



City of Rialto

Legislation Text

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For City Council Meeting [February 12, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Sean Grayson, Interim City Administrator

FROM: Jessica Brown, Finance Director

Request City Council to Introduce for First Reading, **Ordinance No. 1614**, Amending Chapter 2.48.370 of the Rialto Municipal Code to update the City's Purchasing Ordinance, and Adopt **Resolution No. 7466** Adopting Policies and Procedures for the use of Community Development Block Grant (CDBG) Program Funds.

(ACTION)

BACKGROUND:

Proper purchasing policies and practices enable the City to promote maximum value and economy through fair and competitive processes. As a best practice, the City should review its purchasing policy regularly to ensure that its procurement practices not only meet all federal, state, and local procurement requirements but also promote impartiality, accountability, professionalism, and transparency.

The City's Purchasing Division and purchasing policy are established through Rialto Municipal Code Title 2.48 Purchasing and was last updated in 2002.

Additionally, the local governments were required to implement new procurement standards, effective July 1, 2018. Specifically, the Federal Office of Management and Budget (OMB), in its Super Circular found at 2 CFR Part 200 (Uniform Administrative Requirements), required local agencies receiving federal funds, such as Community Development Block Grants (CDBG), to adopt the Uniform Guidance (UG), which outlines policies and procedures for purchases using such funding. The ultimate deadline provided to adopt the UG was set at June 30, 2018. On June 8, 2018, the Interim City Administrator issued a memo to all applicable City departments requiring the use of the UG on all purchases using such federal funding, with the intent that such rules would be formally adopted by the City Council concurrently with the adoption of the revised purchasing ordinance.

ANALYSIS/DISCUSSION:

The City's Purchasing Policy was reviewed and the recommended revisions by ordinance section include the following:

- 2.48.010 - Definition of Terms: additional language defining "Emergency"
- 2.48.080 - General Purchase Orders: additional language to further ensure transparency regarding the splitting, staging or separation of purchases and contracts

- 2.48.300 - Materials Revisions to reflect current business practices
- 2.48.370 - Materials, supplies, and equipment - Exceptions to competitive bidding: language further defining the exceptions to competitive bidding for materials, supplies, and equipment
- 2.48.460 - Public works projects: updates to specific references to state law and California Public Contract Code governing public works projects
- 2.48.480 - Federal/state requirements: additional language regarding procurements using federal and state grant funds to ensure all procurements are in compliance with applicable federal and state laws
- Minor grammatical changes throughout

The proposed Ordinance, at Section 2.48.480, further references the adoption of federal procurement policies by separate Council action. To that end, the attached Resolution adopts the UG, thereby formally adopting the federal procurement policies and procedures, including those applicable to CDBG projects.

ENVIRONMENTAL IMPACT:

The request is not a Project as defined by Section 15378 of the California Environmental Quality Act (CEQA).

GENERAL PLAN CONSISTENCY:

The request is consistent with Guiding Principle 3A of the Rialto General Plan:

Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.

LEGAL REVIEW:

The City Attorney has reviewed and approved the Staff Report, Resolution and Amendment to the Ordinance.

FINANCIAL IMPACT:

Staff time will be used as a normal course of conducting business related to all bids.

RECOMMENDATION:

Staff recommends that the City Council Introduce for first reading, **Ordinance No. ____**, entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2.48.370 OF THE RIALTO MUNICIPAL CODE (RMC) ADDRESSING APPLICABLE EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS;” waiving further reading and Adopt **Resolution No. ____** Adopting Policies and Procedures for the use of Community Development Block Grant (CDBG) Program Funds