a Purchase Order to  
2 add, delete, or revise the quantity, price or scope of Goods, Services, Professional Services or  
3 Construction being provided.

4 (e) "City" means the City of Riverside.

5 (f) "Competitive Procurement" means a process involving the solicitation under the  
6 authority and supervision of the Manager by Formal Procurement or Informal Procurement (all as  
7 hereinafter defined) under procedures and circumstances intended to foster effective, broad-based  
8 competition within the private sector to provide Goods, Services or Construction to the City.

9 (g) "Construction" means the process of building, altering, repairing, improving or  
10 demolishing any public structure or building, or other public improvements of any kind, and  
11 includes the projects described in Article XI, Section 1109 of the Charter of the City of Riverside;  
12 it does not include routine operation, maintenance or repair of existing structures, buildings or real  
13 property by the City's own forces. "Construction" shall also include "public project" as defined in  
14 Section 20161 of the California Public Contract Code.

15 (h) "Contract" means any type of legally recognized agreement to provide Goods, Services  
16 or Construction, no matter what it may be titled or how described, including executed Purchase  
17 Orders, for the Procurement or disposition of Goods, Services or Construction, but does not include  
18 any agreement for collective bargaining, utility extensions, subdivision improvements or any  
19 agreements whereby an owner of real property or his or her authorized representative agrees to  
20 construct improvements of a public nature on property to be dedicated to the City.

21 (i) "Contractor" means any Person (as hereinafter defined) who enters into a Contract with  
22 the City.

23 (j) "Cooperative Purchasing" means a purchasing method whereby the Procurement  
24 requirements of two or more governmental entities are combined in order to obtain the benefit of  
25 volume Procurement or reduction in administrative expenses. Cooperative Purchasing practices  
26 may include other agencies who conduct volume procurements on behalf of governmental  
27 agencies.

1 (k) "Design-Bid-Build" means a traditional method of construction project delivery  
2 involving the selection and award of professional design services followed by a separate process  
3 for construction services once the design documents are complete.

4 (l) "Design-Build" means a process involving contracting with a single entity for both the  
5 design and Construction of a public works project pursuant to a competitive negotiation process  
6 established by City Council ordinance from time to time in accordance with Article XI, Section  
7 1114 of the City of the Charter of the City of Riverside and Chapter 1.07 of the Riverside  
8 Municipal Code.

9 (m) "Emergency Procurement" means the Procurement of Goods, Services or Construction  
10 without utilizing Competitive Procurement in circumstances set forth in Article Three hereof as  
11 constituting an "emergency".

12 (n) "Field Order" means in construction projects, a written order passed to the contractor  
13 from the City or architect which will effect a minor change in work, requiring no further adjustment  
14 to the contract sum or expected date of completion.

15 (o) "Formal Bid" means a written Bid which shall be (1) submitted in a sealed envelope,  
16 or electronically, in conformance with a City-prescribed format and procedure, (2) publicly  
17 opened, read and-recorded at a City-specified date, time and place, and (3) accepted only by an  
18 award made by the Awarding Entity.

19 (p) "Formal Procurement" means Procurement by written Notice Inviting Bids and Formal  
20 Bid, Request for Proposals, or Request for Qualifications and includes Procurement of  
21 Construction, Goods and Services subject to the bidding requirements of Section 1109 of the City  
22 Charter.

23 (q) "Goods" means supplies, materials, equipment and other things included within the  
24 definition of "Goods" in Section 2105 of the California Uniform Commercial Code.

25 (r) "Grant" means funding from State, Federal or other sources, which require specific use  
26 of the funding provided to the City.  
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1 (s) "Informal Bid" means an offer, which may be conveyed to the Manager by email, letter,  
2 memo, financial system or other means, to provide for stated prices, Goods, Services or  
3 Construction, which are not required to be Procured by Formal Procurement; Informal Bids shall  
4 be solicited only by City personnel from a Using Agency who are authorized to do so, and for each  
5 instance of Procurement by Informal Bid, the authorized personnel shall obtain Informal Bids from  
6 at least three different Persons, if possible.

7 (t) "Informal Procurement" means Competitive Procurement by Request For Bid, Request  
8 for Proposals or Request for Information submitted by Persons in the Open Market submitted to  
9 the Using Agency or Manager.

10 (u) "Life Cycle Cost" means the estimated total cost of Goods, Services or Construction  
11 Procured by the City over the useful life of the Goods, Services or Construction based upon their  
12 initial Procurement price as adjusted by projected operating, maintenance and related ownership  
13 expenses which the City will incur during their useful life.

14 (v) "Lowest Responsive Bidder" means the Bidder or Offeror who submits the lowest  
15 responsive Formal Bid, Informal Bid, or Offer in response to the City's invitation or request  
16 therefore, as determined by the City.

17 (w) "Manager" means the City's Purchasing Manager, who supervises the City's  
18 Purchasing Division located in the Finance Department.

19 (x) "Negotiated Procurement" means the business marketplace in which a User Agency or  
20 the Manager, exercising prudent business practices and judgment, would Procure Goods, Services  
21 or Construction utilizing a negotiation procedure, subject to approval by the Manager, instead of  
22 Informal or Formal Bid.

23 (y) "Open Market" means the private sector business marketplace in which private persons,  
24 exercising prudent business practices and judgement, would Procure Goods, Services, or  
25 Construction utilizing Informal Bid or Formal bid procedures.

1 (z) "Person" means any individual, partnership, limited partnership, association,  
2 corporation, labor union, committee, club, governmental entity or other entity recognized by  
3 California law.

4 (aa) "Procure" and "Procurement" mean buying, purchasing, renting, leasing or otherwise  
5 acquiring or obtaining Goods, Services or Construction; this also includes all functions and  
6 procedures pertaining thereto.

7 (bb) "Professional Services" means advisory, consulting, architectural, information  
8 technology, engineering, financial, legal (including claims adjustment), surveying, research or  
9 developmental and any other services which involve the exercise of professional discretion and  
10 independent judgment based on an advanced or specialized knowledge, expertise or training  
11 gained by formal studies or experience.

12 (cc) "Purchase Order" means a City-issued document with any necessary terms and  
13 conditions, which authorizes the delivery of Goods, the rendering of Services or the performance  
14 of Construction at a stated price and encumbers City funds for the payment therefore; when  
15 approved by the City Council through the biennial budget process or at another time during the  
16 start of any fiscal year, a Purchase Order shall be referred to as an "Annual Purchase Order."

17 (dd) "Purchase Requisition" means a written request prepared on the requisite City form  
18 prepared by the Manager, and submitted by a Using Agency to the Manager for Procurement of  
19 specified Goods, Services or Construction.

20 (ee) "Request for Proposals" means a written solicitation issued by the Purchasing  
21 Division, through the supervision of the Manager, which (1) generally describes the Goods or  
22 Services sought to be Procured by the City, (2) sets forth minimum standards and criteria for  
23 evaluating proposals submitted in response to it, (3) generally describes the format and content of  
24 proposals to be submitted, (4) provides for negotiation of terms and conditions of the Procurement  
25 Contract and (5) may place emphasis on described factors other than price to be used in evaluating  
26 proposals.

1 (ff) "Request for Bid" means a written or verbal solicitation issued under the authority and  
2 supervision of the Manager for Formal or Informal Bids for described Goods, Services or  
3 Construction, which may be Procured by Formal or Informal Procurement.

4 (gg) "Request for Qualifications" means a written solicitation issued by the Purchasing  
5 Division, through the supervision of the Manager, which (1) generally describes the Goods or  
6 Services sought to be Procured by the City, (2) sets forth in determining what qualified Persons  
7 can provide those services by providing minimum standards and criteria for the Goods or Services  
8 sought, and (3) generally describes the format and content of proposals to be submitted, and (4)  
9 may provide for negotiation of the Procurement Contract.

10 (hh) "Request for Information" means a written solicitation issued by a Using Agency,  
11 through the supervision of the Manager, which (1) generally describes the Goods or Services  
12 sought to be Procured by the City, (2) sets forth in determining what Persons can provide Goods  
13 or Services sought to be Procured by the City, and (3) does not provide for the negotiation of any  
14 Procurement Contract.

15 (ii) "Responsible Bidder" means a Bidder who is determined by the Manager or the  
16 Awarding Entity to be responsible based on the following criteria:

17 (1) The Bidder's ability, capacity and skill to perform the Contract, and to provide  
18 post-performance maintenance and repair;

19 (2) The Bidder's facilities and resources;

20 (3) The Bidder's character, integrity, reputation, judgment, experience and  
21 efficiency;

22 (4) The Bidder's record of performance of prior Contracts with the City and others;  
23 and

24 (5) The Bidder's compliance with laws, regulations, guidelines and orders  
25 governing prior Contracts performed by the Bidder.

26 (jj) "Responsive Bid" means a Formal Bid or Informal Bid submitted in response to a City-  
27 issued Notice Inviting Bids or Request For Bids, which meets and conforms to the substantive  
28

1 requirements specified by the City without material qualification or exception, as determined by  
2 the City.

3 (kk) "Services" means all services which are described in City specifications or are in the  
4 nature of advertising, cleaning, gardening, insurance, janitorial, leasing of Goods, membership,  
5 postal, printing, security, subscriptions, travel, utilities (electric, gas, telegraph, telephone,  
6 transportation and water), weeding and discing, and the repairing, maintaining or servicing of  
7 Goods, but does not include Professional Services, real property transactions, Construction,  
8 Design-Build, nor employment and collective bargaining Contracts.

9 (ll) "Specifications" means a City-issued or referenced definite, detailed written description  
10 of the Goods to be furnished, the Services to be performed or the Construction work to be done  
11 and materials to be used under a Contract with the City, which specifies the composition,  
12 Construction, dimension, durability, efficiency, form, nature, performance characteristics and  
13 standards, quality, shape, texture, type and utility of Goods, Services or Construction sought by  
14 the City.

15 (mm) "Surplus Goods" means any Goods having a remaining useful life or salvage value  
16 but which are no longer used, needed for use or retained for potential use by the Using Agency  
17 which has care, custody or control of them.

18 (nn) "Using Agency" means all City departments, institutions, offices, boards,  
19 commissions, divisions, agencies and authorities which derive their support totally or in part from  
20 City funds and for which the Manager is directed to Procure Goods, Services, Professional  
21 Services, Design-Build, or Construction.

22 **ARTICLE TWO: GENERAL PURCHASING POLICY STATEMENT AND**  
23 **DELEGATED AUTHORITY FOR PURCHASES AND CONTRACT EXECUTION**

24 SECTION 200. Policy. It is hereby determined and declared to be the policy and  
25 requirement of the City that Procurement of Goods, Services and Construction by the City shall,  
26 whenever practicable and advantageous to the City, be based on Competitive Procurement,  
27 whether by Informal Procurement (ARTICLE FOUR) if permitted, or Formal Procurement  
28

1 (ARTICLE FIVE) if required, except as otherwise provided in this Resolution or the City Charter.  
2 Goods, Services and Construction must be procured in compliance with this Resolution.

3 SECTION 201. Exceptions. Competitive Procurement shall not be required in  
4 circumstances explicitly stated in this Resolution; exceptions to Competitive Procurement will be  
5 included with each type of Procurement under ARTICLE THREE (Emergency Procurement),  
6 ARTICLE SIX (Procurement of Goods), ARTICLE SEVEN (Procurement of Services),  
7 ARTICLE EIGHT (Procurement of Construction), ARTICLE NINE (Procurement of Design-  
8 Build Services, and ARTICLE TEN (Procurement of Real Property).

9 SECTION 202. Authorization. The City Manager is authorized to approve, execute, and  
10 bind the City to:

11 (a) Contracts and purchase orders for Goods, Professional Services, and Design-Build  
12 Services of \$50,000 or less, entered into in accordance with the policies and procedures outlined  
13 in this Resolution, and

14 (b) Such other contracts as are expressly approved by the City Council, Board of Public  
15 Utilities, and Board of Library Trustees.

16 SECTION 203. Delegation by City Manager. The City Manager is authorized to delegate  
17 such authority to his or her designees, including among others, Department Heads, when the City  
18 Manager deems it is in the best interests of the City to do so.

19 SECTION 204. City Attorney Authorization. The City Attorney is authorized to approve,  
20 execute, and bind the City to contracts up to \$50,000 for expert and consultant services in  
21 connection with existing and anticipated litigation and/or claim defense or prosecution, and other  
22 such related matters, including, but not limited to, expert witnesses, arbitrators, mediators, court  
23 transcripts, court reporters, process servers, private investigators, court filing and messenger  
24 services, and other legal support services.

1                                   **ARTICLE THREE: EMERGENCY PROCUREMENT**

2           SECTION 300. Policy. While the need for Emergency Procurement is recognized, the  
3 practice shall be curtailed as much as possible by anticipating needs so that normal Competitive  
4 Procurement may be used.

5           SECTION 301. Conditions. An "emergency" shall be deemed to exist under anyone or  
6 more of the following circumstances:

7           (a) A great public calamity;

8           (b) An immediate need to prepare for national or local defense;

9           (c) A breakdown in machinery, facilities or essential services which requires the immediate  
10 Procurement of Goods, Services or Construction to protect the public health, welfare, safety,  
11 property, or personal/confidential information;

12           (d) A Using Agency operation directly affecting the public health, welfare or safety, the  
13 protection of public property, or personal/confidential information, is so severely impacted by any  
14 cause that personal injury or property destruction appears to be imminent and probable unless  
15 Goods, Services or Construction designed or intended to mitigate the risks thereof are Procured  
16 immediately; or

17           (e) A Using Agency is involved in a City project, which is of such a nature that the need  
18 for particular Goods, Services or Construction can only be ascertained as the project progresses  
19 and, when ascertained, must be satisfied immediately for the preservation of public health, welfare,  
20 safety or property.

21           SECTION 302. Authorization. Emergency Procurement may be initiated by the head of  
22 a Using Agency or his or her duly authorized representative (the "individual") only as follows:

23           (a) During normal City business hours for non-Riverside Public Utilities purchases, the  
24 individual shall contact the Manager and explain to the Manager's satisfaction the reasons and  
25 justification for Emergency Procurement. If the nature of the emergency is such that Goods,  
26 Services or Construction must be Procured immediately and the Manager is satisfied with the  
27 explanation of reasons and justifications given therefor, the Manager shall authorize the  
28

1 Procurement and cause an emergency Purchase Order to be issued as soon as possible and in no  
2 event later than the following business day. A Purchase Requisition confirming the Procurement  
3 must be prepared by the individual and submitted to the Manager no later than the following  
4 business day. Items exceeding \$50,000 need to be approved by the City Council.

5 (b) After normal City business hours for non-Riverside Public Utilities purchases, the  
6 individual shall exercise his or her best judgment in ascertaining whether the actual circumstances  
7 necessitate Emergency Procurement, and if deemed necessary shall order it. As soon as possible  
8 and in no event later than the following business day, the individual shall prepare a Purchase  
9 Requisition confirming the Emergency Procurement and deliver it to the Manager, who shall then  
10 review and cause an emergency Purchase Order therefor to be prepared. Upon Manager  
11 concurrence, the word "confirmation" shall be clearly imprinted on all Purchase Requisitions and  
12 Purchase Orders issued in confirmation of Emergency Procurement.

13 (c) For urgent purchases relating to Riverside Public Utilities, Article, XII, Section 1202(b)  
14 of the City's Charter applies and shall be followed.

15 (d) For urgent purchases as defined by Article XI, Section 1109 relating to Public Works  
16 Contracts over \$50,000; urgent items procured while not following Competitive Procurement, in  
17 order to preserve life, health or property, shall be authorized by resolution passed by at least five  
18 affirmative votes of the City Council and the resolution must contain a declaration of the facts  
19 constituting such urgency.

20 SECTION 303. Expenditure Limits. Total emergency expenditures for one event, unless  
21 otherwise stated in this resolution or approved by subsequent City Council action, shall not exceed  
22 \$25 million as set forth in Municipal Code Section 9.20.090, Emergency Expenditures.

#### 23 **ARTICLE FOUR: INFORMAL PROCUREMENT**

24 SECTION 400. Policy. For the acquisition of Goods, Services and Construction, Informal  
25 Procurement will be conducted by the Using Agency, through the approval of the Manager and  
26 the Manager's duly authorized representatives in a manner and under circumstances intended to  
27 elicit competitive responses.

1       SECTION 401. Informal Procurement Procedure. The process, forms and systems used  
2 to conduct Informal Procurement, as recommended by the Manager and Chief Financial Officer  
3 and approved by the City Manager, shall be included in the City's Administrative Manual.

4       SECTION 402. General Limitations on Informal Procurement. Informal Procurement may  
5 be conducted under the supervision of the Manager if the Procurement expenditure is estimated to  
6 be Fifty Thousand Dollars (\$50,000.00) or less, does not fall within the Utilities Exception, and  
7 does not involve the Procurement of Construction or Goods of the type required by Section 1109  
8 of the City Charter to be acquired by Formal Procurement.

9       SECTION 403. Exceptions. Competitive Procurement shall not be required for  
10 Information Technology software maintenance and license renewals; training; advertising; or  
11 professional recruitment services where the Manager is satisfied that the best price, terms and  
12 condition for the Procurement thereof have been negotiated.

13       SECTION 404. Utilities Exception. The Water, Electric and Sewer Utilities have a need  
14 for compatibility within their respective systems for uniform operation, maintenance and  
15 replacement, and this need can be met by procuring certain supplies, equipment, and materials  
16 supplies through Informal Procurement or Negotiated Procurement. Section 1109 of the City  
17 Charter provides that such procurements may be exempted from formal competitive procurement  
18 requirements if the City Council so determines by at least five affirmative votes.

19       If it appears to the Manager to be in the best interest of overall economy and efficiency of  
20 the City to do so, and it is within existing budget appropriation, the following supplies, equipment,  
21 and materials are determined to be peculiar to the needs of the Water Utility, the Electric Utility,  
22 and the Sewer Utility and may be acquired by Informal Procurement or Negotiated Procurement,  
23 regardless of their estimated Procurement expenditure amounts, provided that the City's Board of  
24 Public Utilities or City Council shall have approved the proposed acquisition if required under the  
25 provisions of the City Charter, either by approval of the procurement contract or approval of annual  
26 purchase orders:  
27  
28

Automatic Reclosers with associated controllers and communications equipment

Batteries and Chargers

Blower Equipment, Parts and Repair

Bus and Bus Support

Capacitors

Chemicals

Circuit Breakers

Circuit Switcher

Conduit and Duct

Connectors

Dewatering Equipment, Parts and Repairs

Electric Motor Controls

Electrical Line Devices

Electrical Motors, Panels, Panel Equipment, Materials and Repairs

Fiber Optics Equipment and Materials

Fire Hydrants

Fittings, Electrical, Water, and Sewer

Insulators and Bushings

Luminaries

Meter and Metering Devices

Mobile Substation

Pipe and Pipe Fittings

Pole Line Hardware

Poles, Utility

Power Generation Materials, Equipment, Parts and Repair

Prefabricated Electrical Enclosures

Pumps and Repairs

Regulators

Relaying and Protective Devices

Road and Backfill Materials

SCADA Equipment

Substation and Distribution Automation Equipment

Substation Online Monitoring Equipment and Devices

Substation Supervisory Equipment

Surge Arrestors

Switches, Switchgear, and Accessories Testing Equipment

Transformers and Accessories Treatment Equipment

Tubing, Copper and Plastic

Valves and Operators

Vaults and Accessories

Wire and Cable

Uninterruptable Power Supplies

Well Equipment (including incidental labor to install, which labor shall not exceed the amount set by state law for which bids are required for public works projects of a general law city)

Such other supplies and materials peculiar to the needs of the Public Utilities Department, which are carried as inventory items in Central Stores stock.

SECTION 405. Riverside Public Library Exception. The following supplies, materials and services are determined to be peculiar to the needs of the Library Department through City Charter Section 808(d). If it appears to the Manager to be in the best interest of overall economy and efficiency of the City to do so and is within existing budget appropriation, be acquired by Informal

1 Procurement or Negotiated Procurement, regardless of their estimated Procurement expenditure  
2 amounts, provided that the City's Board of Library Trustees or City Council shall have approved  
3 the proposed acquisition if required under the provisions of the City Charter, either by approval of  
4 the procurement contract or approval of annual purchase orders:

5 Books  
6 Journals  
7 Maps  
8 Office Supplies  
9 Publications  
10 Subscription Services  
11 Other Needs as determined by the Manager

12 SECTION 406. Request for Bids or Proposals. The Manager or Using Agency shall solicit  
13 Informal Bids by means of a written or verbal Request for Bids, accompanied by City  
14 specifications, if deemed necessary by the Manager. Where the Using Agency seeks the  
15 procurement of Services or Professional Services, a Request for Proposal or Request for  
16 Qualifications, as appropriate, may be issued. Responses to the City's Request for Bids, Proposals,  
17 or Qualifications shall be in writing, and documentation of responses shall be submitted to the  
18 Manager prior to payment by the Finance Department.

19 SECTION 407. Rejections and Awards. The Manager may reject any and all Informal  
20 Bids submitted in response to a Request for Bids and otherwise shall award all Informal Bids,  
21 insofar as practicable, to the Lowest Bidder. The Manager shall be authorized to administer  
22 Contracts for Goods and Services awarded by Informal Procurement, including but not limited to  
23 Purchase Orders. Where the Using Agency seeks the procurement of Services or Professional  
24 Services through a Request for Proposal or Request for Qualifications, the Informal Bid shall be  
25 awarded in accordance with the evaluation criteria set forth in the Request for Proposals or Request  
26 for Qualifications.

27 SECTION 408. Contract Bonds. The provisions of Section 510 shall also apply to all  
28 Contracts for Goods, Services or Construction awarded under Informal Procurement.

SECTION 409. Public Records. The Manager shall maintain and keep records of all  
Informal Procurements, including Informal Bids received, in accordance with the applicable City's

1 Record Retention Schedule adopted by the City Council from time to time, and those records shall  
2 be open to public inspection upon request during normal City business hours.

3 SECTION 410. Bidder Contact with City. All communications from Bidders shall be  
4 directed only to the City representative and in the form as designated in the Request for Bids. Any  
5 communications, whether written or verbal with any City Councilmember or City staff other than  
6 the City representative designated in the Request for Bids, prior to the award of a contract, is  
7 strictly prohibited. Bidders violating this section shall be disqualified from consideration and  
8 rejected by the Manager.

#### 9 **ARTICLE FIVE: FORMAL PROCUREMENT**

10 SECTION 500. Policy. For the acquisition of Goods, Services and Construction, Formal  
11 Procurement shall be conducted by the Manager and the Manager's duly authorized  
12 representatives in conjunction with a Using Agency, or may be conducted by the Using Agency,  
13 through the approval of the Manager and the Manager's duly authorized representatives in a  
14 manner and under circumstances intended to elicit competitive responses.

15 SECTION 501. Formal Procurement Procedure. The process, forms and systems used to  
16 conduct Formal Procurement, as recommended by the Manager and Chief Financial Officer and  
17 approved by the City Manager, shall be included in the City's Administrative Manual.

18 SECTION 502. General Limitations on Formal Procurement. Formal Procurement shall  
19 be conducted under the supervision of the Manager if the Procurement expenditure is estimated to  
20 be more than Fifty Thousand Dollars (\$50,000.00) or falls within Section 1109 of the City Charter,  
21 except in those Procurement situations described in:

- 22 (a) Article Three (Emergency Procurement);
- 23 (b) Section 402 (Informal Procurement – General Limitations);
- 24 (c) Section 403 (Exceptions);
- 25 (d) Section 404 (Utilities Exception);
- 26 (e) Section 405 (Riverside Public Library Exception);
- 27 (f) Section 602 (Acquisition of Good Exceptions);

1 (g) Section 702 (Acquisition of Services Exceptions);

2 (h) Section 802 (Acquisition of Construction Exceptions);

3 (i) Section 902 (Design-Build Exceptions); and

4 (j) Section 1002 (Acquisition of Real Property Exceptions)

5 SECTION 503. Soliciting Formal Bids. A Notice Inviting Bids shall be published at least  
6 once in a newspaper of general circulation in the City, the first publication of which shall be at  
7 least ten days before the time and date set by the Manager for opening the Formal Bids received.  
8 The notice shall include a general description of the Goods, Services or Construction sought to be  
9 Procured by the City, shall state where Specifications therefor may be obtained and shall set forth  
10 the time and place for a public opening of Formal Bids received timely. The Manager shall, in  
11 addition and as practicable, solicit Formal Bids from a sufficient number of responsible  
12 prospective bidders whose names appear on the bidders' lists maintained pursuant to Section 1105  
13 hereof by causing to be sent to them notification that will acquaint them with the Procurement  
14 items sought by the City. The words "Bid" and "Bids" as hereinafter set forth within this Article  
15 shall mean Formal Bid and Formal Bids, respectively. A Notice Inviting Bids for the procurement  
16 of Services or Professional Services may be issued in the form of a Request for Proposals or  
17 Request for Qualifications as deemed appropriate by the Manager.

18 SECTION 504. Submittal of Bids and Bid Securities. Bids and bid securities, which  
19 security shall guarantee the Bid and be forfeited to the City if the Bidder is awarded the Contract  
20 but fails or refuses to honor the Bid and execute the Contract documents timely, shall be submitted  
21 to the City in the following manner:

22 (a) For Formal Procurement subject to Section 1109 of the City Charter, the Bids shall be  
23 (i) submitted in the manner required by the City as specified in the solicitation document, (ii)  
24 accompanied by the type and amount of Bid security prescribed by Section 1109, (iii) sealed as  
25 prescribed in the notice inviting Bids or the specifications referenced in the notice, and (iv)  
26 submitted to the City's Purchasing Division within the time and in the manner specified by the  
27 notice or Specifications.

1 (b) For Formal Procurement not subject to Section 1109 of the City Charter, the Bid shall  
2 be submitted in the form required by the City, accompanied by the type and amount of Bid security  
3 specified, sealed, and submitted to the Purchasing Division within the time and manner specified  
4 in the notice inviting Bids or the Specifications referenced in the notice.

5 SECTION 505. Opening of Bids. The Bids shall be opened and referenced as to Bidder  
6 identity and amounts Bid in public at the time and place specified in the published notice, and no  
7 Bid shall be received or recognized by the Purchasing Division, which has not been received prior  
8 to the time so specified. If, upon the opening of Bids to provide Goods, Services or Construction  
9 not subject to the provisions of Section 1109 of the City Charter, the Manager determines that the  
10 actual expenditure therefor would appear to be Fifty Thousand Dollars (\$50,000.00) or less, the  
11 Manager may convert the Formal Procurement to Informal Procurement procedures for award of  
12 a Contract.

13 SECTION 506. Tabulation and Inspection of Bids. After the Bids have been opened and  
14 referenced, the Manager shall cause them to be tabulated. Upon completion and verification of the  
15 tabulation of the Bids, they shall be subject to inspection as public records per Section 512.

16 SECTION 507. Rejection of Bids. The Manager may in his/her discretion reject any and  
17 all Bids, or any segregable portions thereof, for any one or more types of Goods, Services or  
18 Construction included in the Specifications when the public interest is served thereby, provided  
19 specifically that any potential award does not otherwise require consideration by the Awarding  
20 Entity. The Awarding Entity may also take any other action permitted by Section 1109 of the City  
21 Charter.

22 SECTION 508. Awards. Contracts procured through Formal Procurement shall be  
23 awarded by the Awarding Entity to the Lowest Responsive and Responsible Bidder, except that:

24 (a) Contracts procured through Formal Procurement may be awarded by the Manager  
25 where the procurement is made using Cooperative Procurement methods and a supplemental  
26 appropriation is not otherwise required;

1 (b) A Contract for Goods may be awarded to a local Responsive Bidder who is not the  
2 Lowest Responsive Bidder but who has certified that it is a local vendor pursuant to Section 604  
3 hereof and who is subject to taxation under the City's "Uniform Local Sales and Use Tax  
4 Ordinance" (Chapter 3.08 of the City Municipal Code) if the Bid difference amount between the  
5 local Responsive Bidder and the Lowest Responsive Bidder does not exceed five percent (5%) of  
6 the Lowest Responsive Bid;

7 (c) Contracts procured through Formal Procurement for Services or Professional Services,  
8 where a Request for Proposals or Request for Qualifications was used to solicit Bids, shall be  
9 awarded by the Awarding Entity in accordance with the evaluation criteria set forth in the Request  
10 for Proposals or Request for Qualifications.

11 SECTION 509. Approval of Contracts. All Contracts procured through Formal  
12 Procurement shall be approved as to form by the City Attorney.

13 SECTION 510. Contract Bonds. Contract bonds executed by good and sufficient sureties  
14 authorized to conduct surety business in the State of California and in such amounts as are required  
15 by law or deemed adequate to insure the faithful performance of a Contract in the time and manner  
16 prescribed therein shall be required of the successful Bidder for all Contracts over \$25,000, where  
17 they are required by law and in other instances as determined by the Manager. Contract bonds  
18 requirements shall be set out in the notice inviting bids or the specifications. "Contract bonds"  
19 means performance bonds (or functional equivalent such as supply bonds) to guarantee the  
20 Contractor's faithful performance of the awarded Contract in the time, manner and workmanship  
21 specified and payment bonds to guarantee the Contractor's payment of claims as prescribed in  
22 Section 9550 et seq. of the California Civil Code.

23 SECTION 511. Assignment of Contract. Contracts procured through Formal Procurement  
24 shall not be assigned by the Contractor without the written consent of the City Manager. In no  
25 event shall a Contract or any part thereof be assigned to a Bidder who was declared not to be a  
26 Non-Responsive Bidder during consideration of the Bids submitted in response to advertisement  
27 for that particular Procurement.  
28

1       SECTION 512. Public Records. The Manager shall maintain and keep records of all  
2 Formal Procurements, including Formal Bids received, in accordance with the applicable City's  
3 Record Retention Schedule adopted by the City Council from time to time, and those records shall  
4 be open to public inspection upon request during normal City business hours.

5       SECTION 513. Bidder Contact with City. All communications from Bidders shall be  
6 directed only to the City representative and in the form as designated in the Notice Inviting Bids.  
7 Any communications, whether written or verbal with any City Councilmember or City staff other  
8 than the City representative designated in the Notice Inviting Bids, prior to the award of a contract,  
9 is strictly prohibited. Bidders violating this section shall be disqualified from consideration and  
10 rejected by the Manager.

## 11                               **ARTICLE SIX: ACQUISITION OF GOODS**

12       SECTION 600. Policy. Acquisition of Goods by a Using Agency under the supervision of  
13 the Manager:

14           (a) Of \$50,000 or less may follow the Informal Procurement process, unless as required  
15 by Section 1109 of the City Charter;

16           (b) Anticipated to be more than \$50,000, shall follow the Formal Procurement process.

17       SECTION 601. Acquisition of Goods Procedure. The process, forms and systems for the  
18 acquisition of Goods, as approved by the Manager, Chief Financial Officer, and City Manager,  
19 shall be included in the City's Administrative Manual.

20       SECTION 602. Exceptions. Competitive Procurement through the Informal Procurement  
21 and Formal Procurement process shall not be required in any of the following circumstances:

22           (a) When an emergency arises and Emergency Procurement is undertaken pursuant to  
23 Article Three hereof;

24           (b) When the Procurement involved is less than \$10,000.00;

25           (c) When the Procurement can only be obtained from a sole source or timely from a single  
26 source and the Manager is satisfied that the best price, terms and conditions for the Procurement  
27 thereof have been negotiated;

1 (d) When the Procurement consists of replacement parts for the City's vehicles and aviation  
2 units.

3 (e) When Cooperative Purchasing is available and undertaken or when Goods can be  
4 obtained through Federal, State and/or other public entity pricing contracts or price agreements;

5 (f) Where payment for Goods is to be made to a Federal, State, and/or other public entity;

6 (g) When Goods can be Procured from a Bidder who offers the same or better price, terms  
7 and conditions as the Bidder previously offered as the Lowest Responsive Bidder under  
8 Competitive Procurement provided that, in the opinion of the Manager, it is in the best interests of  
9 the City to do so;

10 (h) When the Procurement is subject to Section 403 of this Resolution.

11 (i) When the Procurement is subject to Section 404 of this Resolution, which generally  
12 allows for items peculiar to the needs of Riverside Public Utilities (Section 1203 of the City  
13 Charter) and Public Works to be made through Informal or Negotiated Procurement.

14 (j) When the Procurement is subject to Section 405 of this Resolution, which generally  
15 allows for books, journals, maps, publications and other supplies peculiar to the needs of the library  
16 to be made through Informal or Negotiated Procurement subject to the provisions of Section 808(d)  
17 of the City Charter;

18 (k) When the Procurement is for wholesale energy, energy ancillary services, energy  
19 transmission, wholesale water commodity, and water transmission purchases by or on behalf of  
20 the City's Public Utilities Department;

21 (l) When the Procurement is for public art or Museum artifacts; and

22 (m) When approved by the Manager, the City requires Goods not subject to the bidding  
23 requirements of Section 1109 of the City Charter, which are of such a nature that suitable technical  
24 or performance specifications describing them are not readily available and cannot be developed  
25 in a timely manner to meet the needs of the City, in which case the Manager shall be authorized to  
26 negotiate with any Person or Persons for the Procurement thereof upon the price, terms and  
27  
28

1 conditions deemed by the Manager to be in the best interest of the City and in doing so may utilize  
2 Informal Procurement or Negotiated Procurement process.

3 (n) When the Procurement is for the renewal of maintenance, license(s), support, or a  
4 similar need for existing technology systems, including hardware, and the items procured are from  
5 the owner/developer of the software/hardware or from a sole source provider, and the Manager is  
6 satisfied that the best price, terms and conditions have been negotiated;

7 (o) When the Procurement is for the renewal of maintenance, license(s), support, or a  
8 similar need for existing technology systems, including hardware, and the items are procured from  
9 a vendor/reseller that was originally selected based on the City's procurement standards, provided  
10 that 1) the vendor has been used continuously since such selection and 2) if there are any non-  
11 substantive changes to the procurement, the Manager is satisfied that the best price, terms and  
12 conditions have been negotiated;

13 SECTION 603. Grant Purchases. When the Procurement for Goods are to be procured  
14 through the use of Federal or State grant funding, procurement shall be done in accordance with  
15 the procedures herein. If the receipt of grant funding is conditioned upon requirements and  
16 procedures more strict than as set forth herein, the procedures necessary for the receipt of the grant  
17 funding shall be followed. The Using Agency is responsible for compliance with all aspects of  
18 grant requirements and shall inform the Manager of any and all grant requirements which affect  
19 the expenditure of grant funds and the procurement of Goods, Services, or Construction with grant  
20 funds.

21 SECTION 604. Preference Policy. In the Manager's administration of Competitive  
22 Procurement pursuant to this Resolution, the Manager shall be authorized to give such preferences  
23 for Goods, Services or Construction as chartered cities are required to give by applicable State or  
24 Federal law, or such preferences as are permitted by such law and specifically provided for from  
25 time to time by City Council resolution or ordinance.

26 SECTION 605. Local Preference. In the Procurement of Goods for the City's  
27 requirements, preference shall be given to those vendors who have a local presence in the City of  
28

1 Riverside, provided that price, quality, terms, delivery and service reputation are determined to be  
2 equal by the Manager under the criteria set forth in Section 508 hereof. To qualify as a local  
3 vendor, the Bidder must certify to the following at the time of Bid submission:

4 (a) It has fixed facilities with employees located within the City limits;

5 (b) It has a business street address within the City limits (Post Office box or residential  
6 address shall not suffice to establish a local presence);

7 (c) All sales tax returns for the Goods purchased must be reported to the State through a  
8 business within the geographic boundaries of the City and the City will receive one percent (1 %)   
9 or such percentage of sales tax of Goods purchased as is allocable to the City from time to time  
10 under then existing state law; and

11 (d) It has a City business license.

12 False certifications shall be immediate grounds for rejection of any Bid or if the Bid is  
13 awarded, grounds for voiding the Bid, terminating any Contract, and seeking damages thereto.

14 SECTION 606. Recycled Goods Preference. In the Procurement of Goods for the City's  
15 requirements, preference shall be given, as the City Council from time to time hereafter directs by  
16 resolution or ordinance, to recycled Goods as defined and provided for in such state legislation as  
17 the State Assistance for Recycling (STAR) Markets Act of 1989 (commencing at Section 12150  
18 of the California Public Contract Code) and the California Integrated Waste Management Act of  
19 1989 (commencing at Section 40000 of the California Public Resources Code).

## 20 **ARTICLE SEVEN: ACQUISITION OF SERVICES**

21 SECTION 700. Policy. Acquisition of Services by a Using Agency under the supervision  
22 of the Manager:

23 (a) Of \$50,000 or less may follow the Informal Procurement process;

24 (b) Anticipated to be more than \$50,000, shall follow the Formal Procurement process.

25 SECTION 701. Acquisition of Services Procedure. The process, forms and systems used  
26 in the acquisition of Services as approved by the Manager, Chief Financial Officer, and City  
27 Manager, shall be included in the City's Administrative Manual.

1           SECTION 702. Exceptions. Competitive Procurement through the Informal Procurement  
2 and Formal Procurement process shall not be required in any of the following circumstances:

3           (a) When an emergency arises and Emergency Procurement is undertaken pursuant to  
4 Article Three hereof;

5           (b) When the Procurement involved is less than \$10,000.00;

6           (c) When the Procurement can only be obtained from a sole source or timely from a single  
7 source and the Manager is satisfied that the best price, terms and conditions for the Procurement  
8 thereof have been negotiated;

9           (d) When the Procurement consists of services needed for the replacement parts for the  
10 City's vehicles, aviation units, and other City equipment;

11           (e) When Cooperative Purchasing is available and undertaken or when Services can be  
12 obtained through Federal, State and/or other public entity pricing contracts or price agreements;

13           (f) Where payment for Services is to be made to a Federal, State, and/or other public entity;

14           (g) When Services can be Procured from a Contractor who offers the same or better price,  
15 terms and conditions as the Contractor previously offered as the Lowest Responsive Bidder under  
16 Competitive Procurement or negotiations conducted by the City or another public agency,  
17 provided that, in the opinion of the Manager, it is in the best interests of the City to do so;

18           (h) When the Procurement is subject to Section 403 of this Resolution.

19           (i) When the Procurement is subject to Section 404 of this Resolution, which generally  
20 allows for items peculiar to the needs of Riverside Public Utilities (Section 1203 of the City  
21 Charter) and Public Works to be made through Informal or Negotiated Procurement.

22           (j) When the Procurement is subject to Section 405 of this Resolution, which generally  
23 allows for books, journals, maps, publications and other supplies peculiar to the needs of the library  
24 to be made through Informal or Negotiated Procurement subject to the provisions of Section 808(d)  
25 of the City Charter;

1 (k) When the Awarding Entity waives bidding requirements under and according to the  
2 circumstances set forth in Section 1109 of the City Charter, or when it is determined by the  
3 Manager to be in the best interests of the City to do so;

4 (l) When the Procurement is for wholesale energy, energy ancillary services, energy  
5 transmission, wholesale water commodity, and water transmission purchases by or on behalf of  
6 the City's Public Utilities Department;

7 (m) When the Procurement is for the retention of outside legal counsel and services;

8 (n) When the Procurement is for the retention of services associated with litigation and/or  
9 claims, or other such related matters, including but not limited to, expert witnesses, arbitrators,  
10 mediators, court transcripts, court reporters, process servers, private investigators, court filing and  
11 messenger services, and other legal support services;

12 (o) When the Procurement is by the City Manager or designee for an interim Department  
13 Head, interim Assistant/Deputy Department Head or an interim Senior Management employee;

14 (p) When approved by the Manager and the Procurement is for the hiring of special  
15 instructors/performers, including but not limited to Library, Museum, or Park, Recreation, and  
16 Community Services classes.

17 (q) When the Procurement is for the annual maintenance, license(s), support, or similar  
18 need for current technology systems, including hardware, and the items procured are from the  
19 owner/developer of the software/hardware or from a sole source provider, and the Manager is  
20 satisfied that the best price, terms and conditions have been negotiated;

21 (r) When the Procurement is for the renewal of maintenance, license(s), support, or a  
22 similar need for existing technology systems, including hardware, and the items are procured from  
23 a vendor/reseller that was originally selected based on the City's procurement standards, provided  
24 that 1) the vendor has been used consecutively since then and 2) if there are any non-substantive  
25 changes to the procurement, the Manager is satisfied that the best price, terms and conditions have  
26 been negotiated;

1 (s) When the Competitive Procurement of less than \$50,000 for consultant services is  
2 waived with the written approval of the City Manager; and

3 (t) When approved by the Manager, Services not subject to the bidding requirements of  
4 Section 1109 of the City Charter, which are of such a nature that suitable technical or performance  
5 specifications describing them are not readily available and cannot be developed in a timely  
6 manner to meet the needs of the City, in which case the Manager shall be authorized to negotiate  
7 with any Person or Persons for the Procurement thereof upon the price, terms and conditions need  
8 by the Manager to be in the best interest of the City and in doing so may utilize Informal  
9 Procurement or Negotiated Procurement process.

10 SECTION 703. Grant Purchases. When the Procurement of Services are to be procured  
11 through the use of Federal or State grant funding, procurement shall be done in accordance with  
12 the procedures herein. If the receipt of grant funding is conditioned upon requirements and  
13 procedures more strict than as set forth herein, the procedures necessary for the receipt of the grant  
14 funding shall be followed. The Using Agency is responsible for compliance with all aspects of  
15 grant requirements and shall inform the Manager of any and all grant requirements which affect  
16 the expenditure of grant funds and the procurement of Goods, Services, or Construction with grant  
17 funds.

## 18 **ARTICLE EIGHT: ACQUISITION OF CONSTRUCTION SERVICES**

19 SECTION 800. Policy. Acquisition of Construction Services shall be completed in  
20 conformance with Section 1109 of the City Charter. To the extent not inconsistent with the City  
21 Charter, the provisions of this Resolution, as amended from time to time, shall apply to all Design-  
22 Build and Design-Bid-Build Public Works Projects. Formal Procurement process and Awarding  
23 Entity approval shall be required for acquisition of all services above \$50,000 pursuant to City  
24 Charter Section 1109 and 1202(b).

25 SECTION 801. Acquisition of Construction Services Procedure. The process, forms and  
26 systems used to acquire Construction Services, as approved by the Manager, Chief Financial  
27 Officer, and City Manager, shall be included in the City's Administrative Manual.

1           SECTION 802. Exceptions. Except as otherwise required by the City Charter, Competitive  
2 Procurement through the Informal Procurement and Formal Procurement process shall not be  
3 required in any of the following circumstances:

4           (a) When an emergency arises and Emergency Procurement is undertaken pursuant to  
5 Article Three hereof;

6           (b) When the Procurement involved is less than \$10,000.00;

7           (c) When the Procurement can only be obtained from a sole source or timely from a single  
8 source and the Manager is satisfied that the best price, terms and conditions for the Procurement  
9 thereof have been negotiated;

10          (d) When procurements are conducted by Consultants on behalf of the City;

11          (e) When Construction Services can be Procured from a Contractor who offers the same or  
12 better price, terms and conditions as the Contractor previously offered as the Lowest Responsive  
13 Bidder under Competitive Procurement or negotiations conducted by the City or another public  
14 agency, provided that, in the opinion of the Manager, it is in the best interests of the City to do so;

15          (f) When Cooperative Purchasing is available and undertaken or when Services can be  
16 obtained through Federal, State and/or other public entity pricing contracts or price agreements;

17          (g) Where payment for Services is to be made to a Federal, State, and/or other public entity;

18          (h) When the Awarding Entity waives bidding requirements under and according to the  
19 circumstances set forth in Section 1109 of the City Charter, or when it is determined by the  
20 Manager to be in the best interests of the City to do so;

21          (i) When approved by the Manager, the City requires Construction Services, not subject to  
22 the bidding requirements of Section 1109 of the City Charter, which are of such a nature that  
23 suitable technical or performance specifications describing them are not readily available and  
24 cannot be developed in a timely manner to meet the needs of the City, in which case the Manager  
25 shall be authorized to negotiate with any Person or Persons for the Procurement thereof upon the  
26 price, terms and conditions deemed by the Manager to be in the best interest of the City and in  
27 doing so may utilize Informal Procurement or Negotiated Procurement process.  
28

1       SECTION 803. Grant Purchases. When the Procurement for Construction Services are to  
2 be procured through the use of Federal or State grant funding, procurement shall be done in  
3 accordance with the procedures herein. If the receipt of grant funding is conditioned upon  
4 requirements and procedures more strict than as set forth herein, the procedures necessary for the  
5 receipt of the grant funding shall be followed. The Using Agency is responsible for compliance  
6 with all aspects of grant requirements and shall inform the Manager of any and all grant  
7 requirements which affect the expenditure of grant funds and the procurement of Construction  
8 Services with grant funds.

9       SECTION 804. Change Order Exception. Field Orders are specifically allowed on  
10 Design-Build and Design-Bid-Build projects, if contemplated for in the contract.

11               **ARTICLE NINE: ACQUISITION OF DESIGN-BUILD SERVICES**

12       SECTION 900. Policy. Acquisition of Design-Build Services shall be completed in  
13 conformance with Section 1114 of the City Charter and Chapter 1.07 of the City Municipal Code.  
14 To the extent not inconsistent with the City Charter and Municipal Code, the provisions of this  
15 Resolution, as amended from time to time, shall apply to all Design-Build Public Works Projects.  
16 All Design-Build Services, regardless of Procurement dollar amount and approval limits for each  
17 Awarding Entity, shall follow the selection process and process outlined in Chapter 1.07 of the  
18 City Municipal Code.

19       SECTION 901. Acquisition of Design-Build Services Procedure. The process, forms and  
20 systems used to acquire Design-Build Services, as approved by the Manager, Chief Financial  
21 Officer, and City Manager, shall be included in the City's Administrative Manual.

22       SECTION 902. Exceptions.

23       (a)     When an emergency arises and Emergency Procurement is undertaken pursuant to  
24 Article Three hereof;

25       SECTION 903. Grant Purchases. When the Procurement for Design-Build Services are to  
26 be procured through the use of Federal or State grant funding, procurement shall be done in  
27 accordance with the procedures herein. If the receipt of grant funding is conditioned upon  
28

1 requirements and procedures more strict than as set forth herein, the procedures necessary for the  
2 receipt of the grant funding shall be followed. The Using Agency is responsible for compliance  
3 with all aspects of grant requirements and shall inform the Manager of any and all grant  
4 requirements which affect the expenditure of grant funds and the procurement of Design-Build  
5 Services with grant funds.

## 6 **ARTICLE TEN: ACQUISITION OF REAL PROPERTY**

7 **SECTION 1000. Policy.** Acquisition of Services by a Using Agency under the  
8 supervision of the Real Property Services Manager:

9 **SECTION 1001. Acquisition of Real Property Procedure.** The process, forms and systems  
10 used to conduct the acquisition of Real Property, as approved by the Manager, Community &  
11 Economic Development Director, Chief Financial Officer, and City Manager, shall be included in  
12 the City's Administrative Manual.

13 **SECTION 1002. Exceptions.** None.

14 **SECTION 1003. Grant Purchases.** When the Procurement for Real Property is to be  
15 procured through the use of Federal or State grant funding, procurement shall be done in  
16 accordance with the procedures herein. If the receipt of grant funding is conditioned upon  
17 requirements and procedures more strict than as set forth herein, the procedures necessary for the  
18 receipt of the grant funding shall be followed. The Using Agency is responsible for compliance  
19 with all aspects of grant requirements and shall inform the Manager of any and all grant  
20 requirements which affect the expenditure of grant funds and the procurement of Real Property  
21 with grant funds.

22 **SECTION 1004. Signatory Authority.** When the cost of acquisition of real property by  
23 the City is Fifty Thousand Dollars (\$50,000) or less, or when the cost of acquisition of real property  
24 by the City is over Fifty Thousand Dollars (\$50,000) and said acquisition has been previously  
25 approved by the City Council, the City Manager, any of the Assistant City Managers, or the  
26 Community & Economic Development Director are hereby authorized to negotiate and execute  
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1 any and all documents necessary to complete the transaction, including, but not limited to,  
2 Purchase and Sale Agreements and Escrow Instructions.

3 SECTION 1005. Public Utilities. Pursuant to Article XII, Section 1202(b), when  
4 Riverside Public Utilities funds in excess of \$50,000 are utilized for the full or partial payment for  
5 the acquisition of Real Property, the Board of Public Utilities must approve the purchase prior to  
6 approval of the City Council.

7 SECTION 1006. Notification to Manager. Within 90 days following the acquisition of  
8 real property, the acquiring City Department will notify the Manager of the acquisition so that the  
9 property may be added to the City's schedule of insured property.

10 **ARTICLE ELEVEN: PURCHASE ORDER AND PURCHASE REQUISITION**  
11 **PROCEDURES**

12 SECTION 1100. Policy and Purpose. The purpose of the Purchase Requisition is to inform  
13 the Manager, in clear and explicit terms, of the Procurement needs and processes followed of the  
14 Using Agencies, thus enabling the Manager to oversee the Procurement of all Goods, Services,  
15 Construction, and Design-Build work required by the City. Except as otherwise provided in this  
16 Resolution, each Using Agency shall prepare a Purchase Requisition and submit it to the Manager  
17 to provide documentation for the proper Procurement process followed. Goods shall not be  
18 ordered and/or received, and Services, Construction and Design-Build work shall not commence  
19 until a Purchase Requisition has been approved by the Manager or designee and a Purchase Order  
20 has been issued. No Purchase Requisition shall be broken into smaller units to evade any  
21 requirement of this Resolution, except that unrelated items requisitioned by Using Agencies may  
22 be separated to provide different lists to vendors dealing in different types of Goods, Services,  
23 Construction and Design-Build work.

24 SECTION 1101. Who May Requisition. All Purchase Requisitions shall be completed  
25 and shall be approved by the head or duly authorized representative of the Using Agency making  
26 the requisition. At such times and in such manner as shall be prescribed by the Manager, the head  
27 of each Using Agency shall file with the City's Chief Financial Officer a written designation of  
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1 each person who is authorized to approve Purchase Requisitions on behalf of the Using Agency or  
2 any division or section thereof.

3 SECTION 1102. Purchase Requisition Procedure. The process, forms and systems used to  
4 process Purchase Requisitions, as approved by the Manager, Chief Financial Officer, and City  
5 Manager, shall be included in the City's Administrative Manual.

6 SECTION 1103. Purchase Order and Encumbrance of Funds. All Procurement of Goods,  
7 Services Construction, and Design-Build shall be made by Purchase Order. Certain procurements  
8 for Services, Construction and Design-Build may have terms and conditions that govern those  
9 Procurements stated in Agreement/Contracts and in such case the Purchase Order will be utilized  
10 to track and encumber funds. No Purchase Orders shall be required for petty cash purchases less  
11 than an amount recommended from time to time by the Chief Financial Officer and approved by  
12 the City Manager. Except in cases of Emergency Procurement, no Purchase Order shall be issued  
13 unless there exists an unencumbered appropriation in the fund account against which the  
14 Procurement is to be charged. Except for Emergency Procurement, no Goods, Services,  
15 Construction or Design-Build work shall be ordered, obtained or received without authorization  
16 by the Manager, which authorization shall be in the form of an executed or confirming Purchase  
17 Order. The Manager, or his designees, shall be authorized to issue and execute Purchase Orders in  
18 accordance with policies and procedures established by the City Manager from time to time, that  
19 are consistent with this Resolution.

20 SECTION 1104. Change Orders. Modifications to a Purchase Order shall be made only  
21 by Change Order. Subject to the availability of funds, Change Orders may be utilized for purposes  
22 of (1) adding and/or deleting quantity of items being procured, (2) modifying unit prices, (3)  
23 modifying scope of work/services being provided, where the modification is reasonably related to  
24 the original scope of work/services, (4) changing funding source(s), (5) modifying contract  
25 completion time, or (6) any other change approved by the Manager. Unless otherwise specifically  
26 authorized by the Awarding Entity, Change Orders which cumulatively exceed the following will  
27 require Awarding Entity approval:  
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- 1 a) 10% of the original contract price for Contracts and/or Purchase Orders up to \$50,000;  
2 additional percentage authority may be authorized by the Manager up to \$50,000 or as  
3 otherwise specified for in the City Charter;
- 4 b) Any Change Order which causes the contract price to exceed \$50,000, if the Contract  
5 and/or Purchase Order was not previously approved by the Awarding Entity;
- 6 c) 10% of the original contract price for Contracts and/or Purchase Orders previously  
7 approved by the Awarding Entity and the total Change Order amount will not exceed  
8 \$150,000.

9 Any Change Order involving the modification of the scope of work/services where the  
10 modification is not reasonably related to the original scope of work/services, as determined by the  
11 City Attorney's Office, to the Contract is specifically prohibited.

12 An Awarding Entity can pre-approve change orders for more than the allowances included  
13 above, provided the amount of the change order is explicitly stated in the recommendations to the  
14 Awarding Entity. Any pre-approved change order authority will be in lieu of the amounts provided  
15 above and not in addition to, unless otherwise specifically authorized by the Awarding Entity.

16 The Manager, or his designees, shall be authorized to issue and execute Change Orders in  
17 accordance with policies and procedures established by the City Manager from time to time, that  
18 are consistent with this Resolution. For purposes of this Section the term Contract also includes  
19 Professional Services.

20 SECTION 1105. Bidders' Lists. The Manager shall maintain public lists of prospective  
21 bidders for each class of Goods, Services or Construction for which Competitive Procurement is  
22 required. These lists shall set forth the names and addresses of prospective sources of Goods or  
23 Services and shall include the manufacturer of the Goods or the provider of the Services in all  
24 instances in which the manufacturer or provider follows the practice of direct bidding in addition  
25 to or in lieu of bidding through a local wholesaler, distributor or representative.

1                                   **ARTICLE TWELVE: DISPOSITION OF SURPLUS GOODS**

2           SECTION 1200. Reporting. Each Using Agency shall submit to the Manager, at such  
3 times and in such form as the Manager prescribes, reports describing all Goods held by the Using  
4 Agency, which the Using Agency has determined to be Surplus Goods. At such time that a periodic  
5 physical inventory of the Goods held by any Using Agency is required by the Manager, the Using  
6 Agency shall segregate all of its surplus Goods and a report thereof shall be furnished to the  
7 Manager by the Using Agency for the transfer or disposition of such Goods.

8           SECTION 1201. Custody of Surplus Goods. Each Using Agency shall retain custody of  
9 its surplus Goods in such manner and at such place as the Manager shall direct, until their transfer  
10 or final disposition has been made. No Using Agency shall in any event permit any surplus Goods  
11 held by it to be loaned or donated without City Council approval, or destroyed or otherwise  
12 removed from the City's custody without the prior written approval of the Manager.

13          SECTION 1202. Transfer. Before disposing of surplus Goods, including unclaimed  
14 property delivered to the Manager by the Police Department, the Manager shall first canvass all  
15 other Using Agencies to assure that the surplus Goods cannot be used by another Using Agency.  
16 If another Using Agency expresses a desire to use the Goods or hold them for potential future use,  
17 the Manager shall assist in transferring the Goods to that Using Agency.

18          SECTION 1203. Disposition. The Manager is hereby authorized to dispose of City surplus  
19 Goods and Police Unclaimed Property which are not used or needed by any Using Agency or  
20 which have become unsuitable for City use. The Manager may dispose of such Goods and  
21 Property by any of the following procedures:

22               (a) They may be exchanged or traded in on new Goods;

23               (b) They may be sold utilizing competitive procedures similar to those prescribed herein  
24 for Formal Procurement or Informal Procurement;

25               (c) They may be sold at public auction conducted by the Manager or a professional  
26 auctioneer which the Manager is hereby authorized to retain on the basis of a negotiated flat fee,  
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1 hourly fee or percentage of the amount of the sale, whichever is determined by the Manager to be  
2 in the best interests of the City;

3 (d) They may be sold utilizing a negotiation process when the Manager deems in writing  
4 that such process is in the best interests of the City;

5 (e) They may be disposed of as scrap or destroyed if they have no resale value;

6 (f) In accordance with State law, City's Municipal Code, and City's Administrative  
7 Manual policies and procedures; or

8 (g) They may be sold to another public agency utilizing a negotiation process when the  
9 Manager deems in writing that such process is in the best interests of the City.

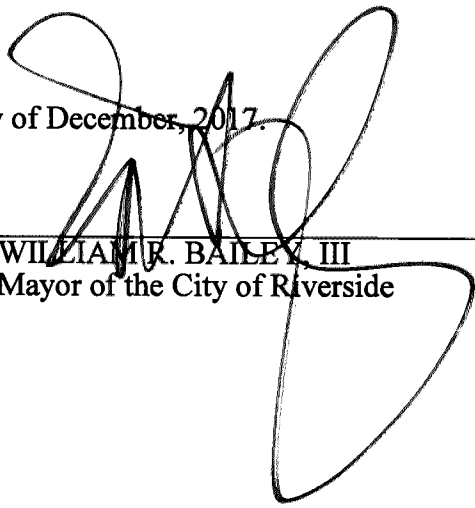
10 SECTION 1204. Library Books. Notwithstanding anything to the contrary in this  
11 Resolution, books and other items which are subject to Section 808(d) of the City Charter and  
12 which the Library Department has determined to discard may be disposed of in accordance with  
13 policies as are adopted from time to time by the Board of Library Trustees and approved by the  
14 City Council.

15 SECTION 1205. Contributions to Other Agencies. Nothing contained in this Resolution  
16 shall affect the power and authority of the City Council to make contributions of funds, Goods,  
17 Services or Construction to other agencies.

18 Section 2: That the City Manager or his/her designee is authorized to execute all Contracts  
19 awarded in accordance with this Resolution.

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21 Section 3: That Resolution No. 22576, and all amendments thereto, is hereby repealed.  
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ADOPTED by the City Council this 19th day of December, 2017.

  
\_\_\_\_\_  
WILLIAM R. BAILEY, III  
Mayor of the City of Riverside

Attest:

  
\_\_\_\_\_  
COLLEEN J. NICOL  
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the 19th day of December 2017, by the following vote, to wit:

Ayes: Councilmembers Gardner, Melendrez, Soubirous, Conder, Mac Arthur,  
Perry, and Adams

Noes: None

Absent: None

Abstained: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 20th day of December, 2017.

  
\_\_\_\_\_  
COLLEEN J. NICOL  
City Clerk of the City of Riverside