

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Allan L. Roeder
Dept.: Interim City Manager
Subject: ADOPTION OF RESOLUTION DELEGATING
AUTHORITY TO CITY MANAGER TO ENTER
INTO EMERGENCY PUBLIC WORKS
CONTRACTS

From: Maria Stipe
Dept.: City Manager
Date: May 26, 2015

OBJECTIVE

For the City Council to consider adoption of a Resolution delegating authority to the City Manager to enter into emergency public works contracts up to \$50,000 pursuant to Public Contract Code Section 22050.

BACKGROUND/DISCUSSION

From time to time, emergencies arise that require the immediate repair or replacement of public facilities and related actions without going through the formal bid process applicable to public works projects generally. Public Contract Code Section 22050 authorizes the City to dispense with public works competitive bidding requirements in cases of emergency upon making a finding that the emergency will not permit a delay resulting from a competitive solicitation for bids. The City Council may delegate this authority to the appropriate administrative officer or officers by 4/5 a vote.

Pursuant to Garden Grove Municipal Code Section 22.52.010, the City Manager is authorized to award and approve public works construction contracts up to \$50,000; however, public works projects costing more than \$30,000 must be formally bid and awarded. The proposed Resolution would authorize the City Manager or his or her designee(s) to award and approve public works contracts up to \$50,000 in cases of emergency without following the formal bid process. Pursuant to Public Contract Code Section 22050, the City Manager would be required to report any action taken under this delegation of authority to the City Council at its next regular meeting.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution delegating authority to the City Manager to enter into emergency public works contracts in amounts up to \$50,000.

ADOPTION OF RESOLUTION DELEGATING AUTHORITY TO CITY MANAGER TO ENTER INTO
EMERGENCY PUBLIC WORKS CONTRACTS

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MARIA STIPE
Deputy City Manager

Attachment 1: Proposed Resolution

Recommended for Approval



Allan L. Roeder
Interim City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DELEGATING AUTHORITY TO THE CITY MANAGER OR HIS OR HER DESIGNEE(S)
PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050(b) TO ENTER INTO
EMERGENCY PUBLIC WORKS CONTRACTS

WHEREAS, pursuant to Garden Grove Municipal Code Section 22.52.010, public works projects costing more than \$30,000 shall be formally bid and awarded according to the bid process set forth in Public Contract Code Sections 22000 *et seq.*; and

WHEREAS, California Public Contract Code Section 22050(a) provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

WHEREAS, pursuant to Section 22050(b), the City Council, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate City administrative officer, the authority to order any action pursuant to Section 22050(a); and

WHEREAS, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), that person shall report to the City Council, at its next meeting required pursuant to Section 22050, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency; and

WHEREAS, if a person with authority delegated pursuant to Section 22050(b) orders any action specified in Section 22050(a), the City Council shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least every 14 days thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the person with delegated authority has terminated that action prior to the City Council review and determination; and

WHEREAS, when the City Council reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts; and

WHEREAS, pursuant to Garden Grove Municipal Code Section 22.52.010, the City Manager has the authority to award and approve construction agreements up to \$50,000, subject to applicable bid procedures; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garden Grove as follows:

1. The City Council hereby delegates to the City Manager or his or her designee(s) the authority to order any emergency action and enter into necessary contracts up to and including \$50,000 pursuant to the provisions of California Public Contract Code Section 22050, effective May 21, 2015.