ORDINANCE NO. **2021-01**

AN ORDINANCE OF THE CITY OF AVENAL AMENDING PORTIONS OF THE PURCHASING SYSTEM IN CHAPTER 8 OF TITLE 3, PERTAINING TO OPEN MARKET PROCEDURES AND SMALL PURCHASES.

THE CITY COUNCIL OF THE CITY OF AVENAL DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are necessary for the efficient operation of the City of Avenal ("**City**") in order to establish efficient regulations, policies and procedures for the timely purchase of goods, supplies, equipment, materials and services on behalf of the City at the lowest available price, commensurate with quality needed and in a manner which promotes a fair and competitive process. This ordinance is also intended to clearly define the scope of authority for purchases.

Section 2. AMENDMENT. Section 3-8.13 of Chapter 8 of Title 3 is hereby revised to read in its entirety as follows:

3-8.13 Open-Market Procedure.

Purchases of goods, supplies and equipment of an estimated value in an amount equal to or less than forty thousand dollars ($ 40,000.00) but greater than the maximum expenditure may, upon receipt and approval of a purchase requisition executed by a department manager, be made by the Purchasing Officer in the open market without observing the formal bidding procedures prescribed by Section 3-8.12.

(a) Minimum number of quotations. Open market purchases shall, wherever practicable, be based upon at least three (3) quotations and shall be awarded to the lowest responsible vendor, except as otherwise provided herein.

(b) Inviting quotations. The Purchasing Officer may solicit quotations by written requests to prospective vendors, by telephone or by public notice posted upon a public bulletin board in the Avenal City Hall, the City's website, or by any other means deemed effective.

(c) Quotations. Sealed, written quotations shall be submitted to the Purchasing Officer, who shall keep a record of all open market quotations and contracts for a minimum period two (2) years after submission of or the execution of contracts. This record, while kept, shall be open to public inspection, except that vendor proprietary data shall not be open to public inspection unless otherwise required by applicable laws.

Section 3. AMENDMENT. Section 3-8.14 of Chapter 8 of Title 3 is hereby revised to read in its entirety as follows:

> **3-8.14 Small Purchases.**
> All ordinary purchases of day-to-day goods or supplies, and capital acquisitions not requiring bidding under Public Contracts Code § 20162, with a value equal to or less than twenty-five thousand dollars ($ 25,000.00) shall be made at the discretion and direction of the Purchasing Officer. No bidding procedures, formal or otherwise, or any other formal procedures or requirements, shall be necessary.

Section 4. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment].

Section 5. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability, or responsibility for damage to person or property upon the City of Avenal, or any official, employee, or agent thereof.

Section 6. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any lawsuit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Avenal hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more

other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 8. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Avenal Municipal Code as amended by this ordinance are substantially the same as provisions in the Avenal Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 9. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the **Hanford Sentinel**, a newspaper printed and published in the City of Avenal, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Avenal, State of California, on **December 9, 2021** at a regular meeting of said Council duly and regularly conveyed on said day by the following vote:

AYES: **Preciado, Ramirez, Gravelle, Verdugo**

NOES:

ABSTAIN:

ABSENT: **Hernandez**

ALVARO PRECIADO, Mayor
CITY OF AVENAL

ATTEST:
MARIA A. ORTIZ, City Clerk
CITY OF AVENAL