

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

**ADOPT ORDINANCE No. 409 OF THE TOWN COUNCIL OF THE TOWN OF
APPLE VALLEY AMENDING SECTIONS 3.12.230 AND 3.12.270 OF THE TOWN
OF APPLE VALLEY MUNICIPAL CODE RELATING TO PURCHASING LIMITS**

Summary Statement:

The Town of Apple Valley's Municipal Code establishes purchasing limits. Formal bid contracts and contracts for personal services, for professional and consulting services in the amount of \$50,000.00 or more are to be approved by the Town Council. Except in the case of emergency, no purchase is to be made unless there exists an unencumbered appropriation in the fund account which such purchase is to be charged.

Currently, the Town Manager has approval authority for all purchases up to \$50,000.00. In order to facilitate efficient and timely purchasing, staff is recommending that the Town's Municipal Code be amended to allow Assistant Town Managers and Directors approval authority for purchases between \$2,500.00 and \$10,000.00.

All purchases will continue to meet the procedures as prescribed in the Town of Apple Valley Municipal Code Chapter 3.12.

Recommended Action:

Adopt Ordinance No. 409.

Proposed by: Finance Department

Item Number _____

T. M. Approval: _____

Budgeted Item Yes No N/A

ORDINANCE NO. 409

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA AMENDING CHAPTER 3.12 OF THE MUNICIPAL CODE OF THE TOWN OF APPLE VALLEY, BY AMENDING SECTIONS 3.12.230, AND 3.12.270, RELATING TO PURCHASING LIMITS

The Town Council of the Town of Apple Valley does ordain as follows:

Section 1. Amendment. Chapter 3.12 of Title 3 of the Town of Apple Valley Municipal Code is hereby amended by amending Sections 3.12.230 and Section 3.12.270, of said Chapter 3.12 to read as follows:

3.12.230 Open market or informal bid procedure. Purchases of supplies and equipment of an estimated value in the amount of fifty thousand dollars or less may be made by the purchasing agent in the open market pursuant to the procedure prescribed in Sections 3.12.240 through 3.12.260 and without observing the procedure prescribed in Sections 3.23.120 through 3.12.215; provided, however, all bidding may be dispensed with for purchases of supplies and equipment having a total estimated value of less than two thousand five hundred dollars (\$2,500). Requisitions for purchases of supplies and/or equipment between two thousand five hundred dollars (\$2,500) and ten thousand dollars (\$10,000) may be approved by the appropriate Assistant Town Manager or Director. Requisitions for purchases of supplies and/or equipment up to fifty thousand dollars (\$50,000) may be approved by the Town Manager.

3.12.270 Exceptions to competitive bidding requirement. Notwithstanding any provision of this Chapter to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:

(1) When the estimated amount involved is less than two thousand five hundred dollars (\$2,500);

(2) When the commodity can be obtained from only one vendor;

(3) The Town Manager may authorize the purchase of materials, supplies, equipment and services where an emergency is deemed to exist and it is determined that service involving the public health, safety or welfare would be interrupted if the normal procedure were followed. All emergency purchases, which would otherwise require formal bidding procedures, made pursuant to this Section shall be submitted to the Town Council for ratification at the next regular Council meeting after the purchase is authorized;

(4) The Town Council may authorize the execution of contracts for personal services, for professional and consultant services, and for other, non public projects and for contractual services without observing the bidding procedures provided herein where the amount of the contract exceeds the value of fifty thousand dollars (\$50,000);

(5) The Town Manager is authorized to enter into contracts for personal services, for professional and consulting services and for other contractual services without observing the bidding procedure provided herein where the amount of the

contract does not exceed the amount of fifty thousand dollars (\$50,000); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged and Assistant Town Managers or Directors are authorized to enter into contracts for personal services, for professional and consulting services and for other contractual services without observing the bidding procedure provided herein where the amount of the contract does not exceed the amount of ten thousand dollars (\$10,000); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged;

(6) Any agreement involving acquisition of supplies, equipment or service entered into with another governmental entity;

(7) The Town Council may authorize the execution of a lease or leases for office space for the Town government without observing the bidding procedures provided herein irrespective of the term of the lease or leases or the amount of rent and other charges to be paid by the Town under the lease or leases;

(8) The Town Manager is authorized to enter into agreements for licensing and/or annual support contracts for previously approved purchases of capital assets where the amount of the contract does not exceed the amount of fifty thousand dollars (\$50,000); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged and Assistant Town Managers or Directors are authorized to enter into agreements for licensing and/or annual support contracts for previously approved purchases of capital assets where the amount of the contract does not exceed the amount of ten thousand dollars (\$10,000); provided there exists an unencumbered appropriation in the fund account against which said expense is to be charged;

(9) Where advantageous for the Town, the Town Council may authorize, or may authorize the Town Manager to allow, the Finance Director or the Purchasing Agent to purchase supplies, materials, equipment or contractual services through legal competitively awarded contracts with or of other governmental jurisdictions or public agencies, commonly referred to as 'piggybacking' without further contracting, solicitation, or formal bidding as described in this Chapter.

Section 2. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 3. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 8 day of June 2010.

Peter Allan, Mayor

Attest:

La Vonda M-Pearson, CMC, Town Clerk

Approved as to form:

Approved as to content:

John Brown, Town Attorney

Frank Robinson, Town Manager