

# ORDINANCE NO. 89-021

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF  
MAR 2 1 1989

## AN ORDINANCE ADDING SECTION 58.107 TO AND AMENDING SECTIONS 58.106 AND 58.401 OF THE SACRAMENTO CITY CODE RELATING TO EMERGENCY PUBLIC PROJECT CONTRACTS

SECTION 58.107 IS HEREBY ADDED TO THE SACRAMENTO CITY CODE AS FOLLOWS:

### 58.107 EMERGENCY CONTRACTS

The Director of the Department of Public Works is hereby authorized, in behalf and in the name of the City of Sacramento and the City Manager, to negotiate and contract for necessary equipment, materials and services without advertising for bids when public interest and necessity demand immediate action, repair or replacement to safeguard life, health, or property, to permit the continued conduct of City operations or services, and to mitigate further damage, in accordance with the provisions of the State Public Contract Code Sections 20134, 20395 (e) and 20407.

Agreements executed pursuant to the authority conferred by this section shall not individually exceed One Hundred Thousand Dollars (\$100,000). The form of all such agreements shall have been approved by the City Attorney.

Upon the award of any contract authorized by this section, the Director of Public Works shall present a report to the City Council, at the next available meeting of the Council, describing the emergency, the actions taken and the number and amount of contracts let. In those emergency circumstances where the potential cost may exceed the limit established by this section, the Director of Public Works shall immediately retain a contractor for initiation of the necessary emergency services and, at the next available council meeting, shall present a report as outlined above and include the additional remedial actions that have been identified, and the currently estimated costs. The Council may contract for the additional emergency services or authorize the Director of Public Works to negotiate and execute an amendment to the original contracts or let additional contracts within limits then established by the City Council.

SECTION 58.106 of the Sacramento City Code is amended to read as follows:

### § 58.106 Unauthorized contracts; exceptions.

It shall be unlawful for any officer or employee to contract for a public project in behalf of the city, other than as herein prescribed, excepting an emergency contract or other agreement made in conformance with procedures specified in Section 58.107. Any contracts or obligations to pay made contrary to the provisions of this chapter shall be null and void.

Article IV, Section 58.401 of the Sacramento City Code is amended to read as follows:

### Article IV, Exceptions to Competitive Bidding

#### § Generally.

The restrictions and provisions of this chapter requiring the award of contracts by competitive bidding shall not apply:

- (a) To any transaction where maintenance or repair work is to be performed by city employees.
- (b) When, after advertising for bids as required herein, no valid bids are received.

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- (c) When, after receiving bids, the City Council rejects any and all of such bids, or when the bidder to whom an award is made fails to enter into the contract as required and the council does not make an award to the next lowest bidder, as provided herein.
- (d) When, upon a two-thirds vote of the city council, it is determined that it is in the best interest of the City to suspend competitive bidding for any contract.
- (e) When any contract is entered into pursuant to or under any special assessment proceedings wherein competitive bidding procedures are specified by laws of the State of California. (Ord. No. 3129, §1)
- (f) When an emergency contract is entered into by the Director of the Department Public Works pursuant to the procedures specified in Section 58.107 of the Sacramento City Code.

PASSED FOR PUBLICATION: MARCH 14, 1989

PASSED: MARCH 21, 1989

EFFECTIVE: APRIL 20, 1989

APPROVED



Mayor

ATTEST

  
ACTING City Clerk

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