



Item No. 13 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: BILL CONNERS, CITY ATTORNEY

DATE: OCTOBER 21, 2015

**SUBJECT: APPROVAL OF RESOLUTION UPDATING CONTRACT LIMITS FOR
PUBLIC WORKS PROJECTS FOR CONSISTENCY WITH THE STATE'S
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING
PROCEDURES**

RECOMMENDATION

Approve Resolution 15-xx updating the contract limits for Public Works Projects under the Uniform Public Construction Cost Accounting Procedures.

BACKGROUND

In April 2012, the Town amended Chapter 3.16 of the Atherton Municipal Code establishing purchasing policy limits for goods and supplies, equipment, professional and nonprofessional services and public works contracts. The purpose of the purchasing system is to establish efficient procedures for the purchase of goods and supplies, equipment, professional and nonprofessional services to ensure lowest possible cost through transparency.

The Ordinance set the purchasing policies and necessitated that the purchasing amount limits be set by resolution of the City Council. The Ordinance further states that the Town has elected to become subject to the Uniform Public Construction Cost Accounting Procedures, as they may be amended from time to time, also approved by resolution of the City Council.

Recently, the Uniform Public Construction Cost Accounting Procedures were amended by the State to increase the dollar limits for public works projects for the *force account/open market* procedure, *informal bidding* procedures, and the *formal bidding* procedure.

For consistency, streamlining, and uniformity purposes, staff recommends adopting the attached resolution amending the purchasing limits for public works projects in order to be consistent with the California Uniform Public Construction Cost Accounting Procedures.

POLICY CONSIDERATIONS

City Council approved a resolution electing to become subject to the cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act, as that they may from time to time be amended. It would be a policy decision for Council to decide to no longer follow the State's Uniform Public Construction Cost Accounting Procedures.

FISCAL IMPACT

None.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the item is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

- Resolution 15-xx Establishing Dollar Limits for the Purchasing Ordinance
- Resolution 12-10 Electing to become subject to the Uniform Public Construction Cost Accounting Procedures

RESOLUTION 15-xx
Supersedes Resolution 14-08, 12-09

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ESTABLISHING DOLLAR LIMITS FOR USE IN THE PURCHASING ORDINANCE,
MUNICIPAL CODE CHAPTER 3.16**

WHEREAS, the Town of Atherton has approved a new Purchasing Ordinance setting forth purchasing policies, procedures, and functions; and

WHEREAS, the new Purchasing Ordinance establishes different procedures and processes for purchasing and procurement of goods and services based on dollar limits; and

WHEREAS, establishment of the dollar limits for the various procedures and processes mentioned above are set forth in the Purchasing Ordinance as being established by resolution of the City Council on a periodic basis; and

WHEREAS, it is now appropriate to establish such dollar limits for current use in the Purchasing Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the Town of Atherton does hereby comply with provisions of the Purchasing Ordinance by establishing dollar limits for the various procedures and processes as set forth following:

1. The dollar limit for procurement through open market purchase as set forth in § 3.16.100 is an amount up to and including the sum of Five Thousand Dollars (\$5,000).
2. The dollar limit for procurement through the informal procedure as set forth in § 3.16.110 is an amount greater than Five Thousand Dollars (\$5,000) up to and including Thirty Thousand Dollars (\$30,000).
3. The dollar limit for procurement through the formal procedure as set forth in § 3.16.120 is an amount greater than Thirty Thousand Dollars (\$30,000).
4. The dollar limit for procurement of professional services through the open market proposal procedure as set forth in § 3.16.200(a) is an amount up to and including Five Thousand Dollars (\$5,000).
5. The dollar limit for procurement of professional services through the informal proposal procedure as set forth in § 3.16.200(b) is an amount greater than Five Thousand Dollars up to and including Twenty Five Thousand Dollars (\$25,000).
6. The dollar limit for procurement of professional services through the formal proposal procedure as set forth in § 3.16.200(c) is an amount greater than Twenty-five Thousand Dollars (\$25,000).
7. The dollars limit for contracting public works projects through the force account/open market, informal bidding and formal bidding procedures shall be consistent with amounts stated in the Uniform Public Construction Cost Accounting Act for each procedure, as they may each from time to time be amended.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 21st day of October, 2015, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Rick DeGolia, Mayor

ATTEST:

Theresa N. DellaSanta
City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney

RESOLUTION 12-09

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ESTABLISHING DOLLAR LIMITS FOR USE IN THE PURCHASING ORDINANCE,
MUNICIPAL CODE CHAPTER 3.16**

WHEREAS, the Town of Atherton has approved a new Purchasing Ordinance setting forth purchasing policies, procedures, and functions; and

WHEREAS, the new Purchasing Ordinance establishes different procedures and processes for purchasing and procurement of goods and services based on dollar limits; and

WHEREAS, establishment of the dollar limits for the various procedures and processes mentioned above are set forth in the Purchasing Ordinance as being established by resolution of the City Council on a periodic basis; and

WHEREAS, it is now appropriate to establish such dollar limits for current use in the Purchasing Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the Town of Atherton does hereby comply with provisions of the Purchasing Ordinance by establishing dollar limits for the various procedures and processes as set forth following:

1. The dollar limit for procurement through open market purchase as set forth in § 3.16.100 is an amount up to and including the sum of Five Thousand Dollars (\$5,000).
2. The dollar limit for procurement through the informal procedure as set forth in § 3.16.110 is an amount greater than Five Thousand Dollars (\$5,000) up to and including Fifteen Thousand Dollars (\$15,000).
3. The dollar limit for procurement through the formal procedure as set forth in § 3.16.120 is an amount greater than Fifteen Thousand Dollars (\$15,000).
4. The dollar limit for procurement of professional services through the open market proposal procedure as set forth in § 3.16.200(a) is an amount up to and including One Thousand Dollars (\$1,000).
5. The dollar limit for procurement of professional services through the informal proposal procedure as set forth in § 3.16.200(b) is an amount greater than One Thousand Dollars up to and including Fifteen Thousand Dollars (\$15,000).
6. The dollar limit for procurement of professional services through the formal proposal procedure as set forth in § 3.16.200(c) is an amount greater than Fifteen Thousand Dollars (\$15,000).
7. The dollar limit for contracting public works projects through the force account/open market procedure as set forth in § 3.16.240(a) is an amount up to and including Ten Thousand Dollars (\$10,000).
8. The dollar limit for contracting public works projects through the informal bidding procedure as set forth in § 3.16.240(b) is an amount greater than Ten Thousand Dollars (\$10,000) up to and including Fifty Thousand Dollars (\$50,000).

9. The dollar limit for contracting public works projects through the formal bidding procedure as set forth in § 3.16.240(c) is an amount greater than Fifty Thousand Dollars (\$50,000).

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 18th day of April, 2012, by the following vote:

AYES: 5 – Widmer, Lewis, McKeithen, Carlson, Dobbie

NOES: 0

ABSENT:

ABSTAIN:


William R. Widmer, Mayor

ATTEST:



Theresa N. DellaSanta
Deputy City Clerk

APPROVED AS TO FORM:



William Conners, City Attorney