

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: November 25, 2003

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE, THE COMPETITIVE BIDDING AND PURCHASING ORDINANCE, TO ELIMINATE CONFLICT WITH CONTRACTING GUIDELINES FOR FEDERALLY OR STATE FUNDED PROJECTS

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE, THE COMPETITIVE BIDDING AND PURCHASING ORDINANCE, TO ELIMINATE CONFLICT WITH CONTRACTING GUIDELINES FOR FEDERALLY OR STATE FUNDED PROJECTS

BACKGROUND:

At its regular meeting of November 18, 2002, the City Council directed preparation of this Ordinance. The City has been advised, through CalTrans, that the federal regulations that govern the use of funds from H. R. 5394 prohibit the use of local preferences such as those contained in the Competitive Bidding and Purchasing Ordinance.

PURPOSE OF ORDINANCE:

The purpose of this proposed ordinance is to amend the City's Purchasing Ordinance to eliminate potential conflicts with contracting guidelines for federally or state funded projects.

REASON WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Department of Finance and the Department of Public Works will be affected by this proposed ordinance.

MEETING OF 11/25/2002

AGENDA ITEM NO. 8.A.1.

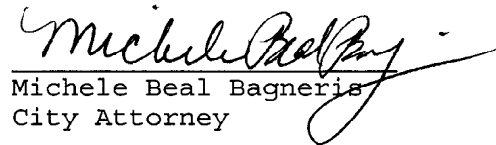
ENVIRONMENTAL IMPACT:

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule that CEQA applies only to activities which may have a significant effect on the environment (Section 15061(b)(3)).


FISCAL and SERVICE IMPLICATIONS:

Approval of the staff recommendation will help ensure the City's ability to secure funds provided by the federal government for 710 mitigation.

Respectfully submitted,

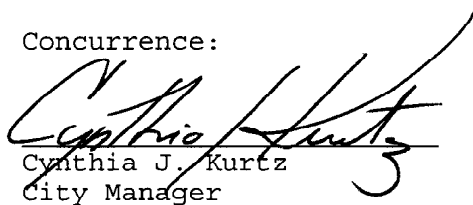

Michele Beal Bagneris
City Attorney

Prepared by: 11/19/02



Nicholas George Rodriguez
Assistant City Attorney

Concurrence:



Cynthia J. Kurtz
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 4.08 OF THE PASADENA MUNICIPAL CODE, THE COMPETITIVE BIDDING AND PURCHASING ORDINANCE, TO ELIMINATE CONFLICT WITH CONTRACTING GUIDELINES FOR FEDERALLY OR STATE FUNDED PROJECTS

The People of the City of Pasadena ordain as follows:

SECTION 1. Paragraph A of Section 4.08.035 of the Pasadena Municipal Code is hereby amended to read as follows, and the numbered subparagraphs which follow shall remain as currently written:

“4.08.035 Equal Employment Opportunity – Non-Discrimination Certificate

A. Every contract shall contain the following provisions, which shall be designated as the ‘equal employment opportunity practices provisions’, except that the city manager may agree to modify subparagraph 5, relating to local preference, where it is in conflict with federal or state laws or regulations:”

SECTION 2. Section 4.08.046 of said code is hereby amended to read as follows, in its entirety:

“4.08.046 Local Preference for Competitively Bid Contracts

For contracts for the purchase of goods and materials of \$25,000 or more where it has been determined that the City will receive a return of sales tax, a preference to local businesses equal to the amount the City will receive in sales tax revenue shall be provided. The city manager may modify or eliminate this preference where it is in conflict with federal or state laws or regulations.”

SECTION 3. Section 4.08.048 of said code is hereby amended to read as follows, in

its entirety:

“4.08.048 Local Preference for Competitively Selected Contracts

For contracts of \$25,000 or more that are subject to Competitive Selection, local businesses shall receive a preference equal to 5% of the overall evaluation. The city manager may modify or eliminate this preference where it is in conflict with federal or state laws or regulations.”

SECTION 4. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 5. This ordinance shall take effect upon publication.

Signed and approved this _____ day of December, 2002.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting regular held the _____ day of December, 2002 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

JANE L. RODRIGUEZ, CMC
CITY CLERK

APPROVED AS TO FORM:

 11196a

Nicholas George Rodriguez
Assistant City Attorney

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Nicholas George Rodriguez
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