

ORDINANCE NO. 20-0019

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH  
AMENDING MUNICIPAL CODE CHAPTERS 2.36 AND 2.37  
OF TITLE 2 TO AUTHORIZE ELECTRONIC FILING OF  
BIDS, AND MODIFYING THE AUTHORITY TO APPROVE  
CHANGES ORDERS AND PROCURE PROFESSIONAL  
SERVICES IN CHAPTER 2.36

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

SECTION 1. Section 2.36.070 - Formal contract procedure, subsections E and F,  
are hereby amended to read as follows:

“E. Bid Opening Procedure. Bids shall be submitted electronically through the electronic bidding system used by the City’s General Services division, unless the Purchasing Manager determines otherwise. Bids shall be made publicly available upon opening.

F. Confidentiality of Bids. All bids received pursuant to the provisions of this chapter shall not be revealed directly or indirectly to any other bidder until the bidding process is completed and all submitted bids have been verified. A tabulation of all bids received shall be available for public inspection during regular business hours after the bids have been verified.”

SECTION 2. Section 2.36.090 Purchase orders subsection B is hereby amended to read as follows:

“B. Change Orders. Any change order for an approved purchase or contract shall be documented by a purchase order addendum. The Finance Director may authorize cumulative increases up to \$20,000 as long as sufficient funding is available. The City Manager may authorize cumulative increases up to the informal contract threshold of \$50,000 as long as sufficient funding is available.”

SECTION 3. Section 2.36.130 Professional services is hereby amended to read as follows:

“Contracts for services of specially-trained and professional persons shall be exempt from bidding. Such contracts may be procured by the Director of the Department (or designee) that requires the services, in accordance with established administrative rules and procedures. If the amount equals or exceeds \$20,000 the City Manager’s approval is required. All contracts equaling or exceeding \$50,000 must be approved by the Council.”

SECTION 4. Section 2.37.040 subsection C is hereby amended to read as follows:

“C. Level 3 Projects. Public projects that exceed the limit in Public Contract Code Section 22032(a), as it now exists or may subsequently be amended, and are not let to contract by the informal bid procedures in subsection B of this Section shall, except

as otherwise provided by law, be let to contract by the formal bidding procedures set forth in this subsection.

1. Notice inviting formal bids. The City shall publish and mail a notice inviting sealed formal bids in accordance with the provisions of Public Contract Code Section 22037, or any successor statute thereto.

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. Users of the City's electronic bidding system shall be charged a fee, in an amount determined by the City Council by resolution.

3. Award. The City Council shall award the bid to the lowest responsible bidder, or reject all bids pursuant to Public Contract Code Section 22038, or its successor statute. The City Council may waive any irregularities or informalities in any bid or bidding."

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the regulations established hereby, may have a significant effect on the environment, and the action taken herein is not a "project" within the meaning of CEQA.

SECTION 6. 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 7. 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 8. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

ADOPTED on September 1, 2020.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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RICHARD MONTGOMERY  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk