

DRAFT 8/19/25 sqf

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE TO AMEND CHAPTERS 2.08
(PURCHASES OF GOODS AND SERVICES) AND
CHAPTER 2.09 (PUBLIC WORKS CONTRACTING) OF
TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE
SUNNYVALE MUNICIPAL CODE**

WHEREAS, the City of Sunnyvale desires to amend certain sections of Chapters 2.08 (Purchases of Goods and Services) and 2.09 (Public Works Contracting) of the Sunnyvale Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE FINDS AND DECLARES AS FOLLOWS:

SECTION 1. Section 2.08.050 AMENDED. Section 2.08.050 (Delegated Authority) of Chapter 2.08 (Purchases of Goods and Services) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

2.08.050. Delegated authority

The city manager, after consultation with the director of finance, may delegate authority to procure and award certain goods and/or services to city employees in addition to the purchasing officer, if such delegation is deemed necessary for the effective procurement of those items. Delegation shall be made in advance in writing by the city manager and filed with the city clerk and the director of finance.

The director of finance has authority to make interpretations of this chapter and to adopt policies and procedures consistent with the intent and purpose of this chapter.

SECTION 2. Section 2.08.060 AMENDED. Section 2.08.060 (Methods of Procurement) of Chapter 2.08 (Purchases of Goods and Services) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

2.08.060. Methods of procurement.

- (a) Informal Competitive Bids or Proposals. Procurements anticipated to cost one hundred thousand dollars or less in one transaction may be made by informal bid, quotes, or proposals ~~solicitations~~ in accordance with the provisions of this chapter. Solicitations may be verbal or written, but bids and quotations must be in writing. Where possible, a minimum of three bidders should be solicited departments are encouraged to solicit three (3) written bids or written quotations; however, procurements anticipated to

cost fifty thousand dollars or less in one transaction are not subject to a minimum number of written bids or quotations.

(b)-(g) [Text unchanged.]

SECTION 3. Section 2.08.110 AMENDED. Section 2.08.110 (Receipt of bids or proposals) of Chapter 2.08 (Purchases of Goods and Services) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

2.08.110. Receipt of bids or proposals.

(a) [Text unchanged.]

(b) ~~Public~~Opening of Bids or Proposals. Formal competitive bids or proposals, which are timely received through the City's designated procurement platform, shall be electronically will be publicly opened by such system at the time specified in the purchasing officer in the presence of one or more witnesses at the location designated in the bid notice. If members of the public are present, the names of those submitting bids and the aggregate bid pricing shall be read aloud at or shortly following the deadline for receipt of formal competitive bids except those involving competitive negotiation. The purchasing officer or the purchasing officer's designee shall review the submitted bids following the opening of such bids. The results of the purchasing officer's review shall be communicated to all bidders who submitted bids.

(c)-(d) [Text unchanged.]

SECTION 4. Section 2.09.050 AMENDED. Section 2.09.050 (Delegated Authority) of Chapter 2.09 (Public Works Contracting) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby amended to read as follows:

2.09.050. Delegated authority.

The city manager, after consultation with the director of finance and the director of public works, may delegate authority to solicit, award and process bids for public works projects to city employees in addition to the purchasing officer, if such delegation is deemed necessary for the effective development of a project. Delegation shall be made in advance in writing by the city manager and filed with the city clerk, the director of finance and the director of public works.

The director of finance has authority to make interpretations of this chapter and to adopt policies and procedures consistent with the intent and purpose of this chapter.

SECTION 5. Section 2.09.060 AMENDED. Section 2.09.060 (Methods of Acquisition) of Chapter 2.09 (Public Works Contracting) of Title 2 (Administration and Personnel) of the

Sunnyvale Municipal Code us hereby amended to read as follows:

2.09.060. Methods of Acquisition.

- (a) Informal Competitive Bids. Public works projects anticipated to cost two hundred fifty thousand dollars or less may be acquired by informal solicitations in accordance with the provisions of this chapter. Solicitations may be verbal (unless otherwise required by law) or written, but bids must be in writing. Where possible, ~~a minimum of three bidders should be solicited.~~ departments are encouraged to solicit three (3) written bids or written quotations; however, procurements anticipated to cost fifty thousand dollars or less in one transaction are not subject to a minimum number of written bids or quotations.

(b)-(c) [Text unchanged.]

SECTION 6. Section 2.09.110 AMENDED. Section 2.09.110 (Receipt of bids) of Chapter 2.09 (Public Works Contracting) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code us hereby amended to read as follows:

2.09.110. Receipt of bids.

(a) [Text unchanged.]

(b) ~~Public-Bid~~ Opening. Formal competitive bids, ~~which are~~ timely received through the City's designated procurement platform, ~~will be publicly~~ shall be electronically opened by the purchasing officer in the presence of one or more witnesses at the location designated such system at the time specified in the bid notice. ~~If members of the public are present, the names of those submitting bids and the bid amount shall be read aloud at or shortly following the deadline for receipt of formal competitive bids.~~ The purchasing officer or the purchasing officer's designee shall review the submitted bids following the opening of such bids. The results of the purchasing officer's review shall be communicated to all bidders who submitted bids.

(c)-(d) [Text unchanged.]

SECTION 7. Compliance with CEQA. The City Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this ordinance may have a significant effect on the environment.

SECTION 8. Constitutionality; Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not

affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 9. Effective Date. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 10. Posting and Publication. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____ and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON
City Attorney