

RESOLUTION NO. 2020-126

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACTS AND
PURCHASING ADMINISTRATIVE REGULATION NO. 1500-005 TO INCLUDE
RESTRICTIONS ON EXPANDED POLYSTYRENE PURCHASES AT ALL CITY
FACILITIES**

WHEREAS, the City of Elk Grove seeks to protect the natural environment for present and future generations; and

WHEREAS, expanded polystyrene ("EPS"), which is commonly referred to by its trademark name "Styrofoam" is a petroleum-based plastic that has been found to have increasingly negative effects on the environment; and

WHEREAS, food service products made from EPS are a major source of litter and marine pollution, and frequently clogs storm drains and waterways throughout the region; and

WHEREAS, as a non-biodegradable plastic, EPS can persist in the environment for hundreds to thousands of years if not managed properly.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to amend the Contracts and Purchasing Administrative Regulation No. 1500-005, in substantially the form set forth at Exhibit A attached hereto, to include restrictions on EPS purchases at all City facilities.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of June 2020



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY



City of Elk Grove Contracts and Purchasing Administrative Regulation

No. 1500-005

Date: Nov. 22, 2013 Revised: June 12, 2018 <u>June 10, 2020</u>	Department: Finance & Administrative Services Division: Purchasing	Authority: City Manager
This Administrative Regulation is declarative of existing City policy, is issued under the authority vested in the City Manager, and shall remain in place unless and until rescinded or superseded.		Jason Behrmann, Interim City Manager

Table of Content

SCOPE	1
DEFINITIONS	1
ASSIGNMENT OF RESPONSIBILITY	2
CONSULTANT AND PROFESSIONAL SERVICES.....	2
AUTHORIZATION	2
METHOD OF SOLICITATION.....	3
COMMODITIES AND EQUIPMENT	3
AUTHORIZATION	3
METHOD OF SOLICITATION.....	3
GENERAL SERVICES	4
AUTHORIZATION	4
METHOD OF SOLICITATION	4
LOCAL VENDOR PREFERENCE.....	5
<u>ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES.....</u>	5

PURPOSE

To establish a policy for the procurement of Consultant and Professional Services with a value of less than \$25,000, Commodities and Equipment with a value of \$5,000 or less, and General Services with a value of \$5,000 or less.

SCOPE

This policy covers all City Departments that have a need to procure Consultant and Professional Services, Commodities and Equipment, and General Services. This policy is implemented pursuant to, and is to be interpreted consistent with, Elk Grove Municipal Code, Chapter 3.42 Contracts and Purchasing. (See EGMC §§ 3.41.120, 3.42.160 and 3.42.184 for implementing authority).

DEFINITIONS

The following definitions are those as contained in EGMC Chapter 3.42. To the extent that there is a conflict between the definitions set forth below and those set forth in EGMC Chapter 3.42, as currently drafted or hereafter amended, the definitions in Chapter 3.42 shall control.

1. **Commodities** – Means any tangible goods or items such as supplies, parts, and materials. Generally, they are consumable in City operations, become part or a component of City equipment or City facilities and/or have a useful life of one (1) year or less.
2. **Consultant and Professional Services** – The services of an architect, attorney, landscape architect, engineer, doctor, financial consultant, planning or environmental consultant, investment advisor, banking and trustee services, or other similar professional services as defined in Section 37103 of the California Government Code, as may be amended from time to time.
3. **Cost** – Shall mean the amount charged, inclusive of sales tax, use tax, delivery charges, shipping and/or handling.
4. **Equipment** – Means tangible personal property with a useful life of more than one (1) year. It may be mobile, portable or fixed; and is an independent functioning unit, as opposed to parts, which are components. Examples include, but are not limited to, office equipment, furniture, filed equipment, shop, lab, and plant equipment, vehicles and rolling stock.
5. **General Services includes:**
 - A. Any work performed or services rendered by an independent contractor, not otherwise qualifying as consultant or professional services, with or without the furnishing of associated commodities, equipment or materials, and excluding any work defined as a “public project” under Section 20161 of the Public Contract Code and including. Examples of general services include, but are not limited to, the following:
 - I. Maintenance or nonstructural repair of City buildings, structures or improvements which does not require engineering plans, specifications or design, including, but not limited to, unscheduled replacement of broken window panes, fire extinguisher maintenance, minor roof repairs, plumbing, electrical, mechanical, elevator maintenance, custodial services, and pest control;

- II. Installation, repair, modification, and maintenance of City property and equipment;
 - III. Cleaning, analysis, testing, moving, removal or disposal (other than by sale) of City supplies, equipment, and waste products;
 - IV. Providing other technical services to facilitate City operations such as communications, transportation, utilities, software services or equipment;
 - V. Performing repair, demolition or other work required to abate nuisances under this code;
 - VI. Leasing or rental of equipment (personal property) for use by the City
6. **Local vendor** - Means a person or legal entity which has a place of business (other than a post office box) within the City and has a valid, current business license issued by the City. To qualify as a local vendor for the purposes of EGMC Section [3.42.230](#), the vendor shall submit with its bid a completed City-provided affidavit that documents the following: (1) the business has a facility with a City of Elk Grove address, (2) the business has, during at least one (1) year immediately preceding the submission of the bid or proposal, attributed sales tax to the City of Elk Grove, and (3) the business has had a City of Elk Grove business license for at least one (1) year prior to the submission of the bid..

ASSIGNMENT OF RESPONSIBILITY

1. City Manager – The City Manager has responsibility to approve this policy.
2. Department Heads – Subject to the provisions of EGMC Chapter 3.42 and this policy, Department Heads are authorized to enter into and sign on behalf of the City, without the prior approval of the City Manager or City Council, a contract that meets all of the following criteria:
 - A. Which is for the purchase or lease of commodities, equipment, general services, and/or professional services; and
 - B. Which contains a maximum compensation amount up to Twenty-Five Thousand and no/100th (\$25,000.00) Dollars. As to a change order or contract amendment, the limit of authority is not to exceed a cumulative amount of Thirty-One Thousand Two Hundred Fifty and no/100th (\$31,250.00) Dollars; and
 - C. Which is not required by any State law to be let to the lowest responsible bidder.

CONSULTANT AND PROFESSIONAL SERVICES

AUTHORIZATION

Department Heads are authorized to engage a consultant for professional services without the necessity of solicitation of proposals if the consultant's total fee for services and materials under the contract by which the consultant is engaged does not exceed \$25,000; and funds have been appropriated for said purpose.

Each contract must be accompanied by a purchase requisition entered into the City's financial system to create an encumbrance against the appropriate budgeted funds.

METHOD OF SOLICITATION

Verbal or Written Proposals.

The Department Head may, but is not required to, solicit proposals by verbal or written request to prospective consultants. If solicited, informal requests for proposals shall, whenever feasible, be based on at least three (3) proposals and shall be awarded to the best-qualified and most responsible proposer, which may not necessarily be the lowest priced proposal. The dollar amount of the proposal shall be considered but the award need not be made to the lowest dollar proposal.

If proposals are solicited, at least three proposals should be sought and documented. If three proposals are not possible or practical, the reason should be documented. Under no circumstances are services to be split so that the total value of the services falls under the amount of the individual's delegated authority level or to avoid the need for formal competitive bids and notices.

COMMODITIES AND EQUIPMENT

AUTHORIZATION

For purchases of Commodities and Equipment of \$5,000.00 or less, the authority to award is the Department Head. All departments may purchase commodities and equipment provided that an unencumbered appropriation for the item exists in the current approved budget.

Each purchase must be entered into the City's financial system by an encumbrance against the appropriate budgeted funds.

METHOD OF SOLICITATION

Purchases of \$3,000 or less

A supplier may be selected directly without solicitation of other quotes or bids to provide commodities and equipment where the expenditure is \$3,000.00 or less. Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's delegated authority level or to avoid the need for verbal quotations. Where the quality of commodities and equipment are equal, and it is in the City's best interest to do so, preference should be given to local suppliers as a stimulus for economic development. Prudent judgment shall be used at all times.

Purchase between \$3,000.01 and \$5,000.00 - Verbal Quotations

The purchase of commodities and equipment from Three Thousand and 01/100ths Dollars (\$3,000.01) to Five Thousand and no/100ths Dollars (\$5,000.00) or less may be made in the open market. Open-market purchases shall, whenever feasible, be based on at least three (3) bids or quotations and shall be awarded to the person or entity providing the lowest responsible quotation. The department making the purchase may solicit bids or quotations by verbal or written request to prospective vendors.

If three quotations are not possible or practical, the reason should be documented. Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's delegated authority level or to avoid the need for written quotations. Whenever possible, quotations should be sought from local suppliers and preference given to local suppliers as noted in City Ordinance 21-2013, Chapter 3.42.230: Local vendor preference.

GENERAL SERVICES

AUTHORIZATION

For purchases of General Services of \$5,000.00 or less, the authority to award is the Department Head. All departments may purchase general services provided that an unencumbered appropriation for the item exists in the current approved budget.

Each purchase must be entered into the City's financial system by an encumbrance against the appropriate budgeted funds.

METHOD OF SOLICITATION

Purchases of \$3,000 or less

A provider may be selected directly, and without solicitation of proposals, to provide general services where the expenditure is \$3,000.00 or less. Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's delegated authority level or to avoid the need for verbal quotations. Where the quality of services are equal, and it is in the City's best interest to do so, preference should be given to local providers as a stimulus for economic development. .

Purchase between \$3,000.01 and \$5,000.00 - Verbal Quotations

Except as set forth below, the procurement of general services with a value from Three Thousand and 01/100ths (\$3,000.01) Dollars up to Five Thousand and no/100ths (\$5,000.00) Dollars shall be made by informal request for proposal. The department may solicit proposals by verbal or written request to prospective service providers. Informal requests for proposals shall, whenever feasible, be based on at least three (3) proposals, and award shall be based on which proposer best meets the City's needs, need not necessarily be based on the lowest priced proposal, but shall be based on a determination of which services offered serve the best interest of the City. The criteria by which the City shall evaluate proposals shall be set forth in the solicitation, and may include a ranking system identifying factors considered important by the City.

If three proposals are not possible or practical, the reason shall be documented. Under no circumstances are orders to be split so that the total value of the order falls under the amount of the individual's delegated authority level or to avoid the need for written quotations. Whenever possible, proposals should be sought from local providers and preference given to local providers as noted in City Ordinance 21-2013, Chapter 3.42.230: Local vendor preference.

LOCAL VENDOR PREFERENCE

LOCAL VENDOR PREFERENCE

In the context of commodities and equipment, and general services, a local preference acts as a price discounter for these contracts and purchases by deducting the specified amount from a quote, bid, or proposal received from a “local vendor”. When awarding purchase orders and contracts for commodities and equipment, and general services for \$5,000.00 or less preference should be given to local providers as outlined in City Ordinance No. 21-2013 Chapter 3.42.230:

3.42.230 Local vendor preference.

A bid or proposal from a local vendor for commodities, equipment, and general services will be tabulated as if it were five percent (5%) below the figure actually set forth in the bid or proposal, up to a maximum preference of Fifty Thousand Dollars (\$50,000.00) per bid or proposal, to account for the financial advantages accruing to the City by the award of a bid to a local vendor. The City, when seeking bids or proposals for commodities or equipment, will notify bidders or proposers that bids or proposals will be evaluated on the basis of a local preference of five percent (5%) of the bid or proposal price.

ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES

Environmentally preferable purchasing protects human health and environmental well-being by reducing the procurement of goods and services that result in larger volumes of waste and pollutants.

The City of Elk Grove shall not prospectively purchase, acquire or use food service products that are produced with expanded polystyrene (“EPS”), which is commonly known by its trademark name “Styrofoam” at City facilities. All food service products purchased for use at City Facilities shall be reusable, recyclable, or compostable.

Prohibited products include, but are not limited to EPS food service items such as cups, plates, bowls, trays, and containers.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-126

**STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)**

**I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify
that the foregoing resolution was duly introduced, approved, and adopted by the
City Council of the City of Elk Grove at a regular meeting of said Council held on
June 10, 2020 by the following vote:**

AYES: COUNCILMEMBERS: Ly, Detrick, Hume, Nguyen, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



**Jason Lindgren, City Clerk
City of Elk Grove, California**