

URGENCY ORDINANCE NO. 25-0003-U

AN URGENCY ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH MUNICIPAL CODE CHAPTER 2.37 OF TITLE 2 TO REMOVE ONLINE BID AND PROPOSAL SERVICE FEES AND DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. URGENCY FINDINGS. Government Code Section 36937(b) authorizes the City Council to adopt an urgency ordinance to become effective immediately upon a four-fifths vote, when such an ordinance is necessary for the immediate preservation of public peace, health, and safety. The City previously adopted an ordinance requiring electronic bid submission for Capital and Public Construction Projects, which includes a requirement for payment of a service fee by users of the electronic bidding system to generate revenue to recover related costs. Following that Code amendment, the City experienced in a reduction in bidder participation as a result of potential bidders' unwillingness to pay the electronic bidding service fee. The reduced bidder participation has resulted in fewer responsive bids to carry out necessary Capital and Public Construction Projects, and a narrowing of the field of potential bidders, thereby reducing potential cost savings for the performance of these construction projects. Pursuant to Government Code Section 36937(b), the City Council finds that it is necessary for this ordinance to take effect immediately in order to reduce City costs and thereby preserve the public peace, health, and safety of the City's residents and businesses, and visitors.

SECTION 2. Section 2.37.040 - Bid requirements, purchasing procedures, and contracting procedures, subsection C – Level 3 projects, paragraph 2, is hereby amended in its entirety to read as follows:

“2. Receipt of bids. Electronic bids shall be received through the electronic bidding system selected by the City and shall not be opened until the time designated in the bid specifications. Bids must be received prior to the bid opening to be considered.”

SECTION 3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council finds that this ordinance is not subject to review under the California Environmental Quality Act (California Public Resources Code § 21000, et seq., “CEQA”) pursuant to State CEQA Guidelines Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to State CEQA Guidelines Section 15060(c)(3), constituting an activity that is not a “project” as defined in Section 15378. The City Council further finds that even if the ordinance were a project under CEQA, the ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the common sense exemption, which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the adoption of this ordinance, may have a

significant effect on the environment.

SECTION 4. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 5. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 6. EFFECTIVE DATE. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Section 36937(b), and therefore shall take effect immediately upon its adoption by a minimum 4/5 vote of the City Council.

SECTION 7. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted in the manner prescribed by law.

ADOPTED on April 1, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

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AMY THOMAS HOWORTH  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk