

**RESOLUTION NO. 4407**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
AMENDING POLICY NO. 9100 "PUBLIC WORKS PROJECT POLICY"**

**WHEREAS**, on July 15, 2009 Staff presented for discussion the Policy No. 9100 Public Works Project Policy adopted by the City Council on September 3, 2008 for implementation of the 2009-2010 Capital Budget; and

**WHEREAS**, the Council approved of staff's recommendation to change the reporting period from monthly to quarterly; and

**WHEREAS**, the Policy establishes the rules and procedures for construction contract award, periodic status reports to Council, authorities and responsibility, professional services contracts, construction contracts and standard contracts and forms are included to address .

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Soledad that the Council approves the amended Policy No. 9100 " Public Works Project Policy," in the form attached hereto as Exhibit "A," and by this reference incorporated herein.

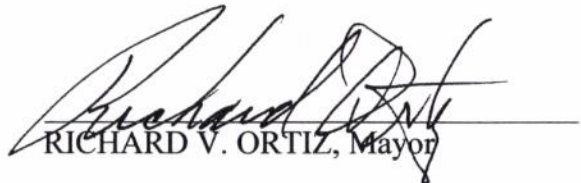
**PASSED AND ADOPTED** by the City Council of the City of Soledad at a special meeting duly held on the 5<sup>th</sup> day of August, 2009, by the following vote:

**AYES**, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Richard Ortiz

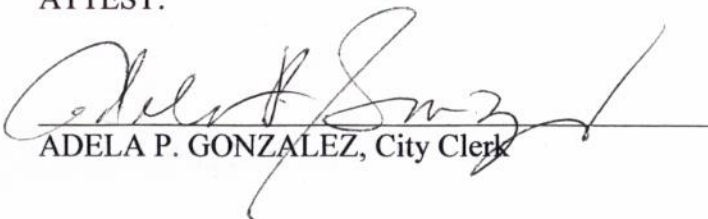
**NOES**, Councilmembers: None

**ABSTAIN**, Councilmembers: None

**ABSENT**, Councilmember: Mayor Pro Tem Martha Camacho

  
RICHARD V. ORTIZ, Mayor

**ATTEST:**

  
ADELA P. GONZALEZ, City Clerk

## EXHIBIT "A"

Policy No. 9100  
Date: August 5, 2009  
Page 1 of 4

### PUBLIC WORKS PROJECTS

#### 1. PURPOSE

To establish authority, responsibility, and procedures for contracting for public works projects.

#### 2. REFERENCES

The Public Contract Code, Local Agency Public Contract Act (20100) defines public works projects to include construction, alteration, demolition or repair of public buildings or works. This includes street, water, and sewer work (except maintenance and repair). It specifies required procedures for the bidding and award of public works projects.

The City Council approved Capital Budget identifies specific procedures to be followed for the initiation and approval, design process, and award/execution of capital projects. This includes public works projects as defined in the Public Contract Act, and specific professional services as defined in Government Code.

#### 3. AUTHORITY AND RESPONSIBILITY

##### 3.1 City Council:

- A. Approves the Capital Budget and related procedures for execution;
- B. Approved deviations from the Capital Budget (additions, changes, increased funding authorizations);
- C. Awards Public Works construction contracts \$5,000 and greater by formal Council action.
- D. Awards Consultant Contracts \$25,000 and greater by formal Council action.

##### 3.2 City Manager:

- A. Directs execution of the Capital Budget, through the Department Directors of the respective Project Managers;
- B. Awards Consultant Contracts under \$25,000 in accordance with the approved Capital Budget;

- C. Issues Invitations for Bids (IFB) for construction contracts in accordance with the approved Capital Budget, and awards construction contracts under \$5,000.

3.3 Public Works Director:

- A. Coordinates the preparation of the Capital Budget;
- B. Reviews and recommends action on consultant selection board reports, consultant contract awards, IFB, and construction contract awards for projects in the Capital Budget;
- C. Provides quarterly status report to Council on Capital Budget execution actions.

3.4 Department Directors (for projects managed within the department):

- A. Insuring compliance with the Public Contract Code, and these procedures;
- B. Insuring proposed obligations do not exceed that authorized by Council.
- C. Forwards consultant contracts, consultant selection board reports, IFB, and construction contracts to City Manager for execution, via Public Works Director.

4. PROCEDURES

4.1 Professional Services Contracts.

- A. The Project Manager will prepare a Selection Board Report, documenting the selection process, and forward it to the City Manager, via the Public Works Director, for approval before entering into price negotiations with the "number one" rated consultant firm.
- B. Professional services contracts will utilize the contract provisions provided by the City Attorney's Office and available through the Public Works Department.
- C. Award of consultant contracts for projects in the approved Capital Budget may be made by the City Manager or designee without further consultation with Council, provided:

1. There is no significant change in scope (more than 25% change in line item quantities or more than 10% change in design) from the approved Capital Budget; and
2. The project can be completed for the funding approved in the Capital Budget; and
3. Selection procedures were utilized in selecting the consultant unless approval for sole source was obtained; and
4. The standard form contract is utilized; and
5. The Project Manager will forward the contract (signed by the consultant) to the City Manager for signature, via the Public Works Director. A cover memorandum shall identify any deviations from the above process, including any deviations from the standard form contract or standard insurance provisions.
6. The consultant contract is less than \$25,000.

D. Changes to consultant contracts may be made by the Project Manager, if such changes are within the scope of the approved project, and funding is available within the total approved budget for the project (particular care must be taken that if the design cost is exceeding that shown in the Project Programming Summary Sheet, that it will be offset by reductions in the construction costs, such that total project costs are not expected to be exceeded). Otherwise, Council approval is required.

## 5. CONSTRUCTION CONTRACTS

5.1 Construction contracts will utilize the standard contract forms provided by the City Attorney's office and available through Public Works. They shall comply with the Public Contract Code.

A. Invitations for Bid (IFB) may be issued by the City Manager or designee without Council action, provided:

1. The project is within scope and budget as approved in the Capital Budget;
2. The standard contract format is utilized.

3. The Project Manager will forward the IFB to the City Manager for issuance, via the Public Works Director. A cover memorandum shall identify any deviations from the above process, including any deviations from the standard form contract or standard insurance provisions.
4. Award of Construction Contracts shall be by Council action, for a specific award amount, to the lowest responsive, responsible bidder. The Council Communication will include the Project Programming Summary Sheet, and a financial recap of actual (design) and projected (construction, construction management, testing, design, support during construction) expenditures for the project.
5. Contingency: A 5% contingency is herein authorized for construction contracts, provided funding is available within the total amount approved by the Capital Budget. Contingency amounts in excess of 5% should be requested at time of contract award if deemed appropriate for the type of work being undertaken. If approved funding does not provide for the needed contingency (regardless of amount), then Council approval of the additional funding is required and should be sought at time of award or as soon after the contract is awarded an additional contingency amount is deemed necessary.
6. Change orders to construction contracts may be executed by the Project Manager, within available contingency funding. If at any time, it appears that the project will exceed authorized funding, the Council shall be notified at the earliest possible time.

6. FORMS

- 6.1 Contract forms are maintained by the Public Works Department, in conjunction with the City Attorney's Office.
- 6.2 Project Programming Summary Sheets are maintained by the Public Works Department and are available in template form.