

ORDINANCE NO. 3555 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**M.C.C CHAPTER 28 AMENDMENTS TO UPDATE PUBLIC WORKS PROJECT
PURCHASING PRACTICES AND OTHER NECESSARY PURCHASING ORDINANCE
REVISIONS FOLLOWING PASSAGE OF MEASURE I**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, if Measure I is passed by a majority vote of the people at the November 8, 2016 general election, it will amend the City's Charter to remove the rules set forth in Charter Section 4.8 that govern how the City must contract for Public Works projects, and instead allow the City Council to adopt those rules by ordinance. This will give the City greater flexibility to adopt more modern, efficient and effective contracting methods as permitted by law and utilized by many other California public agencies;

WHEREAS, should Measure I pass, the City's Purchasing Ordinance (Chapter 28 of the Monterey City Code) must be amended to incorporate those regulations that are currently in the Charter, into the Purchasing Ordinance, and to add new rules to the ordinance that will allow the City to utilize more up-to-date, expedient and effectual contracting practices;

WHEREAS, this Ordinance amendment will require the City of Monterey to continue to use a fully open, formal, and competitive "design-bid-build" project delivery method for the great majority of its Public Works projects, with contracts awarded to the lowest responsive and responsible bidder; however, the Purchasing Ordinance amendments set forth herein will also allow the City to utilize the "design-build" project delivery method set forth in Public Contract Code § 22160 et seq. for projects over \$1million, the alternate contracting processes set forth in Government Code § 4217.10 et seq. for renewable energy and energy efficiency projects, and will allow formation of public-private partnerships for fee-producing infrastructure projects in accordance with the provisions of Government Code §5956 et seq., when deemed appropriate;

WHEREAS, this Ordinance amendment increases the competitive bidding threshold for Public Works Projects from sixty-five-thousand dollars (\$65,000) to one hundred-thousand dollars (\$100,000);

WHEREAS, this amendment adds a new provision to the Public Works project formal bid procedure allowing the Purchasing Agent, in the event that all bids for a Public Works project exceed available funds and time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate with the lowest responsive and responsible bidder for an

adjustment of the bid price and project scope in order to bring the bid within the amount of available funds, if the lowest responsive and responsible bid does not exceed such available funds by more than ten percent (10%);

WHEREAS, this amendment adds the Job Order Contract language originally set forth in the City Charter, to Chapter 28 of the City Code, and removes the Consumer Price Index inflator language originally in the Charter so that the not-to-exceed amount for job order contracts will now be capped at \$1 million;

WHEREAS, this amendment revises emergency purchasing rules to better define the term "emergency" as it relates to emergency procurement, and allows for more efficient ratification of emergency spending by having Council consider suspension of procedures at the first properly noticed Council meeting following the emergency, instead of holding a special meeting within 72 hours as was required by Charter Section 4.8;

WHEREAS, this amendment will permit the City to utilize a "best-value" competitive process to purchase supplies, materials, furnishings, equipment, vehicles, and other items when design, performance, aesthetics and similar factors preclude award of a contract solely on the basis of lowest responsive and responsible bid;

WHEREAS, the amendment also updates Chapter 28 to reflect the current purchasing dollar thresholds, and makes other clerical changes (including the re-numbering of sections made necessary by addition of the new provisions described herein) to update, clarify and improve the City's purchasing rules and regulations;

WHEREAS, The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act. (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines), on 15378. In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possible activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Sections 28-5 through 28-30 of Chapter 28 of the Monterey City Code are hereby repealed in their entirety and are replaced with the following (including the addition of new Sections 28-21, 28-22, 28-23, 28-24, and 28-26 as set forth below):

“Sec. 28-5. Designated purchasing agent.

For the purposes of this ordinance, the term “Purchasing Agent” shall mean and include the City Manager, or his/her designated representative(s), for purchases of equipment, supplies, materials, and services; notwithstanding the foregoing, the City Manager may not delegate his/her authority as Purchasing Agent, or designate a representative (other than the Acting City Manager in the event of the City Manager’s absence or disability), to execute contracts for the purchase of supplies, services and equipment unless authorized by the City Council.

In the event one or more representatives are designated as City purchasing agents, those individuals shall be included in the City’s Conflict of Interest Code as persons who must file an annual statement of economic interest with the City Clerk.

Sec. 28-10. Powers and Duties.

The Purchasing Agent shall have the following powers and duties:

- (a) To purchase or contract for materials, supplies, services and equipment, as limited in this Chapter, required by any department;
- (b) To negotiate and execute contracts for the purchase of supplies, services and equipment; however, the authority of the City Manager to execute contracts may not be delegated (other than to the Acting City Manager in the event of the City Manager’s absence or disability) unless authorized by the City Council;
- (c) To act to procure the needed quality in supplies, materials, services and equipment at the least expense to the City;
- (d) To obtain as full and open competition as possible on all purchases;
- (e) To keep informed of current developments in the field of purchasing, prices, market conditions and new products;
- (f) To prescribe and maintain such forms as are reasonably necessary to the purchasing operation;
- (g) To supervise the inspection of all supplies, services, and equipment purchased to ensure conformance with the specifications.

Sec. 28-15. Bidding.

The purchase of equipment, supplies, materials, general services and professional services shall be by bid or Request for Proposal as set forth in Sections 28-20, 28-25, and 28-30 herein, or by the alternate procurement methods set forth in this Chapter. Formal bidding shall be dispensed with in the following situations:

(a) In the event of an emergency as defined herein, the Mayor or City Manager may order the suspension of normal bidding or purchasing and procurement requirements for projects related to abatement of the impacts or effects of such emergency. The City Council shall, if possible, ratify such emergency suspension of procedures at the next properly noticed Council meeting following the emergency procurement and consider whether further suspension of procedures is required to abate the impacts of the emergency. An emergency shall be deemed to exist if:

1. There is a public calamity such as a fire, flood, earthquake, storm, or similar disaster that poses a serious threat to the public safety; or
2. There is an immediate need to prepare for national or local defense; or
3. An essential operation or City service affecting the public health, welfare or safety would be greatly hampered if adherence to the prescribed purchasing procedures would cause undue delay in procurement of the needed item or service.

(b) For the purchase of equipment, supplies, materials or services of a value less than that subject to the provisions of Section 28-25 (a) or for public works projects of a value less than that subject to the provisions of Section 28-20 (a) herein;

(c) In the event the contract and/or purchase contemplated is capable of being performed as follows:

1. By a sole provider such as a public utility or the holder of an exclusive patent or franchise, for purchase of unique or innovative goods or services including but not limited to computer software and technology, or for purchase of goods or services when there is a demonstrated need for compatibility with an existing item or service;
2. By another governmental agency;
3. Through purchasing contracts negotiated by another governmental agency or cooperative purchasing agency approved by the Purchasing Agent utilizing acceptable bidding procedures;
4. When purchasing used equipment;
5. When leasing or renting equipment.

(d) The purchases permitted under this Section shall be subject to fair, just and equitable contract conditions. The ratification of contracts procured pursuant to subsection (a) and award of contracts procured under subsection (c) herein that are valued at forty thousand dollars (\$40,000) or more, or contracts for public works projects valued at one hundred thousand dollars (\$100,000) or more, are subject to City Council approval. The forty thousand dollar (\$40,000) and one hundred thousand dollar (\$100,000) limits set forth above shall be automatically increased by five-thousand dollars (\$5,000) on July 1, 2020, and by the same amount each fifth year thereafter.

Sec. 28-20. Public Works Projects.

(a) Public Bidding - Formal bid and Contract Procedure

Contracts for public works projects valued at one hundred thousand dollars (\$100,000) or more shall be by formal written bid and contract, in accordance with the provisions set forth in Section 28-25(a)(1) – (7) of this Chapter, with contracts awarded to the lowest responsive and responsible bidder, except for public works contracts awarded pursuant to the provisions of Sections 28-21, 28-22 and 22-23 herein. The one hundred thousand dollar (\$100,000) limit set forth above shall automatically be increased by five thousand dollars (\$5,000) on July 1, 2020 and by the same amount each fifth year thereafter.

(b) Bids Exceeding Available Funds

In the event all bids for a public works project exceed available funds as certified by the Purchasing Agent, and the lowest responsive and responsible bid does not exceed such funds by more than ten percent (10%), the Purchasing Agent or his/her designee is authorized, in situations where time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate with the lowest responsive and responsible bidder for an adjustment of the bid price, including changes in the bid scope and bid requirements, in order to bring the bid within the amount of available funds.

When the lowest responsive and responsible bid exceeds available funds by more than ten percent (10%), and an essential operation or City service affecting the public's health, welfare or safety would be greatly hampered if the City were required to formally re-solicit bids, the procurement may proceed under the emergency procurement provisions of Section 28-15(a) of this Chapter.

(c) Local Hire Standards

Unless such provision would be excepted under Section 28-72 of this Chapter, all City contracts for public works projects subject to the above-stated formal bidding requirements shall contain provisions for a good-faith effort to hire qualified individuals who are residents of the Monterey Bay Area, in accordance with the provisions set forth in Article 2 of this Chapter.

(d) Open Market Procedure

Contracts for public works projects estimated in value in excess at four thousand dollars (\$4,000) or more but less than one hundred thousand dollars (\$100,000), as such amounts may be amended as set forth in (a) above and (e) below, may be made by the City in the open market. Open market contracts shall, unless infeasible, be based on at least three informal bids or quotes and shall be awarded to the lowest responsible bidder.

(e) Purchases less than \$4,000

Contracts for public works projects estimated in value to be less than four thousand dollars (\$4,000) may be let without informal bids or quotes, subject, however, to fair, just and equitable terms and conditions of purchase, and recognizing the need for fair competition in the conduct

of such purchases. The four thousand dollar (\$4,000) limit set forth above shall be automatically increased by five hundred dollars (\$500) on July 1, 2020 and by the same amount each fifth year thereafter.

(f) Prevailing Wages

Contracts for City-funded public works construction projects valued in excess of twenty-five thousand dollars (\$25,000), and contracts for City-funded alteration, demolition, repair or maintenance projects valued in excess of fifteen thousand dollars (\$15,000), shall require payment of prevailing wages in accordance with the requirements of the California Labor Code.

(g) Job Order Contracts

Notwithstanding subsection (a) above, the City Council may award individual annual contracts, referred to as "job order contracts", none of which may exceed one million dollars (\$1,000,000.00), for repair, remodeling, paving, sidewalk repair, or other work to be done according to unit prices. No annual contracts may be awarded for any new construction; however, job order contracts may be utilized for new projects less than \$100,000.00, adjusted as set forth in subsection (a) above. The contracts shall be awarded to the lowest responsive, responsible bidder and shall be based on plans and specifications for typical work. No job order contract shall exceed two years (including any extensions), except as necessary to complete outstanding work orders that were awarded within the two year period.

For purposes of this section, the term "unit price" shall mean the amount paid for a single unit of an item of work, the term "typical work" shall mean a work description applicable universally or applicable to a large number of individual projects, as distinguished from work specifically described with respect to an individual project, and the term "repair, remodeling, paving, sidewalk repair, or other repetitive work to be done according to unit prices" shall not include design or contract drawings.

(h) Multiple Job Order Contracts Procedure

Contracts for repair, maintenance, alterations, or other repetitive work necessitating award of more than one (1) job order contract, as authorized by subsection (g) above, may be awarded to multiple contractors/vendors following the procedures set forth herein. Job order contracts shall not be used for new construction projects, defined as construction or erection of new structures or public works projects on unimproved land.

1. Selection process. Bidding, selection and award of multiple public works job order contracts shall be performed in accordance with the bidding procedures set forth in this Chapter.
2. Award of multiple contracts. The City may award job order contracts to a pool of the lowest responsive, responsible bidders for the work set forth in the City's call for bids and/or written plans and specifications based on unit prices. Up to four (4) multiple job order contracts for public repair, maintenance or alterations work may be awarded by the City Council. Award of multiple job order contracts shall be made to those bidders that

submitted responsive and responsible bids, in sequential order based on their bid amount, with the first job order contract awarded to the lowest responsive, responsible bidder (hereinafter, the "first low bidder"), the second job order contract awarded to the second lowest responsive, responsible bidder (hereinafter, the "second low bidder"), and so on, up to a maximum of four (4) total multiple job order contracts.

3. Contract types. The City's call for bids and/or written plans and specifications for multiple job order contracts may be based on a particular category of work (such as sidewalk repair, curb ramps, etc.) or a specified trade or combination of trades.
4. Job order contracting project assignment. Following Council award of the multiple job order contracts, the City shall prepare drawings and/or specifications of sufficient detail to determine a scope of work and schedule for individual projects. These individual projects shall be offered first to the first low bidder, who will be entitled to perform the work unless the contractor declines the project or the City determines the contractor would be unable to timely and satisfactorily perform the work due to bidder responsibility factors established by City, including but not limited to adequate financial, material, equipment, facility, workforce and personnel resources. Upon such determination by City, the project shall be offered next to the second low bidder, who will be entitled to perform the work unless the project is declined or the City determines that the contractor would be unable to timely and satisfactorily perform the work due to the contractor responsibility factors set forth above. If there are additional on-call contractors, this process would continue as needed until the project is assigned. The City's determination of non-responsibility under this section may be appealed using the procedures set forth in Section 28-27.
5. Removal of contractor from approved pool. The City may terminate a job order contract, at its discretion, should the contractor fail to adhere to the provisions set forth in the original call for bids. Removal of a contractor from the pool will not affect the term of the job order contracts for the remaining pool members.

(i) The provisions of the Public Contract Code shall not apply unless otherwise adopted by the City.

Sec. 28-21. Public Works Projects: Design-Build Procurement

Except as otherwise set forth in this section, the provisions of Public Contract Code § 22160 *et seq.*, authorizing cities to utilize Design-Build procurement on designated public works projects exceeding \$1 million, are hereby adopted and incorporated by reference as if fully set forth herein. Utilization of Design-Build procurement must be approved by the City Council prior to commencement of the competitive solicitation process for any authorized public works project. Prevailing wages shall be paid pursuant to Section 28-20(f) of this Chapter.

Sec. 28-22. Public Works Projects: Renewable Energy and Energy Efficiency Projects

The provisions of Government Code §4217.10 et seq., authorizing renewable energy and energy efficiency public works projects to be sole-sourced or procured through either formal or informal request for proposals following a public hearing process, including adoption of specific findings concerning the projected energy cost savings, are hereby adopted and incorporated by reference as if fully set forth herein. Prevailing wages shall be paid pursuant to Section 28-20(f) of this Chapter.

Sec. 28-23. Public Works Projects: Public-Private Partnerships

The City Council may authorize the City to enter into agreements with private entities for use of private sector investment capital for the studying, planning, design, developing, financing, construction, maintenance, rebuilding, improvement, repair, or operation, or any combination thereof, for infrastructure projects pursuant to Chapter 14 of the California Government Code, beginning with Section 5956 (the "Infrastructure Financing Act") in lieu of the other procedures specified herein.

Sec. 28-24. Bid Protests

Bid protests shall be accompanied by bid protest filing fee of ninety-five dollars (\$95.00). Such protest fee is non-refundable except in the instance where protestor prevails in the protest, City engaged in a processing error, or the call for bid documents are ambiguous. The following procedures shall apply to bidder protest(s):

(a) Grounds for protest. Authority to protest shall be limited to bidding vendors. A written protest may be filed based on the following grounds:

- i. Failure of the City to apply correctly the standards of review, evaluation, or scoring of a bid or proposal as specified in the solicitation documents.
- ii. Such other grounds as would create a cause of action at law or in equity.

(b) Bidder protests must be submitted, in writing, prior to award of contract and within five (5) business days after the date aggrieved bidder knew or should have known of the facts giving rise to the bid protest award. Such protests may be filed immediately after the bid opening. Protests will be accepted in person or via mail, either delivery shall be to City of Monterey, Finance Administration, 735 Pacific Street, Suite A, Monterey, CA 93940, so long as accompanied by the bid protest filing fee as specified herein. Once the bid protest package has been received, follow-up communications in reference to the bid protest may be made to the Finance Department by telephone, fax, or email.

The written formal protest must contain the following:

- i. Identification of the specific City Purchasing Code (Chapter 28 of this code) or other statutory or regulatory provision(s) that the buyer or department is alleged to have violated;

- ii. Description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
- iii. A precise statement of the relevant facts that includes dates, timelines and involved parties, and all supporting documents. Supporting documentation not submitted within the five (5) business days described in subsection (b) of this section may not be reviewed;
- iv. An identification of the issue(s) that need to be resolved that support the protest;
- v. A statement of the form of relief requested.

(c) If a timely protest is filed, Finance Administration shall notify the involved department(s) and any further action related to the bidding process shall be suspended until a determination is made on the merits of the protest.

(d) Finance Administration will conduct an investigation, gather information, prepare documentation of its findings and make every effort to resolve the protest to the mutual satisfaction of all stakeholders. If the protest cannot be mutually resolved, Finance Administration will make a decision as to the protest and so inform the involved department(s). The department(s) or Finance Administration will then notify the protest bidder(s), in writing.

(e) The notice to the protester shall state the basis of bidder's protest(s), the results of the investigation, findings, recommendation(s) and reasons for the action taken and delivered, in writing, to the protesting bidder(s).

(f) Bidders may appeal, in writing, to the City Manager within five (5) business days of receipt of the written notification. The City Manager or Acting City Manager shall have five (5) business days to make a decision which shall be final.

Sec. 28-25. Purchasing Process.

(a) Formal Bid Procedure

Purchases of supplies, materials, services, and equipment (other than professional services pursuant to Section 28-30, public works projects pursuant to Sections 28-20 through 28-23, and purchases of vehicles, rolling stock and similar equipment pursuant to Section 28-25(b)(2) herein) valued at forty thousand dollars (\$40,000) or more shall be by written bid and contract pursuant to the procedure prescribed herein, except for those purchases awarded based on "best value" criteria as set forth in Section 28-26 herein. The forty thousand dollar (\$40,000) limit set forth above shall be automatically increased by five-thousand dollars (\$5,000) on July 1, 2020 and by the same amount each fifth year thereafter.

1. Notice inviting bids. Notices inviting bids and specifying the time and place of opening shall be published at least ten days prior to the opening of the bids. Notice shall be published at least once in a newspaper of general circulation within the City and posted on the City's website.

2. Receipt and opening of bids. All bids shall be sealed, identified on the envelope, and submitted to the City at or before the time specified on the notice. At the time and place specified, the bids shall be publicly opened and read. Any bid received after commencement of bid opening shall be rejected and returned unopened.
3. Bidders' security. At the discretion of the City, each bid may be required to be accompanied by a bid deposit or bond equal to at least ten percent (10%) of the bid amount, as set forth in the bid specifications.
4. Award of Bid. Except as otherwise provided herein, the City Council shall award the contract to the lowest responsible bidder whose bid complies with the specification. In determining responsibility, the City Council shall consider the known reliability, resources, experience, integrity, reputation for workmanship, and any other criteria set forth in the bid specifications, of the various bidders. The City Council may waive any informalities or minor irregularities in bids received.
5. Rejection of bids. The City Council may reject any and all bids presented, and may, in its discretion, re-advertise for other bids.
6. No bids received. In the event no bids are received, the City Council may, in its discretion, re-advertise for other bids, or may determine and declare by resolution that the equipment, supplies, materials, services, or project may be more economically or satisfactorily procured in the open market and direct such procurement on the open market by direct negotiations.
7. Tie bids. If two or more low bids received are for the same total amount or unit price, quality and service being equal, the City may re-advertise for bids, draw lots or accept the one it chooses.

(b) Informal Bid Procedure

1. Purchase of supplies, materials, services and equipment estimated in value at four thousand dollars (\$4,000) or more and below forty thousand dollars (\$40,000), as such amounts may be amended every five (5) years as set forth below, may be made by the City informally without observing the formal bidding procedures prescribed in subsection (a) of this section, or may be awarded based on "best value" criteria as set forth in Section 28-26 herein. Such purchases shall, unless infeasible, be based on at least three informal bids or quotes and shall be awarded to the lowest responsible bidder. The four thousand dollar (\$4,000) and forty thousand dollar (\$40,000) limits shall be automatically increased by five hundred dollars (\$500) and five thousand dollars (\$5,000), respectively, on July 1, 2020, and by the same amount each fifth year thereafter.
2. Purchases of vehicles, rolling stock and similar equipment estimated in value at five thousand five hundred dollars (\$5,500) or more and sixty thousand dollars (\$60,000) or less, as such amounts may be amended every five (5) years as set forth below, may be made by the City informally without observing the procedures prescribed in subsection

(a) of this section, or may be awarded based on “best value” criteria as set forth in Section 28-26 herein. Such purchases shall, unless infeasible, be based on at least three informal bids or quotes and shall be awarded to the lowest responsible bidder. The five thousand five hundred dollar (\$5,500) and sixty thousand dollar (\$60,000) limits shall be automatically increased by five hundred dollars (\$500) and five thousand dollars (\$5,000), respectively, on July 1, 2020, and by the same amount each fifth year thereafter.

(c) Purchases less than \$4,000

Purchases of supplies, materials, services and equipment estimated in value to be less than four thousand dollars (\$4,000) may be made without informal bids or quotes, subject, however, to fair, just and equitable terms and conditions of purchase. The four thousand dollar (\$4,000) limit set forth above shall be automatically increased by five-hundred dollars (\$500) on July 1, 2020, and by the same amount each fifth year thereafter.

(d) Purchases through Cooperative Purchases Contracts

A cooperative procurement contract negotiated by another governmental agency or cooperative purchasing agency approved by the Purchasing Agent may be utilized for the purchase of goods, services and/or supplies if it meets all of following:

1. It is in the best interest of the City.
2. It is to the City’s economic advantage.
3. It was competitively awarded using a process that complies with the policies, rules and regulations as approved by the Purchasing Agent or his/her designee.

Sec. 28-26. Best-Value Purchasing

As an alternative to the competitive process set forth in Section 28-25 herein for purchase of supplies, materials, furnishings, equipment, vehicles, rolling stock and other items when design, performance, aesthetics and similar factors preclude award of a contract solely on the basis of lowest responsive and responsible bid, the City may utilize a best-value purchasing process. “Best value” means a procurement process based on objective criteria for evaluating the bids with the resulting selection representing the best combination of price, quality, suitability and other factors as set forth in the solicitation for bids. Such process may be utilized for the purchase of supplies, materials, furnishings, equipment, vehicles, rolling stock and other items if it meets the following criteria:

- (a) It is in the best interest of the City;
- (b) It is to the City’s economic advantage; and
- (c) It was competitively awarded using a process that complies with the policies, rules and regulations adopted and approved by the Purchasing Agent or his/her designee.

Sec. 28-30. Contracts for Professional Services

Professional services are defined as those provided by a person or firm engaged in a profession based on a generally recognized special knowledge or skill, including, but not limited to, the professions of accountant, attorney, artist, architect, landscape architect, construction manager, engineer, environmental consultant, dentist, physician, training or educational consultant, or land surveyor, and whose services are considered distinct and unique to such a degree that bidding of such services would not be feasible.

(a) Formal Contracts

Award of contracts for services of a professional nature with an annual value of forty thousand dollars (\$40,000) or more shall be subject to City Council approval pursuant to the procedure prescribed herein. The forty thousand dollar (\$40,000) annual contract limit set forth above shall be automatically increased by five-thousand dollars (\$5,000) on July 1, 2020 and by the same amount each fifth year thereafter.

1. Request for Proposals. When selecting providers of professional services, a Request for Proposals process shall be used when feasible. Request for Proposals shall specify the deadline and place for submission, the nature of the services required, and the selection criteria to be used for awarding the contract.
2. Award of Contract. Except as otherwise provided herein, the City Council shall award a contract based on at least three proposals and shall be based on firm qualifications, experience and responsiveness, in addition to any other criteria set forth in the Request for Proposals. The City Council may award more than one professional services contract if specifically permitted in the Request for Proposals.
3. Rejection of Proposals. The City Council may reject any and all proposals submitted and may, in its discretion, re-advertise for other proposals.

(b) Informal Proposal

Contracts for professional services in excess of four thousand dollars (\$4,000) but not exceeding forty thousand dollars (\$40,000), as such amounts may be amended in (a) above and (c) below, may be made by the City informally without observing the procedures prescribed in Section 28-30(a). Such contracts shall, unless infeasible, be based on at least three informal proposals and shall be awarded based on firm qualifications, experience and responsiveness, in addition to other appropriate criteria.

(c) Contracts less than \$4,000

Contracts estimated to be less than four thousand dollars (\$4,000) in cost may be let without informal proposals subject however, to fair, just and equitable contract terms and conditions. The four thousand dollar (\$4,000) limit set forth above shall be automatically increased by five-hundred dollars (\$500) on July 1, 2020 and by the same amount each fifth year thereafter.”

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If the majority of voters voting in the election on November 8, 2016 approve Measure I (Charter Amendment), this ordinance shall be in full force and effect thirty days after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 6th day of December, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Albert, Barrett, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:





Mayor of said City