

ORDINANCE NO. 93-061

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF NOV 2 1993

**AN ORDINANCE AMENDING TITLE 58
OF THE SACRAMENTO CITY CODE
RELATING TO PUBLIC PROJECTS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Title 58, Chapter 58.01, Section 58.01.102. of the Sacramento City Code is hereby amended to read as follows:

58.01.102 Determination of lowest responsible bidder.

In addition to price in determining the lowest responsible bidder under the provisions of this chapter, consideration shall be given to; (i) the quality of a public project to be provided by the bidder; (ii) the ability, capacity and skill of the bidder to perform the contract; (iii) the ability of the bidder to perform the contract within the time specified, without delay; (iv) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (v) the quality of bidder's performance on previous contracts with the City, (vi) the bidders responsiveness to the bid requirements, and (vii) the bidders compliance with the City of Sacramento's Minority and Women Business Enterprise Program requirements.

SECTION 2

Title 58, Chapter 58.06, Section 58.06.602. of the Sacramento City Code is hereby amended to read as follows:

58.06.602 Authority of City Manager.

The City Manager is authorized to issue change orders within the limits set forth below. The City Manager, in executing the authority specified in this section, shall not be required to obtain further City Council approval for the transfer of sufficient funds from the established project contingency.

(1) For contracts originally awarded for a price of less than \$250,000, the City Manager shall have the authority to issue change orders for an increase in contract price of up to \$25,000, provided that the sum of all such change orders for any single contract shall not exceed \$25,000.

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(2) For contracts originally awarded for a price of \$250,000 but less than \$1,000,000, the City Manager shall have authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed ten percent (10%) of the original contract price.

(3) For contracts originally awarded for a price of \$1,000,000, but less than \$10,000,000, the City Manager shall have authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed eight percent (8%) of the original contract price.

(4) For contracts originally awarded for a price of \$10,000,000 or more, the City Manager shall have the authority to issue change orders, provided that the sum of all such change orders for any single contract shall not exceed six percent (6%) of the original contract price.

(5) Notwithstanding the foregoing, any single change order which exceeds \$100,000 shall require Council approval.

(6) Notwithstanding the foregoing, in the event that it becomes necessary in the discretion of the City Manager to issue change orders in order to:

(a) Prevent interruption of the work which would result in a substantial increase in cost to the City; or,

(b) Protect the work or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work, from substantial and immediate danger of injury; or,

(c) Protect, where damage or injury has occurred, the work, or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work from further or additional damage or injury or deterioration caused by man, nature or other source;

Then, the City Manager shall have authority to issue change orders in such sums as may reasonably be necessary for such purposes; provided, however, in the event any such action exceeds the specific authority set forth in the foregoing, the City Manager shall report to the City Council regarding any such action as soon as reasonably possible but in no event more than thirty (30) days.

(7) The authority of the City Manager to issue additional change orders to an accumulative total as specified above shall be restored to the extent that prior change orders issued and negotiated pursuant to the authority of the City Manager shall have been specifically subsequently ratified and authorized by the City Council. (Ord. No. 446, §1)

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SECTION 3

Title 58, Chapter 58.08 of the Sacramento City Code is hereby amended to read as follows:

Chapter 58.08. Participation of Minority Business Enterprises and Women's Business Enterprises

58.08.801 Application.

This chapter shall apply to all public projects let by the City of Sacramento. For purposes of this chapter, the terms "MBE" and "WBE" shall refer to any business entity which is defined as a Minority Business Enterprise or a Women's Business Enterprise, respectively, by the City's MBE / WBE guidelines and procedures adopted or approved from time to time by the City Manager.

58.08.802 MBE/WBE efforts required of responsible bidder.

The specifications or request for proposal for any contract to be let by the City in excess of \$50,000 may set goals relating to participation in the contract by subcontractors who are MBE's and WBE's. No bidder on said contract shall be considered a responsible bidder unless the bidder either meets the goals and requirements established for the contract or made a good faith effort prior to the time bids are opened to meet the goals and requirements by performing all of the following actions:

- (1) The bidder attended any pre solicitation or prebid meetings that were scheduled by the City to inform all bidders of the minority and women's business enterprise program requirements for the project for which the contract will be awarded.
- (2) The bidder identified and selected specific items of the project to be performed by MBE's and WBE's to provide an opportunity for participation by those enterprises. Those items selected by the bidder shall be of a sufficient dollar value that, if awarded, will exceed or meet the goals established for the project.
- (3) The bidder advertised, not less than 10 calendar days before the date the bids are opened, in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media, specified by the City for minority or women's business enterprises that are interested in participating in the project. This paragraph applies only if the City gave public notice of the project not less than 15 calendar days prior to the date the bids are opened.
- (4) The bidder requested, in writing, subcontract proposals from MBE's and WBE's not less than 10 calendar days prior to the opening of the bids.

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- (5) The bidder followed up initial solicitations of interest by contacting the MBE's and WBE's to determine with certainty whether the enterprises were interested in performing specific items of the project.
- (6) The bidder provided, upon request, MBE's and WBE's with information about the plans, specifications, and requirements for the selected subcontracting or material supply work.
- (7) The bidder requested assistance from minority and women community organizations; minority and women contractor groups; local, state, or federal minority and women business assistance offices; or other organizations that provide assistance in the recruitment and placement of minority or women's business enterprises, if any are available.
- (8) The bidder did not unreasonably reject the low bid for a particular subcontract item from a MBE and/or WBE.
- (9) Upon request, the bidder advised and made efforts to assist interested MBE's and WBE's in obtaining bonds, lines of credit, or insurance required by the City or the contractor.
- (10) The bidder's efforts to obtain MBE and WBE participation could reasonably be expected to produce a level of participation sufficient to meet the goals and requirements at a minimum by inviting MBE and WBE subcontract proposals from at least one out of every three of all subcontract proposals requested.

58.08.803 Provision of false information a misdemeanor.

- (a) No person shall submit false information to the City, or to the City's agent, for the purpose of establishing the status of any business entity, including a sole proprietorship, as a MBE or WBE.
- (b) No person submitting any bid or proposal to the City of Sacramento shall provide false information regarding the MBE or WBE status of any business entity, including a sole proprietorship, or shall provide false information regarding efforts made by said person to meet the MBE or WBE participation goals set by the City.
- (c) Any violation of this section is a misdemeanor punished by a fine not exceeding one thousand dollars or imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

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58.08.804 Information to be provided under penalty of perjury.

- (a) Whenever any business entity, including a sole proprietorship, submits information to the City, or to an agent of the City, for the purpose of establishing such entity's status as a minority business enterprises or a women's business enterprise, such information shall be submitted under penalty of perjury.
- (b) Whenever any bid or proposal to be submitted to the City calls for the bidder or proposer to submit information about the MBE/WBE status of any business entity, including a sole proprietorship, or about the efforts made by the bidder or proposer to meet the MBE/WBE participation goals set by the City, such information shall be submitted under penalty of perjury. (Ord. No. 88-059, § 1)

DATE PASSED FOR PUBLICATION: OCTOBER 26 , 1993

DATE ENACTED: NOVEMBER 2, 1993

DATE EFFECTIVE: DECEMBER 2, 1993


MAYOR

ATTEST:


CITY CLERK

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