

City Council Meeting: November 14, 2023

Santa Monica, California

ORDINANCE NUMBER 2763 (CCS)

(City Council Series)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA MONICA AMENDING
SANTA MONICA MUNICIPAL CODE SECTIONS 2.24.110 AND 2.24.220(G) TO
DELEGATE AUTHORITY AND ADJUST AS-NEEDED SERVICES AGREEMENT
THRESHOLDS BASED ON CHANGES TO THE CALIFORNIA CONSTRUCTION
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WHEREAS, In September 2018, Council adopted the Master Services Agreement (“MSA”) solicitation process, has aided staff in expediting the work of roughly \$16.1 million of small to medium sized CIP projects; and

WHEREAS, through use of the MSAs, City staff has identified proposed procedural changes to the MSA ordinance that would provide the Director of Public Works delegation authority, which would accelerate the commencement of small, relatively simple public works projects; and

WHEREAS, the proposed procedural changes also seek to address construction cost escalation by adjusting MSA thresholds automatically every five years to the current California Construction Cost Index; and

WHEREAS, City also seeks to adjust the title to reflect updated terminology and references.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 2.24.110 is hereby amended as follows:

2.24.110 Director of Public Works authority.

The Director of Public Works, the City Engineer or the Capital Improvement Manager, is authorized to issue task orders for As-Needed Services Agreements in accordance with Section 2.24.220(g).

SECTION 2. Santa Monica Municipal Code Section 2.24.220(g) is hereby amended as follows:

2.24.220 Formal procedures.

Formal solicitations shall be subject to the following procedures:

(a) The Purchasing Agent shall issue a formal notice inviting bids or request for proposals and shall solicit bids and proposals by:

(1) Advertising in a newspaper of general circulation in the City of Santa Monica on at least two occasions, the first of which shall be at least ten days before the time for opening received bids; and

(2) Posting on the City's online vendor portal website.

The Purchasing Agent may require additional notice as the Purchasing Agent determines to be in the best interest of the City.

(b) At the time specified in the notice inviting bids or request for proposals, all bids or proposals timely received shall be opened and declared publicly, either in person or through the City's online vendor portal website.

(c) The Purchasing Agent shall compile and tabulate all bids or proposals timely received and refer them to the appropriate City Department for evaluation. For public works contracts or purchases of goods or contractual services, the City Department shall make a recommendation of best bidder by applying the criteria set forth in Section

2.24.180. For purchases of professional services, the City Department shall make a recommendation of best qualified person or firm by applying the criteria set forth in Section 2.24.190.

(d) The Purchasing Agent shall provide notice of the recommended award to all bidders or proposers through the City's online vendor portal website or by other means as determined by the Purchasing Agent.

(e) The City Manager shall present the recommendation to City Council for award after the time to file a protest has expired or after a final determination on a protest has been made in accordance with Section 2.24.260.

(f) The City Council may reject any and all bids or proposals received whenever, in the opinion of the City Council:

(1) The bid(s) or proposal(s) received do not comply with the specifications of the notice inviting bids or request for proposals;

(2) The proposed project or purchase should be abandoned or delayed;

(3) The materials or services may be purchased more reasonably on the open market or the work done less expensively by City personnel;

(4) The bids or proposals are higher than anticipated and a new solicitation would result in savings to the City; or

(5) The best interests of the City would be served by a rejection of any or all bids or proposals.

(g) As-Needed Services Agreements for Public Works Projects.

Notwithstanding any other provision in this Chapter, the City may, in its discretion and when deemed to be in the best interest of the City, obtain construction, maintenance,

or repair services pursuant to as-needed services agreements in accordance with the following terms and procedures:

(1) The City shall solicit, review and evaluate the qualifications of prospective contractors for as-needed services agreements in accordance with rules and regulations established by the Director of Public Works;

(2) The Director of Public Works shall pre-qualify contractors for as-needed service agreements;

(3) The City Council may award as-needed services agreements to prequalified contractors, in amounts not to exceed five million dollars and with terms of no more than five years;

(4) When the need arises for the performance of specific tasks within the scope of as-needed service agreements, the Director of Public Works shall seek bids from at least three prequalified contractors and, using the evaluation criteria set forth under Section 2.24.180, issue a task order to the best bidder in an amount not to exceed one million dollars for a specifically defined scope of work;

(5) The thresholds for as-needed services agreements and task orders listed in subsections (3) and (4) shall be subject to increase annually based on changes to the construction cost index. "Construction cost index" means the construction cost index published by the California Department of General Services. When calculating the increases, City shall use the current construction cost index, as well as a construction cost base index. The construction cost base index shall be the construction cost index in effect for July 2018. The increased thresholds shall be approved by Council at award of the as-needed services agreement.

(6) If the Director of Public Works seeks but is unable to obtain three bids, the Director may issue a task order to the best bidder of the bids submitted;

(7) The Director of Public Works may reject any and all bids received in accordance with the standards set forth in subsection (f), above;

(8) Prequalified contractors performing task orders under as-needed services agreements shall file payment and performance bonds in conjunction with each task order awarded as required by the Director or applicable law; and

(9) The Director of Public Works shall submit a report to the City Council on an annual basis containing information about the implementation of this subsection, including a listing of task orders issued pursuant to this subsection.


SECTION 3. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official

newspaper within 15 days after its adoption. This Ordinance shall become effective thirty days after adoption.

APPROVED AS TO FORM:

DocuSigned by:

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DOUGLAS SLOAN
City Attorney

Approved and adopted this 14th day of November, 2023.

DocuSigned by:
Gleam Davis
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Gleam Davis, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Esterlina Lugo, acting City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2763 (CCS) had its introduction on October 24, 2023 and was adopted at the Santa Monica City Council meeting held on November 14, 2023, by the following vote:

AYES: Councilmembers Zwick, Parra, Brock, Torosis, de la Torre
 Mayor Davis

NOES: None

ABSENT: Mayor Pro Tem Negrete

ATTEST:

DocuSigned by:

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Esterlina Lugo, Acting City Clerk

11/16/2023
Date

A summary of Ordinance No. 2763 (CCS) was duly published pursuant to California Government Code Section 40806.