



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: June 3, 2025

TO: LaTanya Bellow, City Manager

FROM: John I. Kennedy, City Attorney

SUBJECT: Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 6 (“Purchasing System”) Of Title 3 (“Finance”) And Chapter 9 (“Informal Bidding Procedures”) Of Title 7 (“Public Works”) Of The Emeryville Municipal Code To Make Updates For Consistency With State Law (CEQA Determination: Not A Project And Exempt Pursuant To CEQA Guidelines Sections 15378(b)(5) And 15061(b)(3))

RECOMMENDATION

Staff recommends that the City Council introduce and waive first reading of the above-referenced ordinance to amend existing purchasing and informal bidding requirements in the Emeryville Municipal Code to make them consistent with state law and the City’s Administrative Instruction 605, *Purchasing and Accounts Payable Procedures*.

BACKGROUND

In 2003, the City elected to become subject to the uniform public construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act (Public Contract Code § 22000 et seq.) (the “Act”). The Act includes procedures for the procurement of “public projects,” as defined under the Act. Staff have identified changes necessary to Chapter 6 of Title 3 and Chapter 9 of Title 7 of the Emeryville Municipal Code for consistency with requirements under the Act and the City’s Administrative Instruction (“AI”) 605, *Purchasing and Accounts Payable Procedures*.

DISCUSSION

Chapter 6 of Title 3 of the Emeryville Municipal Code includes procedures for the purchase of supplies, materials, and equipment, as well as “public projects” between \$2,000 and \$5,000. Staff propose to amend Chapter 6 of Title 3 of the Emeryville Municipal Code to exclude “public projects” from the purchasing procedures set forth therein since “public projects” are subject to separate procurement procedures under the Act. Staff also propose amendments to Chapter 6 of Title 3 to update the statutory reference for the definition of “public project” to reflect the applicable statute under the Act and to specify that the purchasing procedures apply to purchases exceeding \$5,000 for consistency with AI 605.

Chapter 9 of Title 7 of the Emeryville Municipal Code includes informal bidding requirements for public projects. Staff propose to amend Chapter 9 of Title 7 of the Emeryville Municipal Code for consistency with the informal bidding requirements under the Act, including to update the statutory reference for the definition of “public project” to

reflect the applicable statute under the Act; expand the options for distributing the notice inviting informal bids to include fax or email, consistent with the Act; clarify that the City may provide notice inviting informal bids to contractors on the City's contractor's list or to trade journals as specified under the Act; and to make other minor edits for consistency with the Act and the sample informal bidding ordinance made available by the California Uniform Construction Cost Accounting Commission.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

None.

RECOMMENDATION

1. Open the public hearing and take testimony on the proposed ordinance.
2. Close the public hearing and consider the Staff Report and proposed ordinance.
3. Introduce and waive first reading of the attached ordinance.

PREPARED BY: John I. Kennedy, City Attorney

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



LaTanya Bellow, City Manager

ATTACHMENTS

- Attachment A – Draft Ordinance