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RESOLUTION NO. 23256

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

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

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

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

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

Section 1: That the following rules and regulations are hereby adopted for the administration of the City's centralized purchasing system:

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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
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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
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