

Chapter 2.36
PURCHASE OF SUPPLIES, EQUIPMENT AND MATERIAL

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2.36.010 Purpose.

The purpose of this chapter is to assure a maximum of competition for the lowest price consistent with the stated level of quality, to provide for the fair and equitable treatment of persons involved in public purchasing with the city, and to provide safeguards to maintain a procurement system of quality and integrity. (Ord. 723 § 3 (part), 1991)

2.36.020 Application.

This chapter applies to contracts for the procurement of supplies, equipment, services and construction, entered into by the city after the effective date of the ordinance codified in this chapter. It shall apply to the expenditure of public funds by any city department for public purchasing. (Ord. 723 § 3 (part), 1991)

2.36.030 Definitions.

“Construction” means the process of building, altering, repairing, improving or demolishing any structure or building, or other public improvements of any kind. It does not include operation, routine repair, or routine maintenance of existing structures, buildings or real property.

“Contract” means types of city agreements, regardless of what they may be called, for the procurement of supplies, equipment, services or construction.

“Department” means any using agency, commission, board or agency created by the city which requires supplies, equipment, services or construction pursuant to this chapter.

“Equipment” means procured items which are maintained on inventory as fixed assets. These items are durable and have a fixed, predetermined life expectancy.

“Invitation for bids” means documents, whether attached or incorporated by reference, utilized for soliciting bids.

“Procurement” means the buying, purchasing, renting, leasing or other acquisition of supplies, equipment, services or construction. It also includes the definition of requirements (specifications), the selection and solicitation of sources, the preparation and award of a contract, and the administration of the contract.

“Professional services” means work performed by specially trained and experienced persons, firms or corporations rendering professional services and advice such as accounting, financial, legal, medical, engineering, architectural, environmental, economic, real estate, insurance, lobbying, public relations, code publication or similar services.

“Public procurement unit” means any purchasing entity involved in the acquisition of commodities for a governmental unit such as: state, county, city, school district, or other similar entity.

“Public works project” means projects for the erection, construction, repair, renovation, alteration or improvement of:

1. Public buildings and related structures and improvements;
2. Streets (including curbs, gutters, sidewalks, street lights and traffic signals), sewers and water systems;
3. Drainage and flood control works;
4. Park and recreation facilities.

Public works projects do not include routine, recurring, or other normal work done to maintain, preserve or protect any public owned or operated structure or improvement.

“Request for proposal” means documents, whether attached or incorporated by reference, utilized for soliciting proposals.

“Responsible vendor or offeror” means a person who has the capacity in all respects to perform fully the contract requirements, and the experience, tenacity, perseverance, integrity, reliability, capacity, facilities, equipment and credit which will assure good faith performance.

“Responsive vendor” means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

“Services” means the furnishing of labor, time or effort (sometimes parts are included) to perform or complete a designated task. Precise specifications (taskings) shall be delineated in the contract.

“Supplies” means property, including but not limited to materials, required to perform a department’s function. It can be office, as well as, departmental supplies. (Ord. 723 § 3 (part), 1991)

2.36.040 Establishment of the position of the purchasing agent.

A. Establishment. There is created the position of purchasing agent, which shall be the city’s principal purchasing and contracting official.

B. Appointment. The purchasing agent shall be a division within the finance department pursuant to procedures delineated in the personnel ordinance, Ordinance No. 697. (Ord. 723 § 3 (part), 1991)

2.36.050 Authority and duties.

A. Principal Purchasing Official. Except as otherwise provided in this section and in Section [2.36.060](#), the purchasing agent shall serve as the principal purchasing and contracting official for the city, and shall be responsible for the procurement of, or the coordination of the procurement of, supplies and equipment in accordance with this chapter, and for the management and disposal of surplus supplies and equipment. The preparation of specifications for, solicitation of bids, contract administration and supervision and inspection of public works projects is delegated to the public works director. The procurement of, contract administration for, and supervision of professional services is delegated to the city manager or his/her designee.

B. Duties. In accordance with this chapter, and subject to the supervision of the finance director, the purchasing agent shall:

1. Procure, or coordinate the procurement of, all supplies, equipment and services needed by the city;
2. Exercise general supervision and control over inventories of equipment (fixed assets) and certain supply items belonging to the city;
3. Dispose of surplus supplies and equipment belonging to the city via public auction; items not disposed of by auction shall be disposed of according to the direction of the city manager;
4. Assist city departments, as needed, in the development of specifications, contract administration, and inspection and acceptance procedures;
5. Endeavor to obtain as full and open competition as possible on city purchases;

6. Prepare and recommend to the finance director procedures governing the procurement of supplies, equipment, services and construction items;

7. Prepare and maintain a vendor list to include respective catalogs.

C. Operational Procedures. Consistent with this chapter, and with the approval of the finance director, the purchasing agent shall adopt specific operational procedures pertaining to the execution of his/her duties. (Ord. 723 § 3 (part), 1991)

2.36.060 Delegations to other city officials.

Notwithstanding the provisions of Section [2.36.050](#) and with the approval of the city manager, the purchase of certain supplies, equipment, services or construction items may be delegated by the purchasing agent to individuals in other city departments, if such delegation is deemed necessary for the effective procurement of those items. (Ord. 723 § 3 (part), 1991)

2.36.070 Collection of data concerning public procurement.

The purchasing agent shall prepare statistical data required by the finance director concerning the procurement, usage and disposition of supplies, equipment, services and construction. In order to compile this data, the purchasing agent may require the various city departments to furnish him/her data concerning their usage, needs and/or stock on hand. The purchasing agent shall prescribe the forms to be used by the departments in requisitioning, ordering and reporting of supplies, equipment, services and construction. (Ord. 723 § 3 (part), 1991)

2.36.080 Award of contracts.

A. Except as otherwise provided in this chapter, contracts for supplies, equipment, services and construction of estimated value fifty-three thousand dollars or greater shall be awarded by the city council to the lowest responsible bidder. The city manager, or his/her designee, may award contracts costing less than fifty-three thousand dollars. The dollar value set forth in this subsection shall be adjusted annually, on or before January 1st, by the finance director, with the approval of the city manager and to adjust these limits and the limits specified in Sections [2.36.090](#), [2.36.100](#), [2.36.110](#), [2.36.120](#), [2.36.130](#) and [2.36.160](#) based upon the Consumer Price Index established and published by the State of California Department of Industrial Relations for all California urban consumers. The finance director shall provide annual notification to the city council of the Consumer Price Index adjustment under this section.

B. A contingency appropriation shall be included in the total project appropriation for all construction contracts awarded by either the city council or city manager. The contingency appropriation shall be ten percent of the construction contract amount and shall be administered by the city manager or his/her designee. The contingency appropriation shall be used to fund only construction contract change orders and shall be funded in the same manner as the appropriation for the construction contract.

C. Except as otherwise provided herein, all construction contract change orders shall comply with the city of Folsom standard construction specifications and shall be approved in writing by the city manager or his/her designee prior to the work being performed. If a contract change order exceeds one hundred thousand dollars, the city manager shall obtain the written consent of the mayor or his/her designee, or, at the mayor or his/her designee's discretion, the city council, prior to

approving the work. All construction contract change orders approved by the city manager shall be reported to the city council by the city manager at least quarterly.

D. Notwithstanding any provision to the contrary, the city manager, or his/her designee, may award and execute contracts for supplies, equipment, services or construction which are funded entirely by non-city entities or persons without the expenditure of city funds or commitment to future city funds, provided that a commitment for payment from the funding source is obtained through a funding agreement or a deposit and reimbursement agreement. (Ord. 1214 § 2, 2014; Ord. 951 § 2 (part), 2002; Ord. 950 § 2 (part), 2001; Ord. 723 § 3 (part), 1991)

2.36.090 Methods of award.

A. Contracts shall be awarded by competitive sealed bidding, pursuant to Sections [2.36.100](#) and [2.36.110](#), except as provided in:

1. Contracting for designated professional services pursuant to Section [2.36.120](#);
2. Small purchases pursuant to Section [2.36.130](#);
3. Sole source procurement pursuant to Section [2.36.140](#);
4. Emergency procurement pursuant to Section [2.36.150](#);
5. Cooperative purchasing pursuant to Section [2.36.160](#); and
6. Alternative delivery methods pursuant to Chapter [2.37](#).

B. Whenever competitive sealed bidding procedures are not utilized, a waiver of bid delineating the reason(s) for noncompetitive award shall be prepared in writing by the requesting department and filed with the city clerk. Prior to being filed, the waiver shall be reviewed by the purchasing agent and the finance director and approved by the city manager.

C. When the cumulative dollar value of contract awards of ten thousand dollars or less to one vendor or contractor exceeds one hundred thousand dollars during three consecutive years, subsequent awards shall be made only via the competitive sealed bid procedures. (Ord. 1181 § 2, 2013; Ord. 723 § 3 (part), 1991)

2.36.100 Competitive sealed bidding.

A. Conditions for Use. City contracts for supplies, equipment, services or construction of estimated value of fifty-three thousand dollars or greater shall be awarded by competitive sealed bidding except as otherwise provided in Section [2.36.090](#).

B. Public Notice. Public notice of the invitation for bids shall be given at least ten calendar days prior to the date set forth therein for the opening of bids. Such notice shall include publication at least once in a newspaper of general circulation within the city. This notice shall state the place, date and time of bid opening.

C. Invitation for Bids. An invitation for bids shall be issued to vendors who request such and shall include specifications and all contractual terms and conditions applicable to the procurement. Prior to the invitation for bid, the requesting department may contact respective vendors to obtain specific product/service information, product demonstration/evaluation/testing, etc.

- D. Vendor's List. The purchasing agent will also issue invitations for bids to responsible prospective bidders whose names are on the city's current vendor's list for the required commodity/service.
- E. Bid Opening. Bids shall be opened publicly in the presence of 1 or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the purchasing agent deems appropriate, together with the name of each bidder shall be recorded; this record, as well as each bid, shall be open to public inspection after the award of the contract.
- F. Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will effect the bid price and be considered in the evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs.
- G. Correction or Withdrawal of Bids—Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such mistakes, may be permitted where appropriate. Prior to bid opening the bidder may modify or withdraw a bid by written or telegraphic notice providing it is received by the city prior to the time set for bid opening. After bid opening, corrections in bids or withdrawals of bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that the bidder made a material mistake of fact that is evident on the face of the bid. Decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written recommendation made by the purchasing agent and approved by the city manager for contracts costing less than fifty-three thousand dollars and by the city council for contracts costing fifty-three thousand dollars or more.
- H. Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and specifications set forth in the invitation for bids. In the event the low responsive and responsible bid for any contract exceeds available funds as certified by the finance department, and such bid does not exceed such funds by more than ten percent, the purchasing agent, or his/her designee, is authorized, when time and economic consideration preclude resolicitation of work of a reduced scope, and upon approval from the requesting department and the finance department, to negotiate an adjustment of the bid price with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the invitation for bids.
- I. Contract Preference. Contracts to furnish supplies, equipment, and services to the city shall be let to the lowest responsible bidder with preference to the responsible bidder who offers to furnish supplies, equipment and services which are raised, grown, manufactured, fabricated, processed, assembled or distributed from within the city. Such preference shall be only as to price if quality, service and other factors are equal. The amount of the differential shall be determined from time to time by resolution of the city council. (Ord. 1214 § 3 (part), 2014; Ord. 951 § 2 (part), 2002; Ord. 723 § 3 (part), 1991)

2.36.110 Negotiated bid proposals.

A. Conditions for Use. The competitive sealed bidding procedures shall be the method of choice, and as such, shall be utilized for most contract awards. However, when the city council determines that the use of competitive sealed bidding does not provide sufficient detail to evaluate the bidder's proposal or is otherwise too technical or not advantageous to the city, a contract to furnish supplies, equipment, public works projects or services of estimated value of fifty-three thousand dollars or greater may be entered into by use of the negotiated bid proposal method. In this manner the bidder will delineate his/her entire proposal to include, at a minimum, specific parts and/or processes used to complete the designated contract specifications. The purchasing agent shall provide instructions and required forms to each requesting vendor.

B. Request for Proposals. Proposals shall be solicited through a request for proposals.

C. Public Notice. Public notice of the request for proposals shall be given in the same manner as provided in Section [2.36.100](#); the minimum time shall be at least 10 calendar days.

D. Receipt of Proposals. Proposals shall be handled in a manner which does not permit the disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.

E. Evaluation Factors. The request for proposals shall state the relative importance of price and other criteria used to base the award on.

F. Discussion with Responsible Offerors and Revisions to Proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit responsive proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment, with respect to any opportunity for discussion and revision of proposals. Such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, the identity of competing offerors or any information derived from proposals submitted by the competing offerors shall not be disclosed.

G. Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. (Ord. 1214 § 3 (part), 2014; Ord. 951 § 2 (part), 2002; Ord. 723 § 3 (part), 1991)

2.36.120 Contracting for designated professional services.

For the purpose of procuring the services of persons providing professional services as defined in Section [2.36.030](#), any department requiring such service of estimated value of less than fifty-three thousand dollars may procure them on its own behalf. The department procuring such services shall notify the purchasing agent of the procurement. That department shall also prepare the waiver of bid and submit it to the purchasing agent for filing with the city clerk. Professional services, as

defined in Section [2.36.030](#), costing fifty-three thousand dollars or greater shall be contracted for by the city council. (Ord. 1214 § 3 (part), 2014: Ord. 951 § 2 (part), 2002: Ord. 723 § 3 (part), 1991)

2.36.130 Small purchases.

A. General. Purchases costing less than fifty-three thousand dollars shall be made in accordance with the small purchase procedures authorized in this section.

B. Small Purchases Greater Than Ten Thousand Dollars. Insofar as it is practical for small purchases in excess of ten thousand dollars, but less than fifty-three thousand dollars, no less than three vendors shall be solicited to submit quotations. Quotations may be received in writing, in person, or via the telephone. Award shall be made to the vendor offering the lowest acceptable quotation. The names of the vendors submitting quotations and the date and amount of each quotation shall be recorded and maintained as a public record for no less than two years after the award of the contract.

C. Small Purchases of Ten Thousand Dollars or Less. The purchasing agent shall adopt operational procedures to make small purchases of ten thousand dollars or less. Such operational procedures shall ensure adequate and reasonable competition exists for the supply, equipment, service or construction item(s) being purchased. (Ord. 1214 § 3 (part), 2014: Ord. 951 § 2 (part), 2002: Ord. 723 § 3 (part), 1991)

2.36.140 Sole source procurement.

Prior to submitting a purchase request, the requesting department shall conduct a survey of available sources to determine whether there is only 1 source for the required supply, equipment, service or construction item. After review of this request by the purchasing agent and the finance director and approved by the city manager, a contract shall be awarded without competition. The purchasing agent, or his/her designee, shall conduct negotiations, as appropriate, as to price, delivery and terms. The requesting department shall prepare a waiver of bid and submit it to the purchasing agent for filing with the city clerk. (Ord. 723 § 3 (part), 1991)

2.36.150 Emergency procurement.

Notwithstanding any other provisions of this chapter, the city manager shall make, or authorize others to make, emergency procurement of supplies, equipment, services or construction items when there exists a threat to public health, welfare or safety; provided, that such emergency procurement shall be made with sufficient competition as is practicable under the circumstances. The requesting department shall complete a waiver of bid format and submit it to the purchasing agent for filing with the city clerk. (Ord. 723 § 3 (part), 1991)

2.36.160 Public works projects.

In the awarding of public works contracts, the following shall apply:

A. Public Works Projects Costing Less Than Fifty-Three Thousand Dollars. Public works projects costing less than fifty-three thousand dollars may be performed by city employees by force account or by complying with the procedures pursuant to Section [2.36.130](#).

B. Public Works Projects Costing Fifty-Three Thousand Dollars or Greater. Public works contracts costing fifty-three thousand dollars or greater shall be awarded pursuant to procedures in Section [2.36.080](#), [2.36.100](#) or [2.36.110](#).

- C. If the city council rejects all the bids, the city may:
1. Abandon the project or readvertise it for additional bids; or
 2. Have the project completed by city employees by force account after a four-fifths approval vote by the city council.
- D. If no sealed bids or proposals are received the city council can authorize the project to be completed by city employees by force account or through negotiation without complying with the requirements of this chapter. (Ord. 1214 § 3 (part), 2014; Ord. 951 § 2 (part), 2002; Ord. 950 § 2 (part), 2001; Ord. 723 § 3 (part), 1991)

2.36.170 Cooperative purchasing.

A. Without complying with the requirements of Sections [2.36.080](#), [2.36.090](#) and [2.36.100](#), the purchasing agent may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any supplies, equipment, service or construction with 1 or more public procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open-ended state public procurement unit contracts which are made available to the city. (Ord. 723 § 3 (part), 1991)

2.36.180 Cancellation of invitations for bids or requests for proposals.

Where stated in the invitation for bid, the city council may cancel an invitation for bid, a request for proposal, or other solicitations, or may reject any or all bids or proposals when it is for good cause and in the best interests of the city. (Ord. 723 § 3 (part), 1991)

2.36.190 Bid bonds.

Bid bonds or other security shall be required for all sealed bid contracts costing \$25,000 or greater and may be required on other contracts as the city manager, purchasing agent, or heads of department deem advisable to protect the city's interests. Any such bonding requirements shall be set forth in the solicitation. Bid bonds shall not be used as a substitute for a determination of a bidder or offeror's responsibility. (Ord. 723 § 3 (part), 1991)

2.36.200 Security for public works projects.

All contracts for the construction of a public works project in an estimated amount of \$25,000 or greater shall require the contracting party to furnish security for the completion of the project and the payment of labor, materials and equipment. The provisions of Chapter 5 of Division 2, of Title 7 of the California Government Code (Sections [66499](#) through [66499.10](#)) as the same now reads or is hereafter amended shall govern the kind of security (Section 66499), the form of bonds (Sections 66499.1 and 66499.2), the amount of the security (Section 66499.3), the costs, expenses and fees included in the amount of the security (Section 66499.4), the provision for reduction of improvement security (Section 66499.5), exemption of security from enforcement of money judgment (Section 66499.6), release of security (Section 66499.7), restriction on release of security (Section 66499.8), limitation on security liability (Section 66499.9) and party against whom suit on security maintained (Section [66499.10](#)). Said Government Code provisions are incorporated in this chapter by reference, as if fully set forth in this chapter. (Ord. 723 § 3 (part), 1991)

2.36.210 Miscellaneous items.

- A. Specifications. Specifications shall be drafted by the requesting department in a manner to promote overall economy for the purposes intended and to encourage competition in satisfying the city's needs; they shall state the city's minimum requirements, but shall not be unduly restrictive so they prevent competition. The policy enunciated in this section applies to all specifications including, but not limited to, those prepared for the city by architects, engineers, designers and draftsmen. The department requiring the supply, equipment, service or construction shall prepare the specification(s) as a part of their purchase request.
- B. Requisitions. Departments shall submit requests for supplies, equipment, services and construction items to the purchasing agent by means determined by the purchasing agent and approved by the finance director.
- C. Procurement. Procurement of supplies, equipment, services and construction materials shall be made by written contract or purchase order unless directed otherwise by the purchasing agent according to established procedures.
- D. Dividing Requirements. Contract or purchase order requirements shall not be artificially divided so as to constitute a small purchase or to avoid complying with any other provision of this chapter.
- E. Encumbrance of Funds. The purchasing agent, or others authorized to establish purchase orders, shall not issue any contract or purchase order for supplies, equipment, services and construction materials unless there exists an unencumbered appropriation in the proper account against which the purchase is charged.
- F. Purchase of Surplus Commodities. The purchasing agent is authorized to procure, when economically feasible, commodities from other governmental agencies which are surplus to their requirements and determined to be valid needs of this city. (Ord. 723 § 3 (part), 1991)

2.36.220 Disposition of surplus personal property.

- A. Definitions. For purposes of this section, "surplus personal property" shall mean any personal property or equipment owned by the city of Folsom which a department head determines is no longer needed or used for city purposes or which has become obsolete, worn out or past its useful life. "Market value" is the value estimated by the city manager or his/her designee at which the property would sell if offered at auction or other open competitive bid sale. "City manager" shall mean the city manager or his/her designee.
- B. Surplus personal property of the city shall be disposed of in the following manner:
1. The city manager may authorize the sale or disposition of surplus personal property which has a market value equal to or less than his/her contracting authority.
 2. The city council may authorize the sale or disposition of surplus personal property which has a market value in excess of the city manager's contracting authority.
 3. Any surplus personal property within his/her contracting authority may be sold or disposed of by the city manager as follows:
 - a. Surplus personal property with an estimated market value of greater than five thousand dollars per individual item of property shall be sold under sealed bid or by public auction. Public auctions may include electronic bidding or auction services.

- b. Surplus personal property with an estimated market value of less than five thousand dollars per individual item of property may be sold or disposed of by any method the city manager determines to be most advantageous to the city considering the value and nature of the property and the cost of sale, including, but not limited to, sale by salvage, recycling or disposal.
 - c. Surplus property with only a nominal value may be disposed of by the department head, upon written approval of the city manager, in the manner most advantageous to the city considering the value of the property and the cost of sale, including, but not limited to, sale by salvage, recycling or disposal.
 - d. Disposition of surplus city personal property pursuant to this section shall be “as is” without warranty, express or implied, and the buyer shall agree to pay applicable sales or transfer taxes.
 - e. Notwithstanding other provisions in this section, surplus personal property may be sold to another public entity for market value or traded for market value equivalent property or services as approved by the city manager.
 - f. Notwithstanding other provisions in this section, surplus personal property of any value may be traded in as consideration toward the acquisition of other personal property upon written approval of the city manager.
 - g. Notwithstanding other provisions in this section, surplus personal property of any value may be transferred to other city departments without consideration as approved by the city manager.
4. Surplus personal property which the city manager deems unacceptable for sale to the public may be disposed of in the manner deemed appropriate by the city manager. Examples of such property include: police K-9s, city-owned animals, law enforcement equipment and property which may pose a hazard to the general public.
- C. The city council may, by resolution, authorize the donation of surplus personal property, if the city council finds that such donation serves a public purpose and/or benefit. All donations pursuant to this section shall be “as is” without warranty, express or implied, and the transferee shall agree to defend, indemnify and hold harmless the city, its officers and employees from any claim, cause of action, damage, loss or liability arising out of the condition of the property or its use by the organization or subsequent transferee.
- D. Property disposed of pursuant to this section shall comply with the intent of the city’s environmentally preferred and recycled policy adopted in 2003 or as hereafter amended. (Ord. 1132 § 2 (part), 2010)

2.36.230 Conflict of interests.

- A. No city official or employee shall accept any gratuity or kickback, provide confidential or contractual advance information to any potential bidder, or accept any fee contingent upon the award of a contract. Without prior authorization of the city council, the city will not award any contracts or purchase orders to city officials or employees or to family members of either, purchase

any items for the personal use of any city official or employee, or allow city officials or employees, or their family members, to purchase surplus city supplies or equipment.

B. Collusion with Bidder. Any official or employee of the city who shall aid or assist a bidder in securing a contract to furnish supplies, equipment or services at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the commodity called for, or who shall knowingly accept commodities of a quality inferior to those called for by the contract, or to the receipt of a greater amount or different kind of commodity than has been actually received, shall be deemed guilty of a misdemeanor. (Ord. 723 § 3 (part), 1991)

2.36.250 Sealed bid or public auction.

In cases where a sealed bid or public auction is required for the sale of property, reasonable notice to prospective bidders of such sale by sealed bid or public auction shall be given, as determined by the city manager or his/her designee, taking into account the circumstances and the item(s) to be sold. (Ord. 1132 § 2 (part), 2010)

2.36.260 Record of disposition of property.

A. Any department disposing of surplus personal property shall document the disposition and provide, in writing, to the city clerk or his/her designee, and to the finance director or his/her designee, who shall keep a record of sales, exchanges or other disposition of any property disposed of pursuant to the provisions of this chapter, at least the following information:

1. A description of the property transferred;
2. The name of the transferee;
3. The date of transfer;
4. The gross receipts, net receipts and/or transaction costs; and
5. A description, including the value of any personal property received in exchange for the property transferred.

B. Such records shall be kept consistent with the city's records retention policy. A copy of such records shall be filed with the city clerk on a quarterly basis and shall be a public record. (Ord. 1132 § 2 (part), 2010)

2.36.270 Sale, donation, or exchange of city real property.

A. Except as provided herein, all transfers, sales, donations or other disposition of real property interests in city property shall be approved by the city council.

B. All city real property which is deemed surplus property by the city council may be approved for sale or disposition by the city council.

C. The city council may authorize the method for disposition of real property interests by request for proposal, auction, sealed bid, open public sale process or other means it deems appropriate. The city council may set conditions or parameters which the buyer must meet. When the city council elects to proceed with a request for proposal, price is given strongest consideration, but the city council may also consider other factors, including permissible uses, experience required by the

potential buyer, compatibility of a proposed development in the vicinity of the project, and other criteria as described in any offer for sale or request for proposal.

D. The provisions of this section shall not apply to the grant or sale of minor easements as provided by resolution of the city council. (Ord. 1132 § 2 (part), 2010)

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