

# EXHIBIT 1

## ARTICLE IV. - CONTRACTS.

### 2-59 - AUTHORIZATION OF CONTRACTS.

#### 2-59.1 - Formalities—Approval.

Except as otherwise provided by ordinance, every contract involving consideration reasonably valued at more than one thousand dollars (\$1,000.00) shall be made in writing or other manner as provided by ordinance. The draft of the contract shall be approved by the employee authorized to make the contract.

Every contract must be approved by the City Attorney as to form, except the following:

- (1) Contracts involving a sum of five thousand dollars (\$5,000.00) or less, for the purchase, rental, repair or maintenance of materials, supplies and equipment;
- (2) Contracts involving the sum of five thousand dollars (\$5,000.00) or less, for the purchase of professional or personal services, or for construction or maintenance services;
- (3) Contracts not required to be made in writing or other manner as provided by ordinance.

The contract shall be signed on behalf of the City by:

- (a) The employee authorized to enter into the contract; or
- (b) In the case of a contract authorized by Council, the person authorized by the Council.

The City shall not be, and is not, bound by any contract unless it complies with the requirements of this section and all other applicable requirements of the Charter.

The restrictions of this section shall not apply to a case of a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services as provided in Section 3-15.2 of the Charter.

(Ord. 3001 N.S. § 1)

#### ~~2-59.2 – Submission of Terms to Council.~~

~~Whenever any public works contract with the City of Alameda must be approved or authorized by the City Council, the head of the department or other employee of the City entering into such contract shall submit to the City Council for its approval the plans and specifications for the work, services and materials to be furnished the City under such contract.~~

#### **2-59.2 – Approval of Plans and Specifications**

In accordance with Government Code 830.6 the City Council hereby delegates to the City Engineer, or his or her designee, the authority to approve plans, specifications, and designs, and all amendments and addenda thereto, field changes through the change order process and/or approval of as-built plans for all city public works projects.”

(Ord. 3001 N.S. § 1)

#### 2-59.3 - Limitation and Power to Make Contracts.

- (a) Except as otherwise provided in the Charter or this Code, no employee of the City shall make any contract, obligating the City, or any department of the City, to make or receive payments of money or other valuable consideration for a period longer than five (5) years, unless such contract shall have been first approved by the Council.
- (b) For the purpose of this section, a contract obligating the City, or any operational department of the City, to make or receive payments or other valuable consideration for a period longer than five (5) years, shall include a contract which contains a provision, such as, but not limited to, an option clause, which allows for a cumulative period longer than five (5) years, said period calculated as of the date of execution of the contract.
- (c) Contracts for personal or professional services involving specialized knowledge, including, without limitation, architects, engineers, or accountants, in the amount of seventy-five thousand dollars (\$75,000.00) or more must be approved by Council.

(Ord. 3001 N.S. § 1)

#### 2-59.4 - Definitions.

The following definitions shall apply to the following terms used in this article:

"Contract" means any agreement, franchise, lease, or concession, including agreements for any occasional professional or technical personal services, for the performance of any work or service, the provision of any materials or supplies, or the rendition of any service to the City of Alameda or to the public, which is let, awarded or entered into with, or on behalf of, the City of Alameda or any awarding authority thereof.

(Ord. 3001 N.S. § 1)

### **ARTICLE V. - ADMINISTRATIVE PROCEDURES AND POLICIES**

#### 2-60 - ADMINISTRATIVE RECORD AND JUDICIAL REVIEW.

##### 2-60.1 - Purpose and Definitions.

- a. Purpose. The purpose of this section is to make applicable the provisions of California Code of Civil Procedure Section 1094.6 to appropriate proceedings conducted by Officers, Boards, Commissions or the City Council of the City of Alameda. All words used herein shall have the meaning given them by Section 1094.6.
- b. Definition. Decision making body shall mean the officer, board, commission or the City Council making a decision not reviewable by another officer, board, commission or the City Council.

(Ord. No. 1837 N.S.)

##### 2-60.2 - Request for Administrative Record.

A party may request a complete record of a proceeding subject to review pursuant to California Code of Civil Procedure Section 1094.5. The Secretary or Clerk of the decision making body shall prepare and deliver such record to the party within ninety (90) days of written request thereof.

(Ord. No. 1837 N.S.)

### 2-60.3 - Cost of Record.

The party shall pay the actual cost of preparing the record before delivery of the record.

(Ord. No. 1837 N.S.)

### 2-60.4 - Transcribing Proceedings.

All proceedings subject to review by administrative mandamus may be heard on written statements alone. If oral testimony is requested it may be recorded by:

- a. An agreed statement of oral testimony given, signed by the party giving it;
- b. Tape recording; or
- c. A certified shorthand reporter.

If ten (10) days notice is given, and subject to the provisions of subsection 2-60.2, City shall pay one-half (½) the cost of providing a certified shorthand reporter to attend a final proceeding.

(Ord. No. 1837 N.S.)

### 2-60.5 - Time for Judicial Review.

- a. Notice of Requirement. As part of a final decision subject to the provisions of this section the decision making body shall notify the part of the limitation of judicial review established hereunder.
- b. Time Limit. No judicial proceeding subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of the final decision plus any extensions authorized by California Code of Civil Procedure Section 1094.6.

(Ord. No. 1837 N.S.)

## 2-61 - BIDDING PROCEDURES ON PUBLIC PROJECTS AND GOODS AND SUPPLIES.

### 2-61.1 - Informal Bid Procedures.

~~Public projects, as defined by the Uniform Public Construction Cost Accounting Act, of seventy-five thousand dollars (\$75,000.00) or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.~~

Public projects, as defined by the California Uniform Public Construction Cost Accounting Act and in accordance with the dollar amount limitations listed in Section 22032 of the California Public Contract Code, as amended from time to time by the State Controller, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the California Public Contract Code."

(Ord. No. 2473 N.S. § 1)

### 2-61.2 - Contractors List.

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated by the California Uniform Construction Cost Accounting Commission.

(Ord. No. 2473 N.S. § 1)

#### 2-61.3 - Notice Inviting Informal Bids.

- a. Where a public project is to be performed which is subject to the provisions of this article, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with subsection 2-61.2, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notice at the discretion of the department/agency soliciting bids; provided however;
  1. If there is no list of qualified contractors maintained by County for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.
  2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.
- b. Notices shall be mailed not less than ten (10) calendar days before bids are due.
- c. Notices shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(Ord. No. 2473 N.S. § 1)

#### 2-61.4 - Award of Construction Contract.

~~The City Manager or his or her designee is authorized to award informal contracts pursuant to this subsection to the lowest responsible bidder.~~

~~In the event that all bids received are in excess of seventy-five thousand (\$75,000.00) dollars, the City Council may, by a resolution passed with a four-fifths (4/5) vote award the contract, at eighty thousand (\$80,000.00) dollars or less, to the lowest responsible bidder, if it is determined the cost estimate of the City was reasonable.~~

The City Manager or his or her designee is authorized to award informal contracts pursuant to this subsection to the lowest, responsive, responsible bidder.

If all bids received are in excess of the informal bid limits stipulated in PCC Section 22034(f), as amended from time to time, the City Council may, by passage of a resolution by a four-fifths vote, award the contract to the lowest, responsive, and responsible bidder if it determines the cost estimate of the City was reasonable."

(Ord. No. 2473 N.S. § 1)

2-61.5 - Relation to Work by Force Account.

Nothing contained herein shall affect the City's ability to perform work by force account as set forth by resolution.

(Ord. No. 2473 N.S. § 1)

2-61.6 - Goods and Supplies.

The above procedures shall also apply to the purchase of goods and supplies of twenty-five thousand (\$25,000.00) dollars or less.

(Ord. No. 2473 N.S. § 1)

2-61.7 - Joint Purchases with Public Agencies.

Subject to the provisions of subsection 2-62.2 and notwithstanding any other provisions of this chapter, materials, supplies, equipment, vehicles, apparatus, or other personal property or goods may be purchased together or in cooperation with any other city, county, state, federal or other public agency, including a joint powers authority, provided the purchase is the result of competitive bidding or proposal and is made in compliance with the competitive bid or proposal requirement of any participating agency or organization in a manner that is consistent with law.

(Ord. No. 2719 N.S. § 1)