

Fullerton Municipal Code
Chapter 2.64
PURCHASING

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2.64.010 Establishment of purchasing system.

In order to establish efficient procedures for the purchase of supplies, equipment and services; to secure for the City supplies, equipment and services at the lowest competitive cost commensurate with quality needed and with due consideration to disposability; to exercise positive financial control over purchases; to clearly define authority for the purchasing functions; to assure the quality of purchases; and to buy without favor or prejudice, a purchasing system is adopted and shall control the procedure for all purchases except as otherwise provided by law. (Ord. 2483 § 1 (part), 1983).

2.64.020 Definition of terms.

The following terms, whenever used in this chapter, may be construed as follows:

- A. "Function or using agency" means any department, agency or other unit of City government which derives its support at least or in part from the City.
- B. Purchases. Purchases of supplies, equipment, services and personal property shall include leases or rentals as well as transactions by which the City acquires ownership.
- C. "Purchasing Agent" means the official designated by the City Manager for administration of this chapter.
- D. "Services" means any and all services including, but not limited to, equipment service contracts. The term does not include services rendered by City officers or employees, nor professional or other contractual services for which the procedure for procurement is specifically provided by law.

E. "Supplies" and "equipment" means any and all articles, things or personal property furnished to or used by any City function. (Ord. 2483 § 1 (part), 1983).

2.64.030 Centralized purchasing program.

There is created a Purchasing Division within the Finance Department of the City in which is vested authority for the centralized purchase of supplies, services and equipment. (Ord. 2483 § 1 (part), 1983).

2.64.040 Purchasing Agent.

A. There is created the position of Purchasing Agent.

B. The Purchasing Agent shall be appointed as provided in Section 2.09.160. The Purchasing Agent shall manage the City's purchasing program. The Purchasing Agent shall endeavor to obtain the fullest possible benefit through open competition on all purchases and award all purchases to responsible bidders. He shall furnish the Director of Finance and the City Manager with such reports and information as may be required. He shall establish methods and procedures necessary for the efficient and economical functioning of the purchasing program and shall have the responsibility to:

1. Purchase Material. Purchase any materials, supplies, services, furnishings, equipment and other personal property required by using agencies, in accordance with rules and regulations prescribed by the City Council, administrative procedures approved by the City Manager, purchasing procedures approved by the Director of Finance or as otherwise provided by law. Except in cases of emergency, no purchase of personal property by any person other than the Purchasing Agent or his appointed designee shall be binding upon the City or constitute a lawful charge against City funds;

2. Contract Generally. The Purchasing Agent may manage the program described in this subsection through entry into contracts as permitted by law, including but not limited to equipment service contracts, lease purchase agreements and rental agreements, subject to any restrictions set forth in this chapter or specifically provided for by law;

3. Disposition of Surplus Property. Disposition of all City surplus supplies and equipment and any other surplus personal property shall be handled in accordance with Section 2.66.010. (Ord. 2483 § 1 (part), 1983).

2.64.050 Purchase limitations.

Certain items that have been so identified shall be further approved by the City Council or the City Manager prior to contracting for the procurement of such items. (Ord. 2483 § 1 (part), 1983).

2.64.060 Exemptions from centralized purchasing.

This chapter does not apply to contracts to print legal briefs or legal notices, contracts for professional and other contractual services or items which are in their nature unique and not subject to competition, or other services for which by law another officer or body is specifically charged with obtaining. (Ord. 2483 § 1 (part), 1983).

2.64.070 Bidding for public works projects.

Public works projects, as defined in the California Public Contract Code Subsection 20161 or amendments thereof, shall be advertised in accordance with applicable sections of the Public Contract Code. (Ord. 2785 § 3, 1991; Ord. 2483 § 1 (part), 1983).

2.64.075 Public projects.

Contracts for public projects shall be governed by the "Local Agency Public Construction Act," Division 2, Part 3, Chapters 1 and 2 of the California Public Contract Code, Section 20100, et seq.

A. Alternative Procedure -- Informal Bidding.

1. Public projects in the amount of the current Public Contract Code or less may be let to contract by informal procedures as set forth in this section.

2. Bidding shall be governed by the Uniform Construction Cost Accounting procedures set forth in the California Public Contract Code, Division 2, Part 3, Chapter 2, Articles 1 and 2, Section 22000, et seq.

3. The selection of contractors to perform public projects will be pursuant to the California Public Contract Code, subdivision (b) of Section 22034.

a. The City shall maintain a list of all qualified contractors, identified according to categories of work. The development and maintenance criteria of the contractors list shall be determined by the California Uniform Cost Accounting Commission. The City will solicit competitive bids from all contractors on the list.

b. Before awarding a public project contract at least three bids must be received by the City unless any of the following occurs:

i. The product or service is proprietary;

ii. All of the qualified contractors on the list have been solicited, but less than three bids have been received.

4. All contractors on the list for the category of work being bid or all construction trade journals specified in the California Public Contract Code, Section 22036, or both, shall be mailed a notice inviting informal bids unless the product or service delivery is proprietary.

5. All mailing of notices to contractors and construction trade journals pursuant to the California Public Contract Code, Section 22036 shall be completed not less than ten calendar days before bids are due.

6. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

7. All bids shall be evaluated by the City's Engineering Department. The authority to award informal bids for public projects is delegated to the Director of Engineering. Public projects contract administration will be the responsibility of the Engineering Department.

8. If all bids received are in excess of the amount of the current Public Contract Code Sections 22032 and 22034, the City Council may, by passage of a resolution by a four-

fifths vote, award the contract, at the current Code amount or less, to the lowest responsible bidder, if it determines the cost estimate of the City was reasonable. (Ord. 2986 § 2, 2001; Ord. 2910 § 2, 1997).

2.64.080 Inspection and testing.

The Purchasing Agent may inspect supplies and equipment delivered and contractual services performed, to determine their conformance with the specifications set forth in the order or contract. The Purchasing Agent shall have authority to require chemical and physical tests of samples submitted with bids, and samples of deliveries which are necessary to determine compliance with specifications. (Ord. 2483 § 1 (part), 1983).

2.64.090 Emergency purchases.

Notwithstanding the provisions of Section 2.68.050, the immediate requirement of an item or items necessary for the preservation of life or property shall be deemed an emergency. Such purchases may be approved by the City Manager or his designee, provided that a full report of the circumstances of all emergency purchases in excess of fifty thousand dollars shall be filed with the City Council at its next regular meeting. (Ord. XXXX § X (part), 2021; Ord. 2483 § 1 (part), 1983).

2.64.095 Emergencies.

In cases of emergencies, as determined by the City Council, including but not limited to states of emergency defined in Section 8558 of the California Government Code, when repairs or replacements are necessary to permit the continued conduct of the operations or services of a public agency or to avoid danger to life or property, the City Council, by majority vote, may proceed at once to replace or repair any public facility without adopting the plans, specifications, or working details, or giving notice of bids to let contracts. For the purposes of this section, the City Manager is delegated to declare the public emergency subject to confirmation by the City Council by a four-fifths vote at its next regular meeting. The work may be done by day labor at the direction of the City Manager, by contract, or by a combination of the two. If notice for bids to let contracts is not given, the City shall comply with Chapter 2.5 (commencing with Section 22050) of the Public Contract Code. (Ord. 2910 § 3, 1997).