



Staff Report

TO: City Council
FROM: Elizabeth Gibbs, City Manager
DATE: April 18, 2023
SUBJECT: Second Reading to Adopt an Ordinance Amending Chapter 3.01 of the Beaumont Municipal Code – Specific Provisions for Bidding, Contracting and Purchases

Description Adoption of an ordinance amending Beaumont Municipal Code Chapter 3.01

Background and Analysis:

On April 4, 2023, City Council held a public hearing and waived the first full reading and adopted by title only a proposed ordinance amending Beaumont Municipal Code Chapter 3.01 – Specific Provisions for Bidding, Contracting and Purchases.

Public Works Projects

The proposed amendment included mirroring the language set forth in the State's Public Contract Code (PCC) Section 22032, which states in part:

- (a) Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
- (b) Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this article.
- (c) Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

Staff recommended that City Council modify the BMC to affirm the City Manager's authority to approve public works contracts by informal procedures as outlined in PCC Section 22032. Additionally, staff recommended that City Council add the following language to Section 3.01.030 as follows:

The City Manager shall report to the City Council all such projects awarded by the public project informal bidding procedure within ninety (90) days of the date of the award.

Non-Public Works Projects

Non-public works projects include maintenance work defined in PCC Section 22002(d). Staff recommended that non-public works projects follow similar requirements as discussed above under Public Works Projects.

Materials, Supplies, and Equipment

The third area included in BMC Chapter 3.01 is bidding requirements for materials, supplies, and equipment. Like the other two areas, staff recommended that City Council keep consistency with Public Works Projects and Non-Public Works Projects language as outlined above.

During the public hearing, City Council directed staff to further modify the proposed ordinance to include language that affirms the City Manager's authority only if the proposed contracting and purchases have been previously approved via the adopted budget or adopted capital improvement plan. The following language was added to Sections 3.01.030, 040, and 050 in the attached proposed ordinance (Attachment A):

...so long as the public project funding was previously approved by City Council either in the adopted budget or adopted capital improvement plan.

Finally, as mentioned in the staff report on April 4, 2023, other cities that follow the State's PCC include Banning, San Jacinto, and Rialto, just to name a few.

The City Attorney has reviewed and approved the additional language to the proposed ordinance.

Fiscal Impact:

The cost to prepare this staff report is estimated at \$247.

Recommended Action:

Waive the second full reading and adopt by title only, "An Ordinance of the City Council of the City of Beaumont, California amending Chapter 3.01 concerning specific provisions for bidding, contracting and purchases of the City of Beaumont Municipal Code."

Attachments:

- A. Ordinance with redlines