

Agenda Report

TO: CITY COUNCIL December 6, 1999
FROM: City Manager
SUBJECT: Adoption of the *Standard Specifications for Public Works Construction*

RECOMMENDATION:

It is recommended that the City Council direct the City Attorney to prepare an ordinance adopting the *Standard Specifications for Public Works Construction* for use in the administration and construction of public works improvements, including permits issued in connection with such improvements, in the City of Pasadena.

BACKGROUND:

The *Standard Specifications for Public Works Construction*, popularly known as the "Greenbook," is a reference document that contains detailed requirements and provisions related to the three major aspects of public works construction: contract administration, construction materials, and construction methods. Originally published in 1967, the Greenbook is updated by the issuance of annual supplements with a new edition published every three years. This work is done by Public Works Standards, Inc., a mutual benefit corporation, composed of representatives from the American Public Works Association and various contractors associations.

Over the years, the Greenbook has been used by virtually all cities, counties, and other local agencies – including the City of Pasadena – in Southern California to regulate construction materials and their use in the erection, installation, alteration, repair, removal, conversion, demolition, and construction of public works improvements, including the administration of contracts and permits for such improvements. Some agencies have used the *Standard Specifications for Public Works Construction* through the adoption of an enabling ordinance, while others – like the City of Pasadena – have used it by merely incorporating in their contract documents by reference.

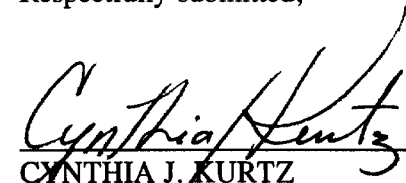
A 1999 case decided by the California Court of Appeals for the Second District, *Howard Contracting, Inc. v. City of Los Angeles*, demonstrates the advantage of ordinance adoption. In that case, the Court rejected Los Angeles' claim that a Greenbook section should prevail over a conflicting section of the Public Contracting Code because of the City's status as a charter city. The Court said that absent any charter provision or municipal enactment adopting the Greenbook, its charter city status did not provide an exemption from the Public Contracting Code.

Enactment of an ordinance adopting the *Standard Specifications for Public Works Construction* for use in connection with Pasadena public works improvements will provide bidders and contractors with a higher degree of certainty with respect to the administration and construction of such improvements and strengthen the City's hand in resolving future disputes. This action will confer legal status on this document in the same manner Section 14.04.010 of the Pasadena Municipal Code does for the California Uniform Building Code and other related uniform codes.

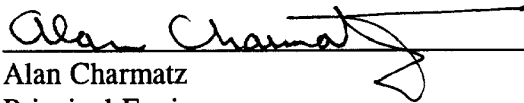
FISCAL IMPACT:

None. Adoption of the recommended ordinance will not affect the practices of the Public Works and Transportation Department, which will continue to rely upon the latest edition, including supplements, of the *Standard Specifications for Public Works Construction* in its day-to-day activities.

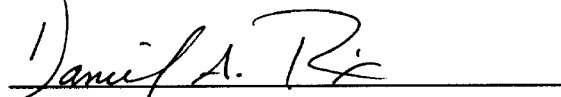
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

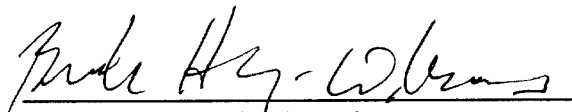
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