

**RESOLUTION NO. 2012-22**

**A RESOLUTION OF THE CITY OF ROHNERT PARK APPROVING A CITY COUNCIL POLICY ESTABLISHING RULES AND REGULATIONS FOR THE CITY'S PURCHASING PROGRAM PURSUANT TO CHAPTER 3.04, "PURCHASING PROGRAM" OF TITLE 3 "REVENUE AND FINANCE," OF THE ROHNERT PARK MUNICIPAL CODE**

WHEREAS, Government Code sections 54201 et seq. govern purchasing by local governmental bodies and require that every local agency adopt policies and procedures to govern their purchases of supplies and equipment;

WHEREAS, Chapter 3.04 of the Rohnert Park Municipal Code was originally adopted in 1970 to address the purchasing system and was last updated in March 2006 pursuant to Ordinance No. 754; and

WHEREAS, the City Council at its regular meeting of January 24, 2012, reviewed and discussed a City Council Purchasing Policy developed by City staff to increase accountability and clarify the purchase procedures; and

WHEREAS, the City Council Purchasing Policy is current with today's purchasing standards set by state law;

WHEREAS, the City Council at its regular meeting of February 28, 2012, adopted an ordinance repealing and replacing Chapter 3.04, "Purchasing Program," of Title 3, "Revenue and Finance." of the Rohnert Park Municipal Code establishing efficient policies and procedures governing the City's purchasing functions.

WHEREAS, the City Council now desires to accept and adopt the attached City Council Purchasing Policy;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park as follows:

**Section 1. Recitals.** The City Council hereby finds that the above referenced recitals are true and correct and material to this Resolution.

**Section 2. Resolution.** The City Council hereby accepts and adopts the attached City Council Purchasing Policy, which is incorporated by this reference as though set forth in full, as the policy which shall govern the City's purchasing functions pursuant to Chapter 3.04, "Purchasing Program," of Title 3, "Revenue and Finance," of the Rohnert Park Municipal Code.


**DULY AND REGULARLY ADOPTED** this 28th day of February, 2012.

ATTEST:

  
City Clerk, *Interim*



CITY OF ROHNERT PARK

  
Mayor

AHANOTU: <u>AYE</u>	BELFORTE: <u>AYE</u>	CALLINAN: <u>AYE</u>	STAFFORD: <u>AYE</u>	MACKENZIE: <u>AYE</u>
AYES: (5)	NOES: (0)	ABSENT: (0)	ABSTAIN: (0)	



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>1</b>

TABLE OF CONTENTS

CHAPTER 1. GENERAL INFORMATION

1.1 CONTROLLING REGULATIONS .....	PAGE 3
1.2 ETHICS AND ACCOUNTABILITY .....	PAGE 3
1.3 PURCHASING AGENT RESPONSIBILITIES .....	PAGE 4
1.4 DEPARTMENT RESPONSIBILITIES.....	PAGE 5

CHAPTER 2. ENCUMBRANCE OF FUNDS ..... PAGE 5

CHAPTER 3. PURCHASING METHODS ..... PAGE 5

3.1 PETTY CASH .....	PAGE 5
3.2 CREDIT CARDS .....	PAGE 6
3.3 PURCHASE AUTHORIZATIONS .....	PAGE 6
3.4 PURCHASE REQUISITIONS .....	PAGE 6
3.5 PURCHASE ORDERS .....	PAGE 7
3.6. CONTRACTS FOR GOODS AND SERVICES .....	PAGE 8
- STANDING SUPPLY PURCHASE ORDERS .....	PAGE 9
- MASTER SERVICE AGREEMENTS .....	PAGE 9
- COOPERATIVE PURCHASE AGREEMENTS .....	PAGE 9
- CONSULTANT AND PROFESSIONAL SERVICES AGREEMENTS .....	PAGE 10
- CONTRACTS FOR NON-PUBLIC PROJECTS, GOODS AND GENERAL SERVICES .....	PAGE 10
- CONTRACTS FOR PUBLIC PROJECTS .....	PAGE 10
- JOB ORDER CONTRACTS .....	PAGE 12
3.7 CHANGE ORDERS, TASK ORDERS, AND CONTRACT AMENDMENTS .....	PAGE 12
3.8 URGENT AND EMERGENCY PURCHASES .....	PAGE 12



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>2</b>

CHAPTER 4. INFORMAL COMPETITIVE PRICING – GOODS AND SERVICES (NON-PUBLIC PROJECTS) .....	PAGE 14
4.1 COMPETITIVE QUOTES .....	PAGE 14
CHAPTER 5. FORMAL COMPETITIVE PRICING – GOODS AND SERVICES (NON-PUBLIC PROJECTS) .....	PAGE 14
5.1 REQUEST FOR PROPOSALS (RFP) .....	PAGE 14
5.2 INVITATION FOR BID (IFB) .....	PAGE 15
CHAPTER 6. LOCAL VENDOR/BIDDER PREFERENCE .....	PAGE 15
CHAPTER 7. EXEMPTIONS FROM COMPETITIVE PRICING .....	PAGE 15
7.1 PURCHASES NOT READILY ADAPTABLE TO COMPETITIVE PRICING .....	PAGE 15
7.2 SOLE SOURCE PURCHASES .....	PAGE 15
CHAPTER 8. PURCHASE SPECIFICATIONS .....	PAGE 16
CHAPTER 9. DISPOSAL OF SURPLUS PROPERTY .....	PAGE 16
CHAPTER 10. PURCHASE AND USE OF RECYCLED PRODUCTS .....	PAGE 17
CHAPTER 11. CAPITAL EQUIPMENT .....	PAGE 18
CHAPTER 12. INFORMATION TECHNOLOGY-RELATED PURCHASES .....	PAGE 18
CHAPTER 13. RISK MANAGEMENT .....	PAGE 19
CHAPTER 14. CONTRACTOR'S OPERATING REQUIREMENTS .....	PAGE 19
APPENDIX – DEFINITION OF TERMS.....	PAGE 20



# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>3</b>

### CHAPTER 1. GENERAL INFORMATION

#### 1.1 CONTROLLING REGULATIONS

Controlling regulations for the Purchasing function are set forth in the City of Rohnert Park Municipal Code, and California Government Codes Sections 54202 and 54203. In the event of any conflict between the Purchasing Policies and the City of Rohnert Park Municipal Code and/or any City Council Resolution, then the Municipal Code or City Council Resolution shall take precedence.

- 1.1.1 Purchasing Policies shall be modified by means of periodic Resolution of the City Council.
- 1.1.2 Nothing within the Purchasing Policies shall be construed as requiring a department, purchaser, or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time. Additionally, nothing within the Purchasing Policies shall be construed as requiring the City, department, purchaser, or contractor to take any action that conflicts with local, State, or federal requirements.
- 1.1.3 Purchasing Procedures may be developed and/or modified to facilitate compliance with Purchasing Policies, subject to City Manager approval.
- 1.1.4 Purchases related to the conduct of Public Projects may be subject to additional and/or different requirements, as described in these Policies.

#### 1.2 ETHICS AND ACCOUNTABILITY

Purchasing Policies are developed under the authority of Chapter 3.04 Purchasing Program of the City of Rohnert Park Municipal Code. The City Manager (or his/her designee) serves as the Purchasing Agent, and is charged with the responsibility and authority for coordinating and controlling the City's Purchasing function in accordance with Purchasing Policies.

- 1.2.1 The Purchasing Agent and all departments shall adhere to the Purchasing Policies when procuring materials, supplies, equipment, vehicles and services. All purchases shall be limited to the approved budget or as otherwise authorized by City Council. Purchasing dollar limits specified in the Purchasing Policies are "per order" unless otherwise indicated.



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>4</b>

**1.2.2** Applicable competitive bidding categories, authorization limits or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of standing purchase orders or similar ongoing purchasing arrangements. Staging of purchases to avoid competitive bidding procedures or authorization limits is prohibited.

**1.2.3** All personnel engaged in the Purchasing function shall exercise good judgment in the use and stewardship of City resources, and all Purchasing functions shall be conducted with absolute integrity and objectivity. Purchases are subject to public scrutiny; employees shall follow a strict rule of personal conduct that will not compromise the City in the conduct of its business. Any employee intentionally and/or repeatedly making purchases in a manner that circumvents, ignores or fails to comply with Purchasing policies will be subject to disciplinary action, in accordance with City Personnel procedures.

**1.3 PURCHASING AGENT RESPONSIBILITIES**

The City Manager or his/her designee shall act as the City's Purchasing Agent. The Purchasing Agent is responsible for procurement of materials, supplies, equipment, vehicles and services; administration of purchasing policies and procedures; and management of surplus City property. To perform these functions efficiently and assist departments, the Purchasing Agent shall:

- A. Coordinate and manage procurement of the City's materials, supplies, equipment, vehicles and services from the lowest responsive and responsible bidder when required by the Purchasing Policies.
- B. Ensure full and open competition on all purchases as required by the Purchasing Policies, and make purchase award recommendations to the appropriate authority.
- C. Identify, evaluate and utilize purchasing methods that best meet the needs of the City (cooperative purchases, standing purchase orders, contractual agreements, etc.).
- D. Recommend revisions to Purchasing policies and procedures when necessary, and keep informed of current developments in the field of Public Purchasing.
- E. Act as the City's agent in the transfer and disposal of surplus equipment and materials.



# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

SUBJECT

**PURCHASING**

RESO NO.

POLICY NO.

EFF. DATE

PAGE

**5**

### **1.4 DEPARTMENT RESPONSIBILITIES**

Each Department is responsible for facilitating prudent, efficient and cost-effective purchases. To meet these responsibilities, Departments shall:

- A. Ensure staff is trained on the terminology and requirements set forth in the Purchasing Policies and Purchasing Procedures.
- B. Minimize urgent and sole source purchases, and provide written findings and documentation when such purchases may be necessary.
- C. Refrain from “splitting” orders or projects for the purpose of avoiding procurement requirements or authorization limits.
- D. Anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with best purchasing practices.
- E. Maximize coordination of purchases into a lesser number of large transactions to take advantage of cost savings for bulk purchases of commonly used goods and services.

### **CHAPTER 2. ENCUMBRANCE OF FUNDS**

Except in emergency or urgent situations, the Purchasing Agent shall not issue any Purchase Order nor shall any contract be approved for materials, supplies, equipment, vehicles or services unless there exists an unencumbered appropriation in the department budget account against which said purchase or contract is to be charged. Funds shall be encumbered by means of Purchase Order for all purchases exceeding \$250.

### **CHAPTER 3. PURCHASING METHODS**

#### **3.1 PETTY CASH**

Departments may request petty cash for use in purchasing incidental and immediately needed items, and for expenditures that would be impractical to process through the Purchase Order system. Petty cash “banks” may be established and maintained for this purpose as follows: the Department of Public Safety may request and receive a \$300 petty cash bank; other departments may request and receive a \$200 bank. Department staff may make incidental purchases in amounts not to exceed \$25 per order, and multiple petty cash slips shall not be used to “split” orders so as to circumvent this limit. Petty cash slips shall be signed by supervisory staff.



# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

SUBJECT

**PURCHASING**

RESO NO.

POLICY NO.

EFF. DATE

PAGE

**6**

The Department's petty cash "bank" will be replenished based on submittal of signed petty cash slips and receipts (to Finance) for expenditures made. Department Directors shall be responsible for assuring compliance with this policy, and for the security of petty cash in the Department. The Finance Department shall perform an annual internal audit of each Department's petty cash "bank" in compliance with the City's internal control policies.

### **3.2 CREDIT CARDS**

Under certain circumstances, use of a City credit card may be the most appropriate method for purchases. The following will ensure internal control and timely payment of charges.

- 3.2.1** City credit cards will be distributed on an as-needed basis to staff at the discretion of the Department Heads. Signature authority will be consistent with that of Purchase Orders.
- 3.2.2** City credit cards shall be utilized for purchase of supplies and materials, and shall not be used to contract for or purchase services, including professional services.
- 3.2.3** Use of the City credit card for personal purchases, cash advances or to purchase alcohol is prohibited.
- 3.2.4** Failure to comply with established procedures may result in discontinuance of use of the credit card by the employee/department, and may subject the employee to disciplinary action, in accordance with City Personnel procedures.

### **3.3 PURCHASE AUTHORIZATIONS**

Purchase Authorizations are to be used to purchase items from vendors with whom the City has Standing Supply Purchase Order Agreements, in lieu of Purchase Requisitions. Purchase Authorizations are approved under the same authorities and dollar values as Purchase Orders, but cannot exceed \$250.00.

### **3.4 PURCHASE REQUISITIONS**

Departments shall submit requests for supplies and equipment to the Purchasing Agent by standard Requisition Form, or by other means as may be established. Signature authority for Requisitions shall be the same as that for Purchase Orders.



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT

**PURCHASING**

RESO NO.

POLICY NO.

EFF. DATE

PAGE

**7**

**3.4.1** A Requisition Form shall also be used to:

- A. Change a quantity, description, size, color, vendor name or address, unit price, delivery location, terms and conditions and to delete or add to an order.
- B. Terminate a Purchase Order.
- C. Correct errors in a Purchase Order.

**3.4.2** Departments shall submit a Confirming Requisition for goods and materials subsequent to their purchase, when the amount of the purchase exceeds \$250, and when the purchase was not made by means of Master Services Agreement, Cooperative Agreement, or Standing Supply Purchase Order Agreement. Confirming Requisitions may not be utilized for purchases in excess of \$3,000.

**3.4.3** Departments shall submit Requisitions marked “non-confirming” for purchases that have yet to be made and for which the Purchasing Agent shall complete the purchase.

**3.5 PURCHASE ORDERS**

**3.5.1** Purchase Orders for items and services shall be limited to dollar values and approval authority as indicated in the table below:

<i>Purchase Value</i>	<i>Approval Authority</i>
\$1 to \$250	Staff level as designated by Department Heads
\$1 to \$1,500	Supervisor
\$1 to \$5,000	Department Head
\$1 to \$30,000	City Manager
\$1 to \$50,000	City Manager (construction projects and reimbursement agreements only)

**3.5.2** Competitive quotes are not required for purchases below \$3,000, but shall be solicited prior to completing Purchase Orders if practical.

**3.5.3** Except in emergency or urgent circumstances, no work shall start until a Purchase Order has been issued for the project or service. Purchase Orders will not be issued, and no work shall commence, until all required documentation (e.g., insurance certificates and endorsements, licenses, permits) has been received.





# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>8</b>

### 3.6 CONTRACTS FOR GOODS AND SERVICES

- 3.6.1** City contracts shall be consistent with State and federal laws, and shall be fully executed prior to the performance of any contract work. Each contract shall be approved as to form by the City Attorney, unless such contract is developed consistent with a template pre-approved as to form by the City Attorney (in which case the individual contract need not receive separate attorney approval).
- 3.6.2** Contract signature authority shall be aligned with that for Purchase Orders, as designated in the Rohnert Park Municipal Code, Section 3.04, and is per contract. The City Manager or designee may execute any contract for which authorization has been granted pursuant to Ordinance, Resolution, or other action of the City Council, providing sufficient unencumbered funds exist. Contracts or Agreements related to transfer of title to real property must be signed by the Mayor or designee. Any contract made, or purported to be made, by the City in violation of this section shall be void and of no force or effect.
- 3.6.3** The term or life of an Agreement shall be set, including, e.g., dates for required performance, with dates for phase completion if applicable, as well as for overall project completion. An Agreement may be made for a project in which completion of required work extends beyond one year; such an Agreement is not considered a multi-year agreement in the context of this Policy.
- 3.6.4** Multi-year agreements are encouraged for ongoing general services and consultant/professional services with a defined scope of work such as, but not limited to, janitorial and landscape maintenance, attorneys and accountants, and printing. The annual value of multi-year contracts and single year contracts with options to renew shall be considered in obtaining the appropriate signature authority. Any renewal periods for such contracts shall require a contract amendment, including proper signatures, executed prior to performance of the additional work or provision of the additional goods.
- 3.6.5** The City Manager or designee may approve alternative selection, evaluation and award procedures for a specific contract or class of contracts, except Public Project contracts, if available information demonstrates that a substantial cost savings, enhancement in quality or performance, or other public benefit will result from use of the alternative contracting method. The



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>9</b>

alternative contracting method shall meet the purpose and goals of the Purchasing Policies and shall substantially promote the public interest in a manner that could not be achieved by complying with the competitive procurement methods otherwise available under the Purchasing Policies.

**3.6.6 Types of Contracts**

- A. Standing Supply Purchase Order Agreements** - Department Heads, or designees, may negotiate Standing Supply Purchase Order Agreements with vendors for purchase of repetitive-use items common to one or several departments. The Purchasing Agent will coordinate Standing Supply Purchase Order Agreements and process transactions by means of Purchase Order or Purchase Authorization; signature authority and dollar values apply accordingly. Adequate funds must be encumbered to complete the purchase prior to its initiation.
- B. Master Service Agreements** – Department Heads may establish Master Service Agreements with specific vendors to provide services over time. A Purchase Order (or Task Order), including a written outline of the scope of work and payment terms, is required for purchases made through Master Service Agreements; a new contract for each purchase is unnecessary. Purchase Order dollar limits and signature authority are applicable, and requirements such as insurance and indemnification may vary depending on the type of service required. Funds shall be encumbered in an adequate amount to complete the task or order; unused funds will be unencumbered following completion of the purchase.
- C. Cooperative Purchase Agreements** - The Purchasing Agent has the authority to: join with other public jurisdictions in Cooperative Purchasing Agreements; buy directly from a vendor at a price established by competitive bidding by another public jurisdiction in substantial compliance with this document, even if the City has not joined with that public agency in a formal agreement; and, purchase from the United States of America, any state, municipality or other public corporation, or agency, without following formal purchasing procedures as defined in the Purchasing Policy. A Purchase Order is required for purchases made through Cooperative Purchase Agreements, subject to approvals and dollar limitations accordingly.



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>10</b>

**D. Consultant And Professional Services Agreements** - The City Manager or designee shall prescribe the procedures governing the solicitation and selection of proposals, and award of consultant service Agreements, including professional services. Contracts may be awarded through a competitive or negotiated process based on solicitation of at least three quotations or proposals (which may be waived at the discretion of the City Manager based on State law, and for sole source, urgent and emergency purchases as defined in the Purchasing Policies). Such procedures shall have the express purpose of obtaining contractual services of the highest quality together with the most cost-effective pricing. Proposals and/or Qualifications solicited for Professional Services shall be evaluated based on criteria other than pricing, as defined in the solicitations (such as demonstrated competence and professional qualifications), and the City may then negotiate with the most responsive and responsible vendor.

**E. Contracts For Non-public Projects, Goods and General Services** - Contracts may be established for non-public projects and purchases of goods and general (i.e., non-consultant) services, utilizing informal or formal processes for submission of proposals or bids. Contracts shall be developed based on the requirements for those processes as indicated in the Purchasing Policies and Procedures. A Purchase Order is required, subject to applicable approvals and dollar limitations for Purchase Orders.

**F. Contracts for Public Projects** - Rather than the City's Purchasing Ordinance or Policy, Public Projects are subject to definitions, terms and conditions specified in the California Public Contract Code and/or the Uniform Construction Cost Accounting Procedures ("UCCAP") set forth in the Uniform Public Construction Cost Account Act ("The Act"), as they may be amended from time to time. When Public Contract Code (PCC) requirements contradict City requirements, the PCC will apply. PCC §22002(c), as may be amended, defines a Public Project for formal bidding purposes as:

*(c) "Public project" means any of the following:*

- 1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.*
- 2) Painting or repainting of any publicly owned, leased, or operated facility.*



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>11</b>

- 3) *In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.*
- (d) *"Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:*
  - 1) *Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.*
  - 2) *Minor repainting.*
  - 3) *Resurfacing of streets and highways at less than one inch.*
  - 4) *Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.*
  - 5) *Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.*
- (e) *For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.*

City Council adopted Ordinance No. 710 and Resolution No. 2004-70 in March 2004, thereby electing that the City become subject to the Uniform Construction Cost Accounting Procedures ("UCCAP") set forth in the Uniform Public Construction Cost Account Act ("The Act"). These cost accounting procedures were established by the California Uniform Public Construction Cost Accounting Commission, and are detailed in the Commission's Accounting Policies and Procedures Manual. PCC §22000-22050 describe both the informal and formal bidding procedures, project dollar thresholds, bidding and noticing requirements, rejection of bids, the definition and procedure for emergency Public Projects, and other mandates related to The Act.

The City Council periodically approves Resolutions authorizing the City Manager to award Public Project contracts solicited through UCCAP informal bidding processes. Contracts exceeding certain dollar limits (as they may be revised from time to time by UCCAP), are let in accordance with UCCAP formal bidding procedures, and awarded by the City Council. All City Public Projects will comply with the requirements as specified by UCCAP, including but not limited to accounting procedures.



# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>12</b>

**G. Job Order Contracts** – Job Order Contracts are designed to accomplish small to medium sized projects through a series of individual projects issued under a base contract. For Public Projects of minor construction and renovation, alterations, painting, or repair of existing facilities, the City may not enter into Job Order contracts for amounts greater than \$50,000. New “ground-up” construction is excluded from contracting by means of Job Order.

### **3.7 CHANGE ORDERS, TASK ORDERS, AND CONTRACT AMENDMENTS**

A substantial change to a Purchase Order or Contract (i.e., pricing, terms and conditions, specifications and/or scope of work) shall be documented as a Change Order, Task Order, or Contract Amendment.

- 3.7.1** Department Heads or their designees may sign Change Orders, Task Orders, and Contract Amendments for purchases and contracts up to \$5,000.
- 3.7.2** When the initial purchase or contract exceeds \$5,000, the signature authority for that purchase or contract shall designate, on the Purchase Order, the signature authority for related Change Orders, Task Orders, and Contract Amendments. However, for purchases authorized by City Council, the Resolution authorizing the purchase shall also designate the signature authority for related Change Orders, Task Orders, and Contract Amendments.
- 3.7.3** Change Orders, Task Orders, and Contract Amendments generally should not exceed 10% of the original contract amount, unless authorized by the applicable signing authority. A new scope of work and/or a new contract may be required when the change exceeds 10% of the original amount. The individual designated in the initial Purchase Order or City Council Resolution shall make that decision.
- 3.7.4** A Change Order, Task Order or Contract Amendment is not required when taxes, shipping and/or handling cause a purchase to exceed the authorized (Purchase Order) amount; the signatory limit may also be exceeded in that circumstance.

### **3.8 URGENT AND EMERGENCY PURCHASES**

Sound judgment shall be used in keeping urgent and emergency purchases to an absolute minimum. Specific procedures for managing these purchases shall apply, as determined by the Purchasing Agent.



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>13</b>

- 3.8.1 Urgent Purchases** – Immediate purchases of material, supplies, equipment, and services may be made when an urgent circumstance (as defined in the Purchasing Policies) exists, and procurement should not be delayed by use of normal competitive and financial procedures. Urgent purchases of up to \$5,000 shall be authorized by the Department Head or designee; the City Manager may authorize urgent purchases up to \$30,000. Urgent purchases shall be followed, as soon as practical, with submission of a Confirming Requisition that includes a written justification for the purchase having been made outside normal procedures. Lack of planning does not constitute justification for an urgent purchase.
- 3.8.2 Emergency Purchases** – In an emergency (as defined in the Purchasing Policies), the City Manager or his/her designee may authorize the immediate purchase of material, supplies, equipment, and services, including those in excess of his/her City Council-approved signature threshold. Such purchases shall be followed, as soon as practical, with submission of a Confirming Requisition that includes a written justification for the purchase having been made outside normal procedures. City Council shall be notified, at its next regular meeting, of any emergency purchases in excess of \$30,000.
- 3.8.3** In the case of a disaster or for civil defense, nothing contained in this document shall limit the authority of the City Manager to make purchases and take such other emergency steps as are, or may be, authorized by the City Council, including opening a line or lines of credit to accommodate necessary purchases.
- 3.8.4** Emergency purchases related to Public Projects are authorized under jurisdiction of the Public Contract Code/UCCAP, and are subject to definitions, regulations and processes that vary from City policy. Emergency purchases to repair or replace public facilities may proceed prior to adoption of the working details, drawing, plans and specifications, only when in accordance with the UCAAP definition and requirements. Staff responsible for Public Projects shall be held accountable for compliance with these requirements.
- 3.8.5** Should any urgent or emergency purchase cause any budget line item to exceed the approved budget, the Department shall request City Manager approval to exceed and amend the budget, subject to subsequent City Council approval of an additional budget appropriation or budget amendment to cover the purchase.



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>14</b>

**CHAPTER 4. INFORMAL COMPETITIVE PRICING – GOODS AND GENERAL SERVICES, NON-PUBLIC PROJECTS**

**4.1 COMPETITIVE QUOTES**

The Department or the Purchasing Agent may purchase goods and services in the open market based on evaluation of competitive quotes. A minimum of three (3) competitive quotes shall be solicited for purchases greater than \$3,000 and less than \$30,000. Requests for quotations must be made or distributed, utilizing Request for Quotation forms or alternate forms as may be approved. Written documentation of quotes must be provided.

- 4.1.1** The City Manager/Designee may award the purchase to the lowest responsive and responsible party whose quote fulfills the intended purpose, quality, and delivery needs of the solicitation, provided an unencumbered appropriation for that item exists. In lieu of awarding the purchase, the City Manager/Designee may reject the quotes, or may negotiate further to obtain terms more acceptable to the City.
- 4.1.2** Staff may dispense with quotes in emergency and urgent circumstances, and for exempt and sole source purchases, as these are defined in the Purchasing Policies.

**CHAPTER 5. FORMAL COMPETITIVE PRICING – GOODS AND GENERAL SERVICES, NON-PUBLIC PROJECTS**

When non-public project purchases are anticipated to exceed \$30,000, and/or require City Council approval, formal competitive procedures must be completed. These procedures include sealed proposals solicited through a Request for Proposal (RFP) and sealed bidding solicited through an Invitation for Bid (IFB).

**5.1 REQUEST FOR PROPOSALS (RFP)**

- 5.1.1** A contract or purchase may be entered into by means of sealed proposals solicited through a Request for Proposal (RFP). The Request for Proposal shall state the criteria for evaluation and the relative importance of price and other factors.
- 5.1.2** The Purchasing Agent shall determine the RFP procedures, including whether and where public notice of formal proposals shall be made. Sealed proposals shall be submitted to the Purchasing Agent by the date and time specified on the prescribed forms.



# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

SUBJECT

**PURCHASING**

RESO NO.

POLICY NO.

EFF. DATE

PAGE

**15**

**5.1.3** No work shall be performed unless and until a Purchase Order has been issued, except under urgent and emergency circumstances as defined in this policy.

### **5.2 INVITATION FOR BID (IFB)**

A contract or purchase may be entered into by means of sealed proposals solicited through an Invitation for Bid (IFB). The Purchasing Agent shall determine the procedures for IFBs for non-public projects, and no work shall be performed unless and until a Purchase Order has been issued, except under urgent and emergency circumstances as defined in the Purchasing Policy.

## **CHAPTER 6. LOCAL VENDOR/BIDDER PREFERENCE**

- 6.1** A bid price preference of 1% shall be granted to local vendors/bidders (those providing goods or services in the City of Rohnert Park, or elsewhere in Sonoma County); however, the preference shall not exceed \$5,000.
- 6.2** Rohnert Park vendors/bidders will be given priority in the selection process over those from other Sonoma County cities if the Rohnert Park bid is evaluated equally to any of those cities. To qualify for the preference, local vendors/bidders must submit proof of the address of their principal place of business and a copy of a current City business license.
- 6.3** The local vendor/bidder preference shall apply when written proposals or bids are solicited, but shall not apply to Public Projects or purchases made in cooperation with other jurisdictions. The local vendor/bidder preference will be waived when prohibited by federal, State or other law or regulation, or by conditions specified by grantors, as determined by the Purchasing Agent.

## **CHAPTER 7. EXEMPTIONS FROM COMPETITIVE PRICING - GOODS AND GENERAL SERVICES, NON-PUBLIC PROJECTS**

- 7.1** Purchases not readily adaptable to the open market and bidding processes may be eligible for exemption from competitive pricing. These purchases include, but are not limited to subscriptions, memberships, software licenses, advertisements, and travel expenses. Exemptions are restricted to those items appearing on a list maintained by the Purchasing Agent. Departments may submit written requests to the Purchasing Agent for additional exemptions, which will be approved if appropriate and added to the list.





**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>16</b>

**7.2 Sole Source purchases** - Upon recommendation of the Department Head, the City Manager may waive bidding requirements for sole source purchases if he/she determines sufficient justification exists. Sole source purchases shall be coordinated by the Purchasing Agent, and may include proprietary items sold directly from the manufacturer, items that have only one distributor authorized to sell in Sonoma County, items that perform a complex or unique function, or purchases when a certain product is the only one proven to be acceptable or compatible with existing equipment. Sole source purchases should be kept at a minimum, to encourage competition and more favorable prices.

**7.3 Cooperative Purchases** as defined in the Purchasing Policies are exempt from competitive pricing conducted by the City.

**CHAPTER 8. PURCHASE SPECIFICATIONS**

**8.1** Use of brand names in specifications shall be for the purpose of describing the standard of quality, performance, and characteristics the City desires, and not be intended to limit or restrict competition. If a brand name is incorporated into a specification, a minimum of two acceptable brands shall be listed whenever possible and shall be followed by the statement “or approved equal” unless the sole source policy applies.

**8.2** Use of specifications provided by a specific manufacturer should be avoided, however, if used, the name of the manufacturer, model number, etc., should be indicated. The bid document shall clearly state that the use of the manufacturer’s specifications are for the sole purpose of establishing the level of quality desired. The Purchasing Agent will determine and approve any product submitted as an “or equal.”

**8.3** The Purchasing Agent may limit bidding to a specific product type or a brand name product when purchasing equipment or supplies required to be compatible with existing equipment or to perform complex or unique functions.

**8.4** Public Project Contract Code and UCCAP requirements should be reviewed when brand names and/or manufacturer specifications are being considered for inclusion in a bid solicitation.

**CHAPTER 9. DISPOSAL OF SURPLUS PROPERTY**



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>17</b>

The City Manager or designee is authorized to exchange, trade-in, sell and dispose of surplus personal property having salvage value in the open market, by public auction, by competitive sealed bids or by exchange or trade in for new goods. The sale or lease of surplus personal property to a governmental, public or quasi-public agency may be without advertisement for or receipt of bids. Employees are not eligible to receive or purchase surplus property, however, employees may receive personalized items, and receive or purchase at market value items considered to be memorial or commemorative in nature, subject to City Manager approval.

**9.1 PROPERTY WITH NO SALVAGE VALUE**

Surplus personal property with no salvage value, as determined by the Purchasing Agent, shall be disposed of in a manner that salvages recyclable components, if practical.

**9.2 UNCLAIMED, SEIZED OR ABANDONED PROPERTY**

The Purchasing Agent, with City Manager approval, is authorized to sell or dispose of all goods in the possession or custody of the Department of Public Safety which are unclaimed, seized and/or abandoned and may be legally disposed of by the City.

**9.3 REPORTING**

The Purchasing Agent shall provide regular reports to the City Manager indicating surplus personal property disposed of, the method of disposal, and the amounts received from disposal, and shall maintain records for public inspection relative to the disposal of surplus personal property for a period of time in compliance with State law and the City's records retention schedule. Annual reports shall be provided to City Council accordingly.

**9.4 DONATIONS OF SURPLUS PROPERTY**

Upon approval in advance in writing by the Purchasing Agent, surplus personal property may be donated to governmental, public or quasi-public agencies, charitable or non-profit organizations on a first-come first-served basis to be utilized for non-profit purposes.

**CHAPTER 10. PURCHASE AND USE OF RECYCLED PRODUCTS**

The City encourages the use of recycled products whenever practicable, and products manufactured with the highest amount of postconsumer material practical. Such products must meet reasonable performance standards, be available at a reasonable price and be available within a reasonable amount of time.



# CITY OF ROHNERT PARK

## CITY COUNCIL POLICY

SUBJECT

**PURCHASING**

RESO NO.

POLICY NO.

EFF. DATE

PAGE

**18**

### **10.1 Recycled Products**

Recycled products covered under this policy include: paper (printing and copy), paper products, glass, oil, paint, solvents, tires, tire-derived products, compost and aggregate, such as those used in building construction, road construction, office products and fleet maintenance.

### **10.2 Exceptions**

Exceptions to this policy are granted under the following conditions:

- A. The cost is greater than 105% of the cost of a comparable non-recycled product.
- B. A recycled product option cannot be identified, after a due diligence search.
- C. Critical performance criteria cannot be met by any recycled product.
- D. A recycled product is not available within a reasonable amount of time.
- E. Other exceptions as granted by consent of the City Manager.

## **CHAPTER 11. CAPITAL EQUIPMENT**

Purchase of equipment or furniture at a unit cost of \$5,000 or greater with a useful life greater than 5 years shall be capitalized. A Purchase Order must be issued, and Standing Purchase Orders are not allowed. At the time of receipt, a tracking number shall be issued and affixed to the asset.

## **CHAPTER 12. INFORMATION TECHNOLOGY-RELATED PURCHASES**

To keep costs under control and assure implemented technologies work together harmoniously and meet staff needs, the City of Rohnert Park Information Systems Department (IS) shall standardize and control all purchases of equipment touching the Data and Telephone networks, as well as desktop computers.

- 12.1** With limited exceptions, the Information Systems Department shall include in its annual budget funding to support all cross-department technologies, and shall work cooperatively with the Purchasing Agent to identify technology vendors and purchasing methods. While the Information Systems Department may provide support for specific departmental technology needs, those needs shall be funded through department budgets.



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>19</b>

**12.2** The list of those authorized by the City Manager to request technology purchases shall be maintained by the Information Services Department.

**CHAPTER 13 – RISK MANAGEMENT**

**13.1** The City Manager shall identify a Risk Management administrator to establish insurance requirements and monitor compliance in accordance with the type of services provided. The Purchasing Agent shall work in cooperation with the Risk Management administrator to include the proper insurance requirements in any standard contract for services. Purchase Orders will not be issued until all required insurance certificates and endorsements have been received, reviewed and approved; additional requirements may apply to Public Projects.

**13.2** Requirements for contract bonds, such as Performance Bonds, Labor and Material Bonds and/or Fidelity Bond shall be determined by the project manager's Director, with advisement from the Purchasing Agent and Risk Management administrator, when required. Bonds are maintained by the project manager, and forwarded to the City Clerk's office upon contract completion. Requirements related to Public Projects may vary from those for non-public projects.

**CHAPTER 14 – CONTRACTOR'S OPERATING REQUIREMENTS**

**14.1** Any person doing business in the City must possess a current City of Rohnert Park Business License, as required by the Rohnert Park Municipal Code.

**14.2** Prior to contract award, the project manager shall verify that the contractor's State Contractors License is valid and in good standing, and the Contractor has not been debarred by the Federal Government.

**14.3** All contractors (including consultants and service providers) and their respective subcontractors who meet any of the following criteria shall be required to successfully pass a California Department of Justice Live Scan Fingerprinting background check conducted by the City of Rohnert Park Department of Public Safety:

- Work with children when performing on-site services
- Access City of Rohnert Park computers

Contractors shall be responsible for obtaining Live Scan Fingerprinting prior to performing work and shall bear the cost thereof at the time of fingerprinting.



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>20</b>

**APPENDIX – DEFINITION OF TERMS**

1. *Agreement* – another term used for contract
2. *Amendment* – any change or modification in the terms and conditions of a contract, accomplished by agreement of the parties; similar function to a change order
3. *Award* – a contract or purchase made with a vendor that successfully completes a bidding or competitive proposal process
4. *Bid Deadline* – the date and time of bid submittal and bid opening
5. *Bidder's List* – list of responsible prospective suppliers and contractors to whom notice of Invitations for Bid on Public Projects may be delivered
6. *Bidder's Security* – funds secured from successful bidders in advance of executing a contract, to ensure compensation for City losses if bidder fails to execute
7. *Buyer* – anyone authorized to specify or purchase products on behalf of City or its departments, including contractors and individual staff
8. *Capital Equipment* – equipment or furniture at a unit cost of \$5,000 or greater with a useful life greater than 5 years
9. *Change Order* – document used to detail a substantial change to a Purchase Order or construction contract
10. *City* – City of Rohnert Park, California
11. *Competitive Quote* – verbal or written pricing quotation made by vendor(s) regarding specific purchases; typically three are required prior to purchasing item or service (also known as Informal Competitive Pricing)
12. *Confirming Purchase Order* – purchase order submitted subsequent to the purchase of goods and materials, in conformance with policy requirements
13. *Confirming Requisition* – Requisition for goods and services, submitted subsequent to their purchase
14. *Consultant Services* – services of an advisory nature that provide a recommended course of action or personal expertise, and that have an end product which is basically a transmittal of information
15. *Contract* – all types of City agreements, regardless of what they may be called, for the procurement or disposal of goods, supplies, services, professional or consulting services, or construction



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT <b>PURCHASING</b>	RESO NO.	POLICY NO.	EFF. DATE	PAGE <b>21</b>
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16. *Contracts for Goods and Various Services* – for purchases of goods and services through non-pre-qualified vendors for non-public projects, utilizing informal or formal processes for submission of proposals or bids, based on the requirements for these processes
17. *Contractor* – any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor, printer, or other entity not in the employment of the City that has entered into a binding contract with the City, or serves in a subcontracting capacity with an entity having a contract with the City, to provide goods, supplies, services, professional services, construction or disposal of surplus supplies
18. *Cooperative Purchase Agreement* – agreements whereby the City may join with other public jurisdictions in making purchases, buy directly from a vendor at a price established by competitive bidding by another public jurisdiction, and purchase from the United States of America, any state, municipality or other public corporation, or agency
19. *Emergency Purchase* – purchase made under circumstance of a State or City declared disaster or where a circumstance poses clear, substantial, and imminent danger (e.g., fire, flood, explosion, storm, earthquake, epidemic, riot, civil defense) and immediate action is necessary to prevent or mitigate major loss or significant impairment of life, health, property, or essential public services; procurement should not be delayed by use of normal competitive and financial procedures. Emergency purchases related to Public Projects must meet requirements established by UCCAP.
20. *Encumbrance* – placement of a financial hold on a specified amount of funds designated for a particular purpose, prior to making a purchase or payment on a contract related to that purpose, and preventing the use of those funds for any other purpose
21. *Exempt Purchase* – a purchase not readily adaptable to the open market and formal bidding or competitive pricing processes, such as magazine subscriptions and membership dues; also emergency and other purchases as detailed in the Purchasing Policy
22. *Formal Competitive Pricing* – method through which purchasing decisions are based on evaluation of sealed pricing quotations solicited through a Request for Proposal or an Invitation for Bid
23. *General Services* – the furnishing of labor, time or effort by a vendor primarily through use of manual or technical skills that may or may not produce a tangible commodity; e.g., janitorial work, landscape maintenance, equipment repair and service, rubbish and waste removal, clothing rental and cleaning, and minor repainting (non-public projects)
24. *Informal Competitive Pricing* – method to obtain goods and services after obtaining verbal or written quotes from vendors



**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>22</b>

25. *Invitation for Bid (IFB)* – document providing details of a desired purchase and soliciting sealed pricing bids from vendors
26. *Job Order Contract* – a contract competitively bid for a base year and multiple option years for Public Projects of minor construction and renovation, alterations, painting and repair of existing facilities
27. *Local Vendor/Bidder* - a business entity with its principal place of business located within the City limits of the City of Rohnert Park as first priority; second priority includes a principal place of business located within the County of Sonoma or one of its incorporated cities
28. *Lowest Responsible, Responsive Bidder* – bidder submitting the bid or proposal meeting all requirements of the specifications, terms, and conditions of the Invitation for Bids or Request for Proposal resulting in the lowest cost to the City in a total cost concept or based solely on price, taking into consideration the financial and practical ability of the vendor to perform the contract and past performance of the vendor
29. *Master Service Agreement* - a term contract for consulting and general services to be provided on an “as-needed” rather than a continuous basis, with a total quantity stated as an estimate or as a maximum limit; establishes a general scope of work and payment parameters and includes the terms and conditions common to most City contracts but does not create a financial obligation
30. *Minimum Content Standards* - the list of standards maintained by the City that specify the minimum level of postconsumer material necessary for designated products to qualify as recycled products
31. *Multi-year Contract* – contract that includes a term of service or purchase prices that extend beyond a single fiscal year
32. *Non-public Project* – a project that does not require pre-bidding or proposals under California Code and/or UCCAP regulations
33. *Petty Cash* - funds departments may use for small but urgent purchases, and those requiring cash
34. *Performance Bond* – a bond issued to the City as a guarantee against the failure of a contractor to meet obligations specified in the contract
35. *Postconsumer Material* - a finished material that has served its intended end use, having completed its life cycle as a consumer item, and has been discarded for disposal or recovery; does not include manufacturing, converting, or printing scraps



## CITY OF ROHNERT PARK CITY COUNCIL POLICY

SUBJECT <b>PURCHASING</b>	RESO NO.	POLICY NO.	EFF. DATE	PAGE <b>23</b>
<p>36. <i>Practical and Practicable</i> - when feasible and compatible with local, State, and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time, based on life cycle costs</p> <p>37. <i>Professional Services</i> - services provided by an educated, certified or licensed specialist, or technical expert, that may be subject to procurement restrictions in accordance with State law, and City contract requirements, beyond that of regular (non-professional) consultant services</p> <p>38. <i>Project</i>- work of a similar nature to, and conducted in close proximity to, another work effort, and with a project start date within two weeks of that work effort</p> <p>39. <i>Public Agency</i> – any federal, state, county, or local government, including schools and special districts</p> <p>40. <i>Public Bulletin Board</i> – locations designated by the City Manager or designee as the places where the City posts public notices</p> <p>41. <i>Public Notice</i> - information regarding the opportunity for vendors to submit proposals or bids; posted at public locations determined by the Purchasing Agent</p> <p>42. <i>Public Project</i> – generally, construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility; including painting or repainting, and excluding maintenance, as defined by State Law (California Public Contract Code Sections 20161 and 22002); see also Public Project policy section</p> <p>43. <i>Purchase Authorization</i> - document used primarily to purchase items from vendors with whom the City has Standing Purchase Order Agreements, but may be utilized with other vendors that will accept them in lieu of formal Purchase Orders</p> <p>44. <i>Purchase Order</i> – A document representing a contract between the City and the vendor, utilized for ordering goods and services, and subject to specific signature authorities based on the dollar value of the purchase(s)</p> <p>45. <i>Purchase Requisition</i> – form used to submit requests for supplies and equipment to the Purchasing Agent; the form is also used to change a quantity, description, size, color, vendor name or address, unit price, delivery location, terms and conditions and to delete or add to an order</p> <p>46. <i>Purchasing Agent</i> - the City Manager, or his/her designee, responsible for the Purchasing function as described in the Purchasing Policies</p> <p>47. <i>Recycled Content</i> - the percentage of postconsumer material in a product</p>				





**CITY OF ROHNERT PARK**  
**CITY COUNCIL POLICY**

SUBJECT	RESO NO.	POLICY NO.	EFF. DATE	PAGE
<b>PURCHASING</b>				<b>24</b>

48. *Recycled Paper* - paper manufactured using postconsumer material that meets or exceeds the minimum content standards
49. *Recycled Product* - a product manufactured using postconsumer material that meets or exceeds the minimum content standards, or a remanufactured product
50. *Remanufactured Product* - any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form
51. *Request for Statement of Qualifications (RSQ)* – document providing details regarding a desired purchase (typically a service), and soliciting qualifications from vendors
52. *Request for Proposals (RFP)* – document providing details regarding a desired purchase, and soliciting pricing quotations from vendors
53. *Request for Quotations (RFQ)* – process to invite suppliers to provide written or verbal pricing and/or other details regarding products and services of interest to the City; facilitating vendor comparison and purchase under the best available terms
54. *Requisition* – see Purchase Requisition
55. *Services* – performance of work by an independent contractor of the City
56. *Standing Supply Purchase Order* - agreements with vendors for purchase of repetitive-use items common to one or several departments, paid at a later date
57. *Sole Source Purchase* - commodities and services that can be obtained from only one vendor, proprietary items sold directly from the manufacturer, items that have only one distributor authorized to sell in this area, or items that perform a complex or unique function; exempt from bidding
58. *Surplus Property* – personal property which the City no longer has use for, has fully depreciated, or which has exhausted its intended life; also goods in the possession or custody of the Department of Public Safety that are unclaimed, seized and/or abandoned
59. *Task Order* – issued under Master Agreements to secure services from the consultant as needed; include the specific scope of work required by the City, the compensation due for that specific scope of work, and any terms and conditions that may pertain solely to the task; creates a financial obligation for the City
60. *UCCAP* – Uniform Construction Cost Accounting Procedures set forth in the Uniform Public Construction Cost Account Act