

ORDINANCE NO. 1041-10

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LAWNSDALE, CALIFORNIA,
ESTABLISHING A PROCUREMENT PROCESS FOR EXPENDITURES
IN CONNECTION WITH THE COMMUNITY CENTER PROJECT ONLY**

SUMMARY: This ordinance will create a new procurement process to be utilized in connection with the community center project.

WHEREAS, the procurement process for the City of Lawnsdale is set forth in Lawnsdale Municipal Code ("LMC") Chapter 3.08; and

WHEREAS, the City Manager is the City's procurement officer (LMC Section 3.08.030); and

WHEREAS, any purchase of supplies, services and equipment which will cost between \$300 - \$10,000 must be made by purchase order or contract (LMC Section 3.08.100); and

WHEREAS, generally, unless a purchase of supplies, services or equipment is necessary in the case of an emergency or is made by the purchasing officer, purchases must be made pursuant to the City's bidding requirements (LMC Section 3.08.130); and

WHEREAS, the purchase of supplies and equipment and contractual services on the "open market" shall, wherever possible, be based on at least three bids and shall be awarded to the lowest responsible bidder pursuant to the process outlined in LMC Section 3.08.130; and

WHEREAS, purchases for more than \$10,000 must use a contract and be awarded to the lowest responsible bidder; however, the City Manager may negotiate contracts for professional services which are in excess of \$10,000 through a request for proposal process; and

WHEREAS, it is anticipated that the community center project may, at times, require the procurement officer to negotiate and enter into contracts in a more efficient manner than that required by the LMC's bidding requirements; and

WHEREAS, with Ordinance No. 967-06, adopted on March 6, 2006, the City Council previously authorized the procurement officer to follow a hybrid procurement process in connection with the construction and furnishing of the new community center; as that modified process was successful, the same process is being proposed herein for the community center project; and

WHEREAS, the City Council desires to address this issue.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAWNSDALE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3.08.057 of the Lawndale Municipal Code, "Procurement process for the library project only" is hereby rescinded and repealed.

SECTION 2. With respect to the procurement process for the community center project only, City Council hereby adopts the following exception to Lawndale Municipal Code Chapter 3.08, which exception shall only be effective through June 30, 2012, unless otherwise extended by the city council:

- "A. Any purchase or contract for supplies, services and equipment in connection with the community center project may be made pursuant to Lawndale Municipal Code Chapter 3.08 and need not be made pursuant to this ordinance.
- B. The purchasing officer, after communicating with the ad hoc committee described in subsection D below, shall have the authority to purchase or contract for supplies, services and equipment in connection with the community center project after complying with all of the requirements of this ordinance.
- C. A contract awarded pursuant to this ordinance must be approved as to form by the city attorney.
- D. Before the purchasing officer may approve any contract pursuant to this ordinance, the purchasing officer must meet with the ad hoc committee, which shall consist of two city councilmembers, to discuss the terms of the proposed purchase.
- E. As soon as practicable after any purchase made pursuant to this ordinance, the purchasing officer shall notify all five members of the city council that a purchase has been made pursuant to this ordinance. Said notice shall also include the terms of the purchase.
- F. For the purposes of this ordinance, the term "community center project" shall mean the development and furnishing of the new community center at 14700 Burin Avenue and the construction of related public facilities as necessary to ensure that the development of the new county community center remains on schedule."

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its

final passage, the City Clerk shall cause it to be published in a newspaper of general circulation and shall post the same at the City Hall and the United States Post Office, Lawndale Branch.

PASSED, APPROVED, AND ADOPTED this 19th day of April, 2010.

Harold E. Hofmann, Mayor

ATTEST:

State of California)
County of Los Angeles) SS
City of Lawndale)

I, Paula Hartwill, City Clerk of the City of Lawndale, California, do hereby certify that the City Council duly introduced the foregoing Ordinance No. 1041-10 at its regular meeting held on the 5th day of April, 2010, and duly approved and adopted said ordinance at its regular meeting held on the 19th day of April, 2010, by the following roll call vote:

AYES: Hofmann, Rudolph, Pullen-Miles, Osborne
NOES: None
ABSENT: Ramsey
ABSTAIN: None

Paula Hartwill, City Clerk

Date

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney