

**ORDINANCE NO. 1179**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AMENDING CHAPTER 3.20 (PURCHASING) OF THE PICO RIVERA MUNICIPAL CODE**

**WHEREAS**, the City's existing Purchasing Municipal Code was last revised and adopted by the City Council on November 9, 2021, with Ordinance No. 1151; and

**WHEREAS**, an amendment to Chapter 3.20 (Purchasing) to the Pico Rivera Municipal Code (PRMC) is necessary to increase the procurement thresholds to align with the Federal and State practices of adjusting the procurement thresholds periodically for inflation and efficiency; and

**WHEREAS**, an amendment to Chapter 3.20 (Purchasing) is also necessary to standardize citywide procurement policies and procedures; and

**WHEREAS**, pursuant to sections 54201 through 54204 of the California Government Code, policies and procedures that govern the purchase of supplies and equipment must be adopted by an ordinance; and

**WHEREAS**, the City Council considered, concurrently herewith, a resolution adopting Procurement Policies and Procedures to assist with their standard implementation citywide.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pico Rivera as follows:

**SECTION 1.** Findings. The City Council finds and determines that the adoption of the Ordinances is based upon the following findings.

- A. The recitals set forth above are incorporated herein as part of the findings.
- B. An amendment to Chapter 3.20 ("Purchasing") is consistent with the General Plan as they provide and maintain efficient services which strive to be responsive to the public needs.
- C. Based on the above, the City Council determines that the Ordinance contained herein is necessary and in the public's best interest.

**SECTION 2.** Amendment. Sections **3.20.030** ("Exemptions from chapter application"), of Chapter 3.20 ("Purchasing"), Title 3 ("Revenue and Finance"), is hereby amended to read as follows (additions in Underline):

**3.20.030 Exemptions from chapter application.**

The provisions of this chapter shall not apply in respect to the purchase of supplies, services, and equipment in the following circumstances:

A. Emergency: As defined in CPCC Section 22035, in case of emergency when repair or replacements are necessary, the city may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the city, by contractor, or by a combination of the two. The day labor includes the use of maintenance personnel employed on a permanent or temporary basis. The procurement must be reported to Council at the next Council Meeting for ratification if the amount has been subject to approval of the City Council.

B. Sole source purchasing: The city may dispense with the bidding requirements if it finds that the supplies, services, or equipment are unique because of their quality, durability, availability, or fitness for a particular use and are available only from one (1) source, or, if available from more than one (1) source, can be purchased from the manufacturer or service provider for a lower price. The sole source form has to be reviewed and signed off by the appropriate authority outlined in 3.20.210.

C. Contracts with other government agencies for supplies, services, and equipment.

D. Cooperative or piggyback purchasing:

1. Where the city council, by contract or resolution, or both, transfers the authority to make the purchase of supplies, services, and equipment, whether blanket authority or single purchases, to another governmental agency, or officer thereof, pursuant to lawful authority, and where such other governmental agency or officer, in the purchase of supplies and equipment, follows to the satisfaction of the purchasing officer policies and procedures in compliance with the provisions of Sections 54201 through 54204 of the Government Code. In the event of the transfer of blanket authority in respect to such purchase of supplies or equipment pursuant to this section, the purchasing officer, as defined in this chapter, shall remain the purchasing officer of the city, and the other office or agency performing the services shall be designated the purchasing agent. In such an event, the purchasing officer of the city may authorize purchases through said purchasing agent in accordance

with the authority vested in him or her by the city council;

2. The purchase of equipment, services and supplies through the Department of General Services pursuant to Section 10324 of the Public Contracts Code;
3. The purchase is made by, through, or in concert with another public agency provided the other public agency makes such purchase in accordance with the state laws or local rules and regulations governing such purchase for the other public agency. (Ord. 938 § 1, 1999; prior code § 2702)

**SECTION 3.** CEQA. Pursuant to Section 15061(c)(2) of the California Environmental Quality Act (CEQA) Guidelines, the City Council finds that adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to CEQA. Additionally, pursuant to Section 15060(c)(3) the activity is not a “project” as defined in Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 4.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

**SECTION 5.** The City Clerk shall certify the adoption of this Ordinance. The City Council hereby finds and determines that there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code directs the City Clerk to cause said Ordinance, within fifteen (15) days after its passage, to be posted in at least five (5) public places within the City. This Ordinance shall take effect thirty (30) days after its adoption.

**APPROVED AND ADOPTED this 12th day of December, 2023.**

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Erik Lutz, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Cynthia Ayala, City Clerk

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Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA        )  
  )§  
COUNTY OF LOS ANGELES    )

I, Cynthia Ayala, City Clerk of the City of Pico Rivera, do hereby certify that the foregoing Ordinance No. 1179 was adopted at a regular meeting of the City Council of the City of Pico Rivera, held on Tuesday, December 12, 2023, with the following vote:

- AYES:** Sanchez, Garcia, Camacho, Lara, Lutz
- NOES:** None
- ABSENT:** None
- ABSTAIN:** None

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Cynthia Ayala, CMC, City Clerk