

ORDINANCE NO. 2501

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE VII (PURCHASES AND SALES) OF CHAPTER 2 (ADMINISTRATION) OF THE WEST COVINA MUNICIPAL CODE

WHEREAS, pursuant to California Government Code sections 54201 through 54203, local agencies are required to adopt, by ordinance, policies and procedures, including bidding regulations, governing the purchases of supplies and equipment by the local agency; and

WHEREAS, the City of West Covina ("City") has adopted such policies and procedures by ordinance. Said policies and procedures are codified in Division 2 (Purchasing System) of Article VII (Purchases and Sales) of Chapter 2 (Administration) of the West Covina Municipal Code; and

WHEREAS, on May 4, 2021, the City Council adopted Ordinance No. 2477, which added Division 3 (Contracting for Public Projects) to Article VII of Chapter 2 of the West Covina Municipal Code to establish procedures and requirements for contracting for public projects in accordance with the California Uniform Public Construction Cost Accounting Act and State law; and

WHEREAS, on March 15, 2022, the City Council adopted Urgency Ordinance No. 2494 to implement the requirements of Senate Bill 1383, the Short-Lived Climate Pollutant Reduction Act of 2016; and

WHEREAS, on June 21, 2022, the City Council adopted Ordinance No. 2498, which amended Divisions 1, 2 and 3 of Article VII of Chapter 2 of the West Covina Municipal Code; and

WHEREAS, the City Council desires to amend Division 1 of Article VII of Chapter 2 of the West Covina Municipal Code to re-incorporate SB 1383 procurement requirements previously adopted through Urgency Ordinance No. 2494; and

WHEREAS, the City Council desires to make certain clarifying changes to Division 3 of Article VII of Chapter 2 of the West Covina Municipal Code for compliance with State law; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Amendment to Division 1 of Article VII of Chapter 2. Division 1 (Generally) of Article VII (Purchases and Sales) of Chapter 2 (Administration) of the West Covina Municipal Code is hereby amended to add a new Section 2-321 to read as follows:

Sec. 2-321. – SB 1383 procurement requirements.

Pursuant to SB 1383 Regulations, city departments, and suppliers and service providers to the city, as applicable, shall comply with the city's environmentally preferable purchasing policy, recovered organic waste product procurement policy and recycled-content paper procurement policy. As used herein, "SB 1383 Regulations" shall have the meaning set forth in article IV (Mandatory Organic Waste Disposal Reduction) of chapter 12 of this code.

SECTION 2. Amendment to Division 3 of Article VII of Chapter 2. Subsection (f) of Section 2-354 (Informal Bidding Procedures) of Division 3 (Contracting for Public Projects) of Article VII (Purchases and Sales) of Chapter 2 (Administration) of the West Covina Municipal Code is hereby amended to read as follows:

- (f) Rejection of bids; bid irregularities. The city manager may, in his/her sole discretion, waive any minor irregularity or informality in any bid. The city council, in its discretion, may reject any and all bids presented in accordance with the requirements of Public Contract Code section 22038. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the city shall have the option of either of the following:
 - (1) Abandoning the project or readvertising for bids in the manner described by this division.
 - (2) By passage of a resolution by a four-fifths (4/5) vote of the city council declaring that the project can be performed more economically by the employees of the city, the city may have the project done by force account without further complying with this division.

SECTION 3. Amendment to Division 3 of Article VII of Chapter 2. Subsection (c) of Section 2-358 (Change Orders on Contracts for Public Projects) of Division 3 (Contracting for Public Projects) of Article VII (Purchases and Sales) of Chapter 2 (Administration) of the West Covina Municipal Code is hereby amended to read as follows:

- (c)
 - (1) Any change order or contract amendment for any contract or purchase order awarded pursuant to section 2-353 of this division which would result in a total contract price in excess of the amount specified in set forth in Public Contract Code section 22032(a) shall be subject to competitive bidding requirements.
 - (2) Any change order or contract amendment for any contract awarded pursuant to section 2-354 of this division which would result in a total contract price in excess of the amount specified in set forth in Public Contract Code section 22032(b) shall be subject to competitive bidding requirements.
 - (3) Any change order or contract amendment for any contract awarded pursuant to section 2-355 of this division which results in a total contract price in excess of the amount specified in subsection (b)(3) of this section must be approved by the city council.

SECTION 4. Amendment to Division 3 of Article VII of Chapter 2. Division 3 (Contracting for Public Projects) of Article VII (Purchases and Sales) of Chapter 2 (Administration) of the West Covina Municipal Code is hereby amended to add a new Section 2-359 to read as follows:

Sec. 2-359. – Prohibition against splitting or separating projects.

In accordance with Public Contract Code section 22033, work or projects shall not be split or separated into smaller work orders or projects for the purpose of evading competitive bidding requirements.

SECTION 5. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq.), the City Council finds that this Ordinance is not a “project” and further, that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

SECTION 8. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this 4th day of October, 2022.



Dario Castellanos
Mayor

APPROVED AS TO FORM



Thomas P. Duarte
City Attorney

ATTEST



Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2501 was introduced at a regular meeting of the City Council held on the 20th day of September, 2022, and adopted at a regular meeting of the City Council on the 4th day of October, 2022 by the following vote of the City Council:

AYES:	Castellanos, Diaz, Lopez-Viado, Tabatabai, Wu
NOES:	None
ABSENT:	None
ABSTAIN:	None



Lisa Sherrick
Assistant City Clerk