

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING CHAPTER 32.30 to 32.34 OF THE SEASIDE CODE OF ORDINANCES REGARDING PUBLIC CONTRACTS

WHEREAS, the Seaside City Council has determined the City's Public Contracts should be established by resolution.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Chapter 32.30 to 32.34 of the Code of Ordinances Seaside is amended to read as follows:

32.30 – 32.34 PUBLIC CONTRACTS. Public Contracts under this ordinance shall be those policies for public contracting and purchasing adopted by the City Council by resolution. The City Council shall establish, and as considered necessary from time to time, change the policy by resolution after public hearing.

PASSED by the City Council of the City of Seaside on this 25 day of September, 2023.

YEAS: WRIGHT, MONTERO, POSALSKI, FRANK, MORRISEY, DILLARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: HORNING

SUBMITTED to and **APPROVED** by the Mayor on this 26 day of September, 2023.



STEVE WRIGHT, MAYOR

ATTEST:



Spencer Kyle, City Manager

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~~32.30 DEFINITIONS.~~

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—BOARD. The local contract review board as established in 32.31.~~

~~—PUBLIC CONTRACT. Any purchase, lease, or sale by the City Council of personal property, public improvements, or service other than agreements which are exclusively for personal service.~~

~~—PUBLIC IMPROVEMENT. Any construction of improvements on real property by or for the City Council.~~

~~32.31 Contract Review Board.~~

~~The City Council is hereby designated as the local Contract Review Board and relative to contract concerns of this city shall have all the powers granted to the State Public Contract Review Board.~~

~~32.32 Bids Required.~~

~~All public contracts shall be based upon competitive bids, except as specified herein.~~

~~32.33 Exemptions.~~

~~All contracts shall be based on competitive bids except:~~

- ~~(1) Contracts made with, or the cost of which is provided by, other public agencies or the federal government.~~
- ~~(2) Contracts for any purchase, the amount of which is less than \$2500.00.~~
- ~~(3) Informal bids may be secured provided the City Council authorizes such informal bids when the purchase exceeds \$2500.00. An informal bid shall be considered to be the procedure whereby the purchasing agent of the city ascertains by correspondence, telephone, or direct contact, the various prices for the items involved, quoted by a number of reliable firms that shall have such items for sale. The purchasing agent shall cause to be kept, all records and evidence of such informal bids, and after obtaining the same, the purchase may be made by the City Manager or his designated agent with approval of the City Council.~~
- ~~(4) Contracts for any item which is available only through one company, firm or individual.~~

~~(B) Products shall not be specified nor be purchased by brand name or make unless under (A) (1), (2), or (3) above, there is evidence regarding one source, or substantial savings to the public would result, or efficient utilization of existing supplies requires the acquisition of compatible equipment or supplies.~~

~~_____ (C) _____ The board may exempt other contracts from competitive bidding if it finds:~~

~~— (1) — The lack of bids will not result in favoritism or substantially diminish competition in awarding the contract; and~~

~~— (2) — The exemption will result in substantial cost savings.~~

~~_____ (D) — In making such findings, the Board may consider the type, cost, amount of the contract, number of persons available to bid, and such other factors as the Board may deem appropriate.~~

~~— 32.34 — Emergency Contracts.~~

~~_____ A contract may also be exempt from competitive bidding if the city manager determines that emergency conditions require prompt execution of the contract. An explanation of such emergency shall be entered into the record of the next regular meeting subsequent to the execution of the contract.~~

PASSED by the City Council of the City of Seaside on this 25 day of _____, 2023.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2023.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager