

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF BEAUMONT, CALIFORNIA AMENDING CHAPTER
3.02 CONCERNING PROCUREMENT OF PROFESSIONAL
SERVICES OF THE CITY OF BEAUMONT MUNICIPAL
CODE**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES
ORDAIN AS FOLLOWS:**

SECTION 1. CEQA. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 2. Severability. The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 3. Chapter 3.01 are hereby amended and restated in full to read as attached hereto as Exhibit “A”.

SECTION 4. Effective Date and Publication. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

**NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Beaumont,
California, approves this amendment to the City Code.**

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 17th day of January 2023, by the following roll call vote:

AYES:

NOES

ABSENT:

ABSTAIN

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the 17th day of January 2023, by the following roll call vote:

AYES:

NOES

ABSENT:

ABSTAIN

Julio Martinez III, Mayor

Attest:

Elaine Morgan, City Clerk

Chapter 3.02.000 - Procurement of Professional Services

Sections:

3.02.010 Purpose and Policy.

3.02.020 Purchasing Officer-Office Created.

3.02.030 Purchasing Officer-Duties.

3.02.040 Competitive Procurement Procedures.

3.02.050 Exemptions to Competitive Procurement Procedures.

3.02.060 Award of Contract.

3.02.070 Term of Professional Services.

3.02.080 City Council Discretion.

3.02.090 Contracts Under Twenty Five Thousand Dollars (\$25,000).

3.02.010 Purpose and Policy. It shall be the policy of the City that the procurement of professional services, including engineering, architectural, landscape architectural, environmental, land surveying, or construction project management services shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required, and on the fairness and reasonableness of the costs of services to the City, but shall not be awarded solely on the basis of cost.

3.02.020 Purchasing Officer-Office Created. There is created the position of Purchasing Officer. The duties of the Purchasing Officer shall be administered by the City Manager or such person as he or she may designate.

3.02.030 Purchasing Officer-Duties. The duties of the Purchasing Officer shall be:

A. The promulgation of administrative regulations and the adoption of such other rules and regulations as may be prescribed by the City Manager and approved by the City Council. Such regulations shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and shall specifically prohibit City employees from participating in the selection process when those employees have a relationship with a person or business entity seeking a contract under this Section which would subject those employees to the prohibitions of the conflict of interest laws.

B. The negotiation and recommendation of execution of contracts for professional services.

3.02.040 Competitive Procurement Procedures. The Purchasing Officer shall comply with the following procedure for the procurement of professional services:

A. Request for Proposal: Prepare a request for proposal outlining services desired. The request for proposal shall identify all significant evaluation factors, including price or costs when required, and their relative importance.

B. Solicitation of Proposal: The request for proposals shall be publicized and disclosed publically on the City website. Any properly qualified firm or professional shall be permitted to timely submit a responsive proposal for consideration.

C. Evaluation: The Purchasing Officer shall develop mechanisms for the technical evaluation of proposals received, and shall conduct discussions with the proposers regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.

D. Compilation: The Purchasing Officer shall compile the proposals for consideration by the City Council.

3.02.050 Exemptions to Competitive Procurement Procedure. Upon obtaining approval from the City Council, the Purchasing Officer may engage services of a professional firm or individual without complying with the Competitive Procurement Procedures in the following circumstances:

A. Legal services

B. The services are available only from a single source; or

C. Public exigency or emergency will not permit delay; or

D. State or federal grant or loan requirements authorize noncompetitive procurement of such services; or

E. After solicitation of a number of sources, competition is deemed inadequate.

In circumstances of public exigency or emergency where prior approval of the City Council cannot be reasonably obtained, the City Manager may engage services of a professional firm or individual. The professional services contract shall be submitted to the City Council at the next regularly scheduled City Council meeting.

3.02.060 Award of Contract. City Council approval is required for all contracts for professional services when the cost of the services is twenty five thousand dollars (\$25,000) or more. The contract shall clearly state the names of the professionals that will provide services under the contract, along with their hourly rate. The contract shall also state a “not to exceed” sum. The professional shall not exceed the “not to exceed” sum without the City Council’s prior approval. Contracts awarded to any firm shall not exceed an aggregate amount of twenty five thousand (\$25,000) in a fiscal year without approval by the City Council.

3.02.070 Term of Professional Services. Except in the case of procurement of legal services, the term of any professional services contract awarded shall be a maximum of five (5) years. In the case of legal services, City Council may at any time exercise their right to termination of legal services contracts with a simple majority vote of the City Council. Contracts shall be submitted to the City Council annually for approval, renewal, termination, non-renewal or extension. Extension of a contract beyond the initial term shall be approved by four fifth (4/5) vote of the City Council. Professional services contracts shall not contain “evergreen” type clauses that allow for automatic renewal without City Council approval.

3.02.080. City Council Discretion. The award of a contract for professional services shall be within the City Council’s discretion. The City Council may, in its discretion, modify or extend a request for proposal for professional services. The City Council reserves the right to reject any and all proposals.

3.02.090 Contracts Under Twenty Five Thousand Dollars (\$25,000). Professional services contracts under twenty five thousand dollars (\$25,000) may be awarded by the Purchasing Officer without a formal bidding procedure. Professional services contracts shall not be divided into smaller contracts or subcontracts to avoid the competitive procedures set forth in **section 3.01.040 and 3.01.060.**