

ORDINANCE NO. 2870-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF CHAPTERS 2.08 AND 2.09 OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SUNNYVALE MUNICIPAL CODE RELATED TO AUTHORITY FOR AWARDING CONTRACTS FOR PURCHASES OF GOODS AND SERVICES AND PUBLIC WORKS CONTRACTING

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 2.08 AMENDED. Sections 2.08.040 and 2.08.190 of Chapter 2.08 (Purchases of Goods and Services) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code are hereby amended to read, as follows:

2.08.040. Procurement and disposition responsibilities.

(a) - (b) [Text unchanged.]

(c) City Manager. The city manager shall:

(1) Be the awarding authority for every procurement of goods and/or services for which the cost to the city is one hundred thousand dollars or less in any one transaction;

(2) - (4) [Text unchanged.]

(d) City Council. The city council shall be the awarding authority for every procurement of goods and/or services for which the cost to the city is greater than one hundred thousand dollars in any one transaction

2.08.190. Emergency procurements.

The city manager, the purchasing officer or a department head, or a designee of such individual, may make or authorize others to make emergency procurements, regardless of the cost, if there is an urgent necessity to do so for the preservation of life, health or property. Such emergency procurements shall be made with such competition as is practical under the circumstances and shall be limited to those goods and services necessary to satisfy the emergency need. In such circumstances, the purchasing officer or department head shall provide a written report of the procurement to the city manager, including a description of the emergency and the basis for selection of the particular contractor; and a copy of this report shall be included in the procurement records maintained by the purchasing officer. In the event that such emergency action is necessary and the procurement cost is greater than one hundred thousand dollars in any one transaction, the city manager shall make a full and complete report to the city council at its next regularly scheduled meeting.

SECTION 2. CHAPTER 2.09 AMENDED. Section 2.09.040 of Chapter 2.09 (Public Works Contracting) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

2.09.040. Project responsibilities.

(a) – (c) [Text unchanged.]

(d) City Manager. The city manager shall:

(1) Be the awarding authority for every public works contract for which the cost to the city is one hundred thousand dollars or less;

(2) - (3) [Text unchanged.]

(e) City Council. The city council shall be the awarding authority for every public works contract for which the cost to the city is greater than one hundred thousand dollars in any one transaction.

SECTION 3. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on April 22, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney