

Ordinance No. 1637(17)

An Ordinance of the City Council of the City of Lompoc, County of Santa Barbara, State of California, Amending Lompoc Municipal Code Chapters 3.36 and 3.40

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 3.36 of the Lompoc Municipal Code is hereby amended and restated in its entirety to read as follows:

Chapter 3.36 PURCHASING

3.36.010 Adoption of Purchasing System.

In order to establish an efficient, equitable and uniform procedure for the purchase of materials, supplies, equipment, and services at the lowest possible cost commensurate with the quality needed, to exercise financial control over purchases, and to clearly define authority for procurement functions, the procurement system contained in this Chapter is adopted. All City procurement shall comply with applicable provisions of this Code and all relevant provisions of law, and shall be only of items and services for which the City Council has appropriated funds.

3.36.015 Definitions

“Act” means the UPCCAA.

“Administrative Hearing” means a proceeding to rule upon a protest of procurement.

“Administrative Hearing Officer” means an impartial and qualified person appointed by the City Manager to conduct Administrative Hearings.

“Bid” includes “offer” and “proposal” in the context of formal, informal, or negotiated procurements.

“Bidder” is a person or entity responding to a bid invitation.

“Bid Invitation” is a notice, in writing to potential responders, to submit bids to the City, when any award is to be made to the lowest responsive and responsible Bidder, subject to the City’s right to reject any and all bids.

“Communication” is contact in any form, directly or indirectly, by or between a Bidder or Proposer, on the one hand, and a Council Member or the Mayor, on the other hand, during the pendency of a competitive procurement, if that contact, directly or indirectly, is related in any way to that competitive procurement, regardless of whether the Bidder or Proposer, at the time of the communication, had yet to put forward, present, or sponsor a request, proposal, bid, or quote for consideration of a contract, if the Bidder or Proposer eventually does so.

“Competitive bidding” shall mean the offering procedure involving sealed bids to the City for materials, supplies, equipment or any public work or improvement, as described in this Chapter.

“Competitive procurement” shall mean and include the processes for competitive bidding, Request for Expression of Interest, Request for Proposals, and Request for Qualifications.

“Competitive procurement remains pending” shall mean until the competitive procurement is completed upon either the award of a contract, official notice from the City of cancellation of the competitive procurement or a determination by the Council not to award a contract; provided, that that determination is final and Council does not direct the re-initiation of the competitive procurement at the time it determines not to make an award of the contract.

“Days” shall mean business days, unless otherwise indicated.

“Disclosure” shall mean the writing, or oral statement entered in City Council proceedings, containing the information necessary to disclose a regulated communication.

“Elected official” shall mean the Mayor and each Council Member.

“Emergency Purchase(s)” as defined in this Chapter means the purchase(s), rental(s) or lease(s) of goods or services related to a Proclaimed Emergency or Disaster.

“Filing date or submission date” means the final date for receipt by the City Clerk or the Purchasing Agent.

“Formal purchase” means a procurement made in compliance with sealed bid procedures.

“Informal purchase” means a procurement made that does not require sealed bid procedures.

“Initiate” shall mean to cause a communication to begin to send, transmit, or convey information.

“Initiation of competitive procurement” means the issuance, publication or announcement by the City of a Request for Expression of Interest, Request for Proposals, Request for Qualifications, or Bid Invitation.

“Interested Party” means an actual bidder or proposer.

“Lowest bidder” means the party who submits the least expensive total monetary bid in response to a bid invitation.

“Mail” means any delivery service, such as the US Postal Service, UPS, FedEx, or other similar operation.

“Materials, supplies, equipment, and services” means all personal property and services, procured by the City, except professional services.

“Noncompetitive” or “sole source” procurement means any contract entered into without a competitive process, based on a justification (i) only one known source exists, (ii) only one single supplier can fulfill the requirements, (iii) due to emergency situations or (iv) a determination by the City Council to waive the competitive process, pursuant to Section 3.36.160 .

“Optional purchase” means a procurement below the level requiring procurement procedures for an informal purchase. Examples include procurements through negotiated contracts, purchase orders, or agency force accounts.

“PCC” means the California Public Contract Code.

“Proclaimed Emergency or Disaster” means (i) a State of Emergency proclaimed by the President of the United States or the Governor of the State of California for an area that includes the geographic territory of the City; or (ii) a local emergency proclaimed and currently in effect, as provided by this Code, Chapter 2.36.040 *Disaster* Council Powers and Duties.

“Procurement staff” means the Purchasing and Materials Manager, Economic Development Director/Assistant City Manager, Management Services Director, Public Works Director, Utilities Director, or other department director initiating the procurement being requested, or each designee of any of those persons.

“Proposer” means a person, other than personnel from a City division or department, who puts forward, presents, or sponsors an expression of interest, statement of qualification, request, proposal, or quote for consideration of a contract, including a bidder. A Proposer is also any agent or representative, or officer of a Proposer, and any person holding an ownership, beneficial, equitable or security interest in a Proposer. However, a commercial lending institution is not a Proposer if it merely holds a security interest as a result of a loan or loans, which are made in the lender’s regular course of business on terms available to members of the public without regard to official status.

“Protest determination” means a decision to deny or uphold a protest.

“Purchasing Agent” means the City’s Purchasing and Materials Manager or the person designated by the City Manager as the principal public purchasing official for the City.

“Public Exigency or Emergency” means a situation, related to a Proclaimed Emergency or Disaster, which demands immediate aid or action and/or presents an immediate threat to public health, life safety, or improved property, as further defined in administrative regulations or policies.

“Record” means the oral and written information conveyed to the City Council at or as part of a regular or special meeting through writings and statements in connection with a competitive procurement, and upon which the City Council could rely in considering whether to award a contract.

“Regulated communication” means any communication prohibited under this Chapter.

“Request for Expression of Interest” and “RFEI” means a solicitation to prospective proposers on a procurement opportunity. An RFEI may be issued in advance of an RFP to assist in the development of a more definitive set of terms and conditions, scope of work or service and the selection of qualified proposers. An RFEI does not contain all of the information a prospective proposer needs to provide a full bid or proposal response, and should not be construed as an RFP or notice inviting bids. The RFEI enables potential proposers to determine whether they have a serious interest in preparing a proposal or bid in response. The RFEI may be used

simultaneously with a RFQ when the proposed procurement is well-defined and the City has clear expectations for the procurement.

“Request for Proposal” and “RFP” means an invitation for providers of services or work to solicit the right to supply services or work to the City, when any award is to be made to a Proposer providing the best value in meeting the interest of the City and the objectives of the project, based on criteria, such as benefit to the City, qualifications, experience, and demonstrated ability, subject to the City’s right to reject any and all proposals.

“Request for Qualification” and “RFQ” means a City request for the submission of a statement of qualifications from interested potential Proposers, as a prerequisite to a bid or proposal for the right to supply materials, supplies, equipment, services or work.

“Resolution” means the formal withdrawal of a protest by the protestor, or written acknowledgement of protest resolution signed by the City and the protestor.

“Responsible bidder” means a party who submits a bid in response to a bid invitation who has the capacity, integrity, and ability to perform the particular requirements described in that bid invitation.

“Responsive bidder” means the party who submits a bid in response to a bid invitation that completely and satisfactorily responds to that bid invitation.

“Reviewing Officer” means the City Manager or designee.

“Simplified Acquisition Threshold” means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods, as set forth in Title 2 of the Code of Federal Regulations, Part 200, as it may be amended from time to time.

“Uniform Public Construction Cost Accounting Act” and “UPCCAA” means PCC sections 22000-22045.

“Writing” means a writing as defined in California Evidence Code section 250.

3.36.020 Authority of Purchasing Agent.

- A. Except as otherwise provided in this Chapter or any City-adopted regulation or rule, the Purchasing Agent shall serve as the principal public purchasing official for the City, and shall be responsible for the purchase of materials, supplies, equipment, and services, in accordance with this Code, and for the management and disposal of materials, supplies, and equipment. The Purchasing Agent shall use his or her best efforts to secure the acquisition of surplus materials, supplies, equipment, and services that is the most advantageous to the City and to the public. The legal form of specifications, formal and informal purchase contracts, warranties, bid and performance security, and similar matters shall be approved by the City Attorney. Consistent with this Code, and with the approval of the City Manager, the Purchasing Agent may adopt operational procedures relating to the execution of his or her duties.

- B. All purchases are conditioned upon specifications being met. The Purchasing Agent or designee shall inspect supplies, equipment, materials, and review services to determine if they meet specifications and may require any inspection or test necessary. Costs of testing will be charged to the department initiating the procurement.
- C. The Purchasing Agent shall supervise, operate, and maintain warehouse and storage facilities for the City and maintain inventory control records thereof. The Purchasing Agent shall supervise inter-department transfers of supplies and materials.
- D. The Purchasing Agent is authorized to sell and dispose of City property no longer of use in a manner providing maximum return to the City. The subject matter, manner, and timing of such sales shall be subject to the approval of the City Manager. Expenses of sale shall be a proper charge against the income therefrom. Any surplus shall be returned to the City's General Fund to offset the costs of disposal incurred by the Purchasing Agent, except that income exceeding \$3,000.00 from the sale of any item shall be credited to the fund previously charged with the purchase of such item. The disposition of unclaimed property is subject to Chapter 3.44 of this Code.
- E. The Purchasing Agent may delegate the responsibilities for the procurement of public projects to the Public Works Director or the Utilities Director.

3.36.025 Procurement of Public Projects.

Except as otherwise provided, public projects shall be procured in accordance with the UPCCAA, adopted and incorporated herein by this reference, three copies of which have been filed in the office of the City Clerk.

- A. Upon receipt by the City of notification by the State Controller's Office of any adjustment to the monetary limits proscribed by PCC section 22032, the notification shall be filed in the Office of the City Clerk and posted to the City's website. For reference purposes only, as of the date of adoption of this subdivision the current monetary limits established pursuant to the Act provide public projects of \$175,000 or less may be awarded through informal procedures set forth in the Act; and those of \$45,000 or less may be performed by the City's employees by force account or awarded, by negotiated contract or purchase order.
- B. Bid Solicitation
 - 1. Formal Bids. A notice inviting bid for a public project exceeding the monetary limit then in effect, pursuant to the Act, that requires a formal bid shall be promulgated in accordance with the Act.
 - 2. Informal Bids. For a public project not exceeding the monetary limit then in effect, pursuant to the Act, that requires a formal bid may be procured by informal procedures set forth in the Act, as summarized below. A notice inviting informal bids shall describe the project in general terms, state how to obtain more detailed information about the project, and include the time and place for submission of bids. The City shall mail a notice inviting bids to each appropriate contractor included on the list of qualified contractors, identified according to categories of work, developed

and maintained in accordance with the Act and in compliance with the criteria determined by the California Uniform Construction Cost Accounting Commission, or to all construction trade journals specified by said Commission, or to both groups, unless the product or service is proprietary. Mailing of notice to contractors and/or construction trade journals shall be completed at least ten calendar days before bid opening. Additional parties may be notified at the City's discretion.

3. No Bids. Public projects not exceeding the monetary limits then in effect, pursuant to the Act, that require either a formal or informal bid may be performed by force account by employees of the City or awarded, by negotiated contract or purchase order.
4. Optional Bids. If the City elects to procure a public project by a competitive bid, notwithstanding the fact that project may be under the monetary limits then in effect, pursuant to the Act, that require a formal or informal bid, then the procedures in Subdivision B. 2. of this Section are recommended.

C. Bid Security.

1. Bid security is required for all competitive sealed bids for public projects when the Public Works Director or Utilities Director estimates the price will exceed the monetary limit then in effect, pursuant to the Act, that requires a formal bid. The Purchasing Agent, Public Works Director, or the Utilities Director may require bid security for other public projects.
2. Bid security shall consist of a bond issued by a licensed and duly qualified corporate surety, or the equivalent in cash, money order, cashier's check, certified check, unconditional letter of credit, or other form satisfactory to the City Attorney.
3. Amount. Bid security shall equal at least 10% of the amount of the bid.
4. Rejection of Bids for Failure of Bid Security. When the notice inviting bids requires security, noncompliance or defective, inadequate, or incomplete security shall cause rejection of the bid as nonresponsive.
5. Withdrawal of Bids. If a bidder is permitted to withdraw a bid before contract award as provided in this Chapter, then no action shall be taken by the City against the bidder or the bid security.
6. Forfeiture of Security. Cash or checks shall be forfeited, and amount of the bonds or other approved form of security shall be paid to City by the bidder, and issuer of the bond or security, if the bidder depositing them fails to execute the contract within the time specified in the solicitation documents.

D. Bid Opening.

Formal Bids shall be opened publicly by the City Clerk or designee in the presence of one or more witnesses at the time and place specified in the invitation for bids. No bid shall be considered which has not been received at the place, and at or prior to the time, stated

in the notice inviting bids. No bid shall be considered, which is transmitted by electronic facsimile or electronic mail. The amount of each bid, the name of each bidder, its local address, principal place of business, and such other relevant information as the bid opener deems appropriate shall be announced and recorded. If no bids are received, then the procurement shall proceed as provided in PCC Section 22038.

E. Contract Award.

If a contract is awarded using the formal bid procedures, then it shall be let to the lowest responsive and responsible bidder. If two valid bids are identical and the lowest, then the City may accept either. For a public project that exceeds the monetary limit then in effect, pursuant to the Act, that requires a formal bid shall be awarded by the City Council. For a budgeted public project of less than the monetary limit then in effect, pursuant to the Act, that require a formal bid, the contract and other necessary documents may be awarded and executed, by the City Manager or designee. When informal bids are solicited for public projects, all valid bids received exceed the monetary limit then in effect, pursuant to the Act,, that requires competitive bidding, and if the City Council determines the City's cost estimate was reasonable, then the City Council may, by resolution passed by a vote of at least four members, award a contract to the lowest responsive and responsible bidder, up to 110% of that monetary limit.

F. Contract Security.

1. Security Required. When a public project contract exceeds the monetary limit, pursuant to the Act, that requires a formal bid is awarded, the following bonds or security shall be delivered to the City and shall become binding on the parties upon execution of the contract:
 - a. A faithful performance bond issued by a licensed and duly qualified corporate surety in an amount equal to 100% of the contract price, in a form satisfactory to the City Attorney, and
 - b. A labor and materials payment bond issued by a licensed and duly qualified corporate surety, insuring payment of lawful claimants thereunder, in an amount equal to 100% of the contract price, in a form acceptable to the City Attorney.
2. Authority to Alter Security Requirements. Nothing in this Section limits the authority of the City Manager to require other security in addition to performance and payment bonds, to require such bonds for any public project valued at a monetary amount less than the limits then in effect, pursuant to the Act, that require an informal or formal bid, to allow another form of security in lieu of performance bonds when otherwise permitted by applicable law, or, at the commencement of a public project contract or during its performance, to reduce the amount of performance or payment bonds when the City Manager determines and states in writing a lesser amount adequately protects the City.

- G. Substitution of Securities for Retained Funds. Contractors may substitute securities for any monies withheld by the City to ensure performance under public projects contracts, subject to the provisions and limitations of PCC Section 22300.

3.36.030 Bidding Procedures for Purchases of Materials, Supplies, Equipment and Services.

For consistency of procurement policies, monetary thresholds and implementing procurement regulations, the City shall utilize monetary limits for public projects then in effect, pursuant to the Act, for all City procurements except as otherwise provided in this Chapter. All contracts of the City with the same vendor for the purchase of materials, supplies, equipment, or services of an aggregate annual value exceeding the monetary limit, pursuant to the Act, that requires a formal bid, shall be awarded after compliance with the sealed bid procedures contained in this Section. All other such purchases shall be awarded either by (i) informal bids, if over the monetary limit then in effect, pursuant to the Act, that requires an informal bid or (ii) by a negotiated contract or purchase order, if within the monetary limit then in effect, pursuant to the Act, that allows that type of arrangement.

- A. Evasion of Provisions of Chapter Prohibited. Orders for materials, supplies, equipment, or services shall not be split into smaller orders or projects, artificially aggregated into larger orders or projects, or willfully mischaracterized or misclassified for purposes of evading the provisions of this Chapter.
- B. Invitations to Bid. Invitations to bid shall be issued by the Purchasing Agent and shall include adequately detailed specifications and contract terms applicable to the purchase.
- C. Public Notice. Public notice of invitations to bid shall be published at least ten calendar days prior to the date of bid opening on the City website and publicly announced by mail, email, fax or in a newspaper printed, published, or circulated in the City of Lompoc. The notice shall include a general description of the product or service required, and the place, date, and time of bid opening.
- D. Bid Opening. Bids shall be opened publicly by the Purchasing Agent or designee in the presence of one or more witnesses at the time and place designated in the invitation to bid. No bid shall be considered which has not been received at the place, and at or prior to the time, stated in the invitation for bids. No bid shall be considered which is transmitted by electronic facsimile, unless specifically authorized in the bid. The amount of each bid, the name of each bidder, and such other relevant information as the Purchasing Agent deems relevant shall be announced and recorded. If no bids are received, procurement may proceed without further compliance with competitive bidding requirements.
- E. Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Chapter. Bids shall be evaluated on the requirements set forth in the invitation to bid, and no such criterion shall be used unless set forth in the invitation to bid or in this Chapter. Evaluation criteria may include criteria to determine acceptability, including, but not limited to, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that will affect the bid price and be considered in evaluation of a bid shall be objectively measurable if possible, such as discounts, transportation costs, and total or life cycle costs.

- F. Correction or Withdrawal of Bids—Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted in the sole discretion of the Purchasing Agent when he or she deems appropriate. Mistakes may be corrected or withdrawn by written notice received prior to bid opening. Not more than three days after bid opening, corrections to a bid may be accepted only when a bidder shows by clear and convincing evidence a mistake was made, which made the bid materially different from what was intended and the mistake was made in completing bid documents rather than arising from an error in judgment, or carelessness in site inspection or reading plans and specifications. After bid opening, no changes in bid price or other bid component prejudicial to the City's interest or to fair competition shall be permitted.
- G. Award to Lowest Responsible Bidder. All contracts, that, subject to this Section require formal or informal bidding, shall be awarded to the lowest responsive and responsible bidder. Factors to be considered in determining the successful bidder are contained in Section 3.36.130 of this Code. If prices quoted or received in two sealed bids are equal, then either bid may be selected. Except for procurements made with Federal or State funds, or in cooperation with another public entity, the City's ultimate receipt of sales tax shall be credited in determining the lowest bid. The City Council may provide incentives, from time to time, for vendors supplying recycled products.
- H. Awarding Authority. Purchases exceeding the monetary limit that, pursuant to the Act, requires a formal bid shall be awarded by the City Council. Other budgeted purchases, subject to this section, may be awarded by the City Manager, or any person designated in writing by the City Manager, unless, at the time of approval of the City's budget, the City Council expresses a desire to review a specific requirement prior to purchase. The City Manager and the appointed designees may execute contracts and other necessary related documents on behalf of the City within their respective designated monetary authorities. At the request of the relevant department, contracts or purchase orders under this section may be increased by the Purchasing Agent, so long as no such increase exceeds, as applicable, 25% of the contract amount awarded by the City Council, 25% of the negotiated contract amount or 25% of the contract/purchase order amount.

3.36.040 Exceptions to Formal Bidding Procedures.

- A. Informal Purchases. For each purchase that, pursuant to Section 3.36.030 requires an informal bid or allows a negotiated contract to purchase order shall be let in accordance with the procedures established in this Section.
1. As far as practical, for any purchase subject to an informal bid at least three vendors shall be solicited to submit price quotations by use of sealed bidding methods, electronic facsimile, or electronic mail. Award shall be made to the vendor offering the lowest acceptable quotation that best meets the needs of the City. The names of vendors submitting quotations, their respective local addresses and principal places of business, and the date and amount of each quotation shall be recorded and maintained as a public record.

2. For all purchases by negotiated contract or purchase order the Purchasing Agent shall adopt operational procedures. The operational procedures shall, at a minimum, require the preparation and maintenance of written records adequate to document the procurement, properly account for the funds expended, and facilitate an audit of the small purchase made.

B. Sole Source Procurement.

1. For any purchase that exceeds the amount pursuant to Section 3.36.030 that allows a negotiated contract or purchase order, a contract for a purchase may be awarded without competition when the Purchasing Agent determines in writing, after conducting a good faith review of available sources, that there is only one source for the required materials, supplies, equipment, or services. The Purchasing Agent shall conduct appropriate negotiations as to price, delivery, and other terms. A record of sole source procurements shall be maintained as a public record and shall list each vendor's name, local address and principal place of business, the amount and type of each contract, the item(s) procured under each contract, and the identification number of the procurement file. Contracts for purchases let pursuant to this subdivision shall be awarded and executed in accordance with Subdivision 3.36.030(I) of this Chapter.
2. For any purchase that is equal to or less than the amount, pursuant to Section 3.36.030 that allows a negotiated contract or purchase order, shall be made in accordance with Subdivision A. 2. of this Section and do not require justification for sole source procurement.
3. A sole source procurement for services of the following contractual partners shall be made in accordance with Subdivision A. 2. of this Section and do not require additional justification for sole source procurement; provided, that the services are appropriated as part of the City's biennial budget.
 - a. Bank of America, NA for banking, debt service, and related services.
 - b. US Bank, NA for purchasing card, fleet fuel card, and trustee (debt service) services. Solicitation for replacement services related to Subdivision 3.36.040 B. 3. i. may be let under Subdivision 3.36.040 G. 6.

C. Emergency Purchases.

Supplies, Equipment, and Services. Notwithstanding any other provision of this Chapter, the Purchasing Agent may make or authorize others to make emergency purchases of materials, supplies, equipment, or services when there exists a substantial threat of interruption of services related to the public health, welfare, or safety if normal procedures are followed, provided that emergency purchases shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and the selection of the particular contractor shall be included in the contract file. Emergency procurements exceeding \$10,000.00 shall require approval of the City Manager or Management Services Director. As soon as possible, a record of each emergency procurement shall be made setting forth the vendor's name, the amount and

type of the contract, the terms of the contract, and the identification number of the purchasing file.

- D. Cooperative Purchasing. The Purchasing Agent may arrange for the City to enter an agreement involving the purchase of materials, supplies, equipment, vehicles, apparatus, or services in cooperation with another local, county, State, Federal, or other public entity, school district, joint powers authority, or the League of California Cities, provided that:
1. That agreement is the result of competitive bidding or negotiation and is made in compliance with the competitive bid or proposal requirements of any participating entity or organization,
 2. The purchase conforms to the City's specifications for the item,
 3. The estimated price of the purchase is lower than that estimated for the purchase, if made directly by the City pursuant to this Chapter, and
 4. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public agencies and public agency contracts negotiated to be available to other public agencies.
- E. Standardization. When supplies, materials, equipment, or services have been uniformly adopted or otherwise standardized, or when an item is designated to match others in use by the City, the purchase is not subject to this Chapter. Justifications for standardizations shall be recorded and maintained as a public record.
- F. Competitive Proposals. When the City determines conditions are inappropriate for the use of competitive bidding or sealed bidding is infeasible or contrary to the best interests of the City, a contract may be entered by use of the competitive proposal method. The facts supporting such a determination shall be recorded and maintained as a public record.
- G. Request for Proposals. The Purchasing Agent shall issue or approve a request for proposals describing the services or product to be procured, the format which proposals shall follow, the elements proposals shall contain, other appropriate requirements, and a statement of the time and place for the receipt and opening of sealed proposals. The request for proposals shall identify all significant evaluation criteria and the procedures to be used for evaluation and selection for negotiation and/or contract award.
1. Notice of Solicitation. Notice of a request for proposals shall be published at least ten calendar days prior to the date of proposal opening on the City website and publicly announced by mail, email, fax or in a newspaper of general circulation printed, published, or circulated within the City of Lompoc. The notice shall include a general description of the item or service required and the place, date, and time of proposed opening. The Purchasing Agent or department director may give such other notice as they deem appropriate.
 2. Proposal Opening. Proposals shall be opened publicly by the Purchasing Agent or designee in the presence of one or more witnesses at the time and place specified

in the request for proposals. The name of the proposer and such other information as the Purchasing Agent deems appropriate shall be announced and recorded. If no proposals are received, procurement may proceed without further compliance with competitive proposal requirements.

3. Proposal Evaluation. The City may, at any time, waive or modify any element of the request for proposals and/or any evaluation criterion. If so stated in the request for proposals, selection may be made, without negotiation, solely on the written submittals. If negotiation is elected, then the City may negotiate with one or all proposers that the City determines have a reasonable chance of selection, based on price and other factors stated in the solicitation.
4. Award of Contracts. All contracts of the City for purchases pursuant to sealed proposals shall be awarded to the responsive and responsible proposer whose proposal is determined to be the most advantageous to the City with price and other factors considered. The purchasing file shall contain a written summary of the basis on which the award is made. The City reserves the right to reject any or all proposals received. Contracts let pursuant to competitive proposals shall be awarded and executed in accordance with Sections 3.36.025 and 3.36.030 of this Chapter.
5. Professional Services Procurement. The procurement of the professional services of any architect, landscape architect, engineer, artist, environmental consultant, land surveyor, construction project manager, accountant, or other provider of professional services involving a high degree of technical or individual skill shall be based on demonstrated competence, the professional qualifications necessary for satisfactory performance of the required services, and a fair and reasonable price, after notice to a number of potential proposers adequate to permit reasonable competition consistent with the nature and requirements of the procurement. Proposers shall provide evidence the person or firm carrying out contract responsibilities possesses the expertise and experience to perform the requisite professional services. The contract file shall contain a written summary of the basis on which notice to potential proposers was given and on which the award was made. Professional services contracts, except as authorized below, shall be awarded in accordance with Subdivision 3.36.030 H. of this Chapter. Professional service contracts of the informal purchase limit or less may be awarded in accordance with Subdivision 3.36.030 H. of this Chapter by purchase order, and without competition, on the written recommendation of the department or division head. Professional services contracts of any amount for the preparation of environmental reports or special studies regarding private projects, when the project applicant has deposited the full amount of the contract, may be awarded by the Purchasing Agent, Economic Development Director/Assistant City Manager, Public Works Director, or the Utilities Director and executed by the City Manager or designee.

H. Other Purchases. The provisions of this Chapter do not apply to purchases of the following items, so long as funds have been properly appropriated therefor:

1. Materials, supplies, equipment or services from public or private nonprofit California corporations operating workshops serving the handicapped,

2. Books, periodicals, records, tapes, and similar materials used at the public library,
3. Software and other intellectual property,
4. Items and services acquired with Federal or State loan or grant funds when the terms and conditions of the loan or grant conflict with this Code,
5. Items and services acquired from the State of California or political subdivisions of the State of California including Joint Powers Authorities, including but not limited to Northern California Power Agency (NCPA), California Public Employees' Retirement System, and Santa Barbara Local Agency Formation Commission,
6. Insurance, insurance adjusting, legal, and related services. If a new appropriation is required or an existing appropriation is insufficient, then the City Manager or Management Services Director is authorized to bind coverage or otherwise provide for such services until the required appropriation has been approved.

3.36.050 Provisions Applicable to All Procurement.

The provisions of this Chapter apply to all procurement of public projects, materials, supplies, equipment, and services, including professional services, as further defined herein.

3.36.060 Maximum Economy.

All specifications shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the City's needs, but shall not be unduly restrictive. This policy applies to all specifications, including those prepared for the City by non-City employees.

3.36.070 Maximum Opportunity to Participate.

No City employee or agent shall draft or cause to be drafted any solicitation for bid or proposal so as to stifle competition. It is the responsibility of the Purchasing Agent and all department heads to encourage as wide a response as possible from qualified prospective vendors or contractors so as to permit reasonable competition consistent with the nature and requirements of the procurement, and to provide all qualified bidders and proposers, including women's business enterprises, minority businesses as defined in 49 C.F.R. Part 23, and small businesses as defined in Government Code section 14837, with a fair opportunity to enter the bidding process. The City is fully committed to substantially increasing the opportunity for participation in all phases of all City procurement by minority, female, disadvantaged, and small business enterprises.

3.36.080 Conflict of Interest.

No City employee shall participate in the solicitation or selection processes for any procurement of any kind when that employee has a relationship with a vendor or proposer which would subject that employee to the prohibition of Government Code sections 87100 or 1090 or any other applicable provision of law or the City's Conflict of Interest Code.

3.36.090 Unlawful Activity.

No City employee shall engage in or cause any conduct in connection with any phase of any procurement that might result in any unlawful activity, including, but not limited to, rebates, kickbacks, and other unlawful consideration.

3.36.100 Cancellation of Solicitation.

Any invitation to bid, request for proposal, and other solicitation may be cancelled, in whole or in part, when there is good cause therefor or when cancellation is in the City's best interests, as determined by the Purchasing Agent or City Council.

3.36.110 Rejection of Bids.

In its discretion, the City may reject any or all bids, proposals, offers, and other responses to any invitation, request, or other solicitation of any kind. Bids, proposals, offers, and other responses to any invitation, request, or other solicitation of any kind may be rejected by the City Council or the appropriate awarding authority specified in Subdivisions 3.36.025 D. or 3.36.030 H.

3.36.120 Reservations.

The City reserves the right to waive any informality or minor irregularity in a bid or proposal.

3.36.130 Basis of Award.

Unless bids are rejected as provided in this Chapter, City contracts, except for contracts entered pursuant to requests for proposals and exempted purchases, shall be awarded to the lowest responsible and responsive bidder. Criteria for determining the successful bidder include, without limitation, all of the following:

- A. The conformity of the supplies, materials, equipment, or services to the required specifications,
- B. The ability, capacity, and skill of the bidder to provide the supplies, materials, equipment, or services as required,
- C. The ability of the bidder to provide the required items or services within the time specified,
- D. The character, integrity, reputation, judgment, experience, efficiency, financial resources, and financial responsibility of the bidder,
- E. The ability of the bidder to promptly provide future maintenance, repair, parts, and service after purchase,
- F. The bidder's prior record of performance on other procurements or projects, including timely completion of performance, quality of products and work provided, and completion of projects within bid amount submitted and project budget,

- G. The bidder's involvement in prior or current litigation or contract disputes that could impair satisfactory performance of the contract to be awarded,
- H. The bidder's history of noncompliance with occupational safety and health requirements, labor statutes and regulations, and other local, State, and Federal laws, and
- I. Price.

3.36.140 Irresponsible Bidder.

If a bidder is rejected because of an adverse determination of that bidder's capability of performing the contract, then a written determination of irresponsibility, setting forth the basis of the finding, shall be prepared by appropriate City staff. The unreasonable failure of a bidder promptly to supply information in connection with an inquiry regarding responsibility may be grounds for a determination of irresponsibility. Staff shall send prompt written notice to the bidder of the evidence reflecting upon the bidder's responsibility that has been either received from others or adduced from independent investigation. The bidder shall be afforded an opportunity to rebut such adverse evidence and to present evidence of qualification. After consideration of the evidence and the rebuttal evidence, staff shall make a final determination of the lowest bidder's responsibility and promptly so notify the bidder in writing. A bidder aggrieved by any such determination may protest, as provided in Section 3.36.170 of this Chapter.

3.36.150 Security.

Security requirements shall be set forth in the solicitation. Bid bonds, performance bonds, payment bonds or other security may be required as the Purchasing Agent and a department director deem prudent to protect the City's interests. When the general law permits, there may be allowed, in lieu of bonds or securities, a cash deposit, an irrevocable letter of credit, a negotiable time certificate or time certificate of deposit issued by a savings bank, a savings and loan investment certificate, or other form of security acceptable to the City's Management Services Director and City Attorney; provided, that the City is the assignee or beneficiary of the security, and the security conforms to provisions required by the City Attorney. Bonds or other security shall not be used as substitutes for determination of a bidder's or proposer's responsibility.

3.36.160 Waiver of Bids.

When competitive bidding is impossible, impractical, undesirable, or unlikely to produce an advantage or other useful result, competitive bidding requirements may be waived. Waiver shall be authorized by the City Council or the appropriate awarding authority specified in Subdivisions 3.36.030(H) or 3.36.025(D) after their review of written justification for waiver provided by the department head initiating the procurement.

3.36.165 Notice of Intent to Award.

After the opening of a sealed or formal bid/proposal, and after the City has identified the awardee, a "Notice of Intent to Award" will be sent to all actual bidders or "Interested Parties" by mail, email, or fax at the option of the City. All applicable response periods will begin on the date the notice was sent identifying the awardee. The notice will include at least the following text:

“Protests must comply with the requirements of Sections 3.36.170 et seq. of the Lompoc Municipal Code, and be submitted no later than five business days after the date of this notice.”

3.36.170 Procurement Protest Procedures.

Procurements by formal bids for public projects, materials, supplies, goods and services may only be protested in accordance with this Section. Protests not complying with the provisions of this Section shall not be reviewed.

- A. Grounds for Protest. Any interested party may file a written protest on any of the following grounds:
 - 1. The existence of a significant defect, error or omission in the solicitation documents issued by the City,
 - 2. Failure of the City to follow the procedures of this Chapter,
 - 3. Failure of the City to apply correctly the standards of review, evaluation, or scoring of a bid or proposal as specified in the solicitation documents therefor,
 - 4. Award of the contract by the City to a bidder other than on the basis stated in the solicitation documents or
 - 5. Such other grounds as would state a cause of action at law or in equity.

- B. Disallowed Protest Grounds. Protests based on the following grounds shall not be considered:
 - 1. An evaluator’s professional judgment on the quality of a response,
 - 2. The proposer’s assessment of the agency’s needs or requirements, or
 - 3. Any grounds other than those listed above.

- C. Protest Filing and Delivery. Protests shall be in writing and hand delivered or sent by certified U.S. mail, return receipt requested:
 - 1. To the Purchasing and Materials Manager (for protests of purchases of materials, supplies, equipment, and services), or
 - 2. To the City Clerk (for protests related to public projects).

- D. Protest/Appeal Contents. Protest documents shall:
 - 1. Include the name, address, business telephone, email, and fax number of the protestor,

2. Identify the procurement or project under protest by name, solicitation number, and submission date,
 3. Contain a concise statement of the grounds for protest and the facts supporting such grounds; include all supporting documentation. Documentation submitted after filing will not be reviewed,
 4. State the form of relief requested,
 5. Be accompanied by a certified check or cashier's check made payable to the City of Lompoc in the sum as the City Council may establish from time to time as published in the City's Master Fee Schedule. Protests filed without the fee will not be reviewed, and
 6. Protestors may be represented by legal counsel at their own expense. Protestors shall bear all costs of the protest other than salary and personnel costs of City employees.
- E. Pre-Opening Protest Period—Solicitation Documents. Interested parties wishing to protest City solicitation documents must do so before the final date to accept bids and within five business days after the date the solicitation documents are issued or amended.
- F. Post-Opening Protest Period. In cases of protests involving aspects of City procurement other than solicitation documents, the following procedures apply:
1. Interested parties shall protest City procurement matters other than solicitation documents within five business days after notice of intent to award are mailed.
 2. In the case of informal public project bids (per Subdivision 3.36.025 D.), interested parties shall protest no later than two business days after notice of intent is mailed.
- G. Protest Process.
1. Procurement Staff Review. Upon receipt of a timely protest, procurement staff shall review all the submitted materials and create and retain a written record of their review. Not later than 20 days after receipt of the protest, procurement staff shall respond in writing to the protest and to each material issue raised in the protest.
 2. In the event of a timely protest, procurement staff shall not proceed with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted unless the City Manager determines the award of a contract without delay is necessary to protect substantial interests of the City.
 3. Procurement staff may elect, but are not obligated, to attempt to resolve the protest with the affected parties.
 - a. If procurement staff attempts resolution, then protestors shall be notified in writing of the date on which their matters shall be considered and shall be afforded an

opportunity to present evidence for consideration to the City and such technical or other staff as the City deems necessary.

4. Procurement staff shall make a protest determination to deny or uphold the protest and shall notify the protestor of that decision by mail. The decision notification shall include a statement the protestor has the right to appeal within five business days of the decision notification.

5. Administrative Hearings Protests of Procurements.

- a. Any protestor may appeal in writing the decision of the procurement staff to an Administrative Hearing Officer within seven days after the date of the procurement staff's written decision in conformity with this Section.
- b. A written request for administrative hearing shall be accompanied by a certified or cashier's check in the sum as the City Council may establish from time to time as published in the City's Master Fee Schedule, payable to the City of Lompoc, and shall be received by the Purchasing and Materials Manager (for goods or services) or City Clerk (for public projects) not later than seven days after dispatch of the procurement staff's protest determination sent by mail. The request for hearing shall include the specific grounds of the appeal.
- c. The City shall select and engage an impartial and qualified person to act as Administrative Hearing Officer in the pending protest. The protestor shall have the right to twice reject the selected Administrative Hearing Officer; provided, that the City is notified of such rejection in writing within three days after notice to the protestor of the name of the Administrative Hearing Officer.
- d. Protests shall be heard by an Administrative Hearing Officer, as soon as possible but not later than 60 days after the receipt of the protestor's request for hearing.
- e. Within 14 days after the hearing, the Administrative Hearing Officer shall forward to the City Council his or her written findings and recommendations regarding disposition of the protest. The City Council may adopt or reject all or part of the findings and may accept, reject, or modify the recommendations of the Administrative Hearing Officer or, alternatively, render an independent decision and directions for disposition of the protest and the progress of the solicitation and procurement at issue. The City Council shall review, consider and issue a decision regarding the protest, as soon as normal scheduling for agenda items for Council meetings can provide.
- f. All costs of the Administrative Hearing Officer and expenses of the protest shall be borne by the protestor. The sums deposited with the request for hearing shall be credited to the costs of the Administrative Hearing Officer and other hearing expenses. Any unexpended portion of the deposit shall be refunded to the protestor within 60 days following the exhaustion of the protestor's remedies.

- H. Protests of Federally Funded Procurements. If the protested procurement involves Federal funds, then the Administrative Hearing Officer shall accompany his or her

decision with notice to the protestor of the right to appeal to the appropriate Federal agency, which shall be identified by name and address. Such an appeal shall be filed with such agency within seven days of the date of the Administrative Hearing Officer's written decision/notice to the protestor. Appeals to the Federal Transit Administration shall comply with FTA Circular 4220.1 or the most current version as amended and supplemented from time to time.

3.36.175 Regulated Communications with the Mayor and City Council During Competitive Procurement Process.

- A. Applicability. This Section applies to competitive procurement, which may result in the award of a contract by the City Council, including competitive bidding, Request for Proposals, Request for Expression of Interest, and Request for Qualifications. It applies whether the procurement process is classified as legislative or otherwise. The requirements of this Section apply upon the initiation of competitive procurement and while the competitive procurement remains pending. Any communication (even if unintended or inadvertent) covered by this Section must be disclosed, as provided by this Section or any other applicable local, state or federal law or regulation.
- B. Regulation of Communications during Competitive Procurement—Notice of Regulated Communication Rule.
 - 1. No Proposer or Bidder shall initiate, engage in, or continue any communication to or with any elected official, and no elected official shall initiate, engage in, or continue any communication to or with any Bidder or Proposer, concerning or touching upon any matter which is the subject of a competitive procurement within the scope of this Section except as permitted in this Section.
 - 2. Only communications meeting the following requirements are allowed under this Section; a communication that is:
 - a. Made on the record in a regular or special meeting of the City Council,
 - b. Between or among elected officials outside of a regular or special City Council meeting; provided, that none of the communicants is an agent or representative of a Proposer or Bidder, or acting in concert with or at the behest of a Proposer or Bidder; and provided, further, that the communication is not prohibited under the Ralph M. Brown Act (California Government Code sections 54950 et seq.),
 - c. Part of the record presented to the Council as a result of being communicated to City staff involved in, and in the ordinary course of, the competitive procurement, or
 - d. An identical writing that is delivered simultaneously and by identical means to all elected officials, the City's Purchasing Agent, and the City Manager, at their respective official City offices; provided, that hand deliveries to the City's Purchasing Agency must be made by someone other than a Proposer or Bidder.

3. The regulated communication rule established by this Section and a reference thereto shall be set forth in each Bid Invitation, RFEI, RFP and RFQ, or in the respective specifications or other documents referred to therein.

C. Disclosure of Regulated Communications.

1. Any elected official and any Proposer or Bidder who has initiated, engaged in, continued in, or received, any regulated communication shall disclose that regulated communication, as provided in this Section.
2. A regulated communication shall be disclosed at the earliest feasible time, but in any event, it shall be disclosed no later than 24 hours or the next business day following such communication, whichever is earlier.
3. Disclosures shall be in writing, unless the regulated communication occurs on the date the Council is to consider award of the contract, in which case it may be orally disclosed on the record during the City Council proceedings concerning the subject procurement. Written disclosures shall be directed to the Purchasing Agent, and a copy filed with the City Clerk.
4. The disclosure shall contain all the information necessary to fully and fairly convey the substance of the communication. At minimum, disclosures shall include the following information:
 - a. Person making the disclosure,
 - b. Date, time and place of the regulated communication,
 - c. Identity of each person who initiated, engaged in, continued or received the regulated communication,
 - d. Copies of all written regulated communications,
 - e. Summary of all oral regulated communications,
 - f. Identity of all persons present during the regulated communication, and
 - g. Identification of subject competitive procurement and subject Proposer.
5. The City Clerk shall promptly distribute to all Council Members and the Mayor every disclosure filed pursuant to this Section.

D. Sanctions.

1. In accordance with the applicable procedures for the respective competitive procurement as referenced or set forth in the specifications of the respective Bid Invitation, RFEI, RFP or RFQ, a Proposer or Bidder violating this Section may be sanctioned as follows:

- a. Disqualification from the competitive procurement,
 - b. A finding of non-responsibility under the procurement, and
 - c. Setting aside by Council of any award of contract prior to its execution by both parties.
2. Those sanctions may be imposed in addition to any remedies provided by any other law or regulation.

E. Evaluation, Criteria, and Appeals. EVALUATION OF DISCLOSED COMMUNICATIONS—CRITERIA FOR IMPOSITION OF SANCTIONS—APPEALS.

1. The Purchasing Agent shall ensure the information, which is the subject of a disclosure, is reviewed, evaluated, and processed in accordance with applicable laws and regulations, this Section, and the specifications, criteria and requirements of the applicable competitive procurement.
2. The Purchasing Agent shall report the disclosure in the record of the competitive procurement, summarize the results of the evaluation of the disclosure, and make a recommendations on whether or not to impose sanctions concerning the regulated communication.
3. Before sanctions may be imposed, it shall first be established the subject Proposer or Bidder did initiate, engage in, or continue a regulated communication, and, if so, whether any of the following extenuating circumstances exist:
 - a. The regulated communication was inadvertent and did not affect the integrity or outcome of the procurement process,
 - b. The regulated communication was initiated by the Mayor or a Council Member, the subject Proposer or Bidder advised the Mayor or Council Member of the regulated communication rule, and the subject Proposer or Bidder did not continue or engage in the regulated communication, or
 - c. The regulated communication was made under bona fide mistake of fact or law, other than a mistake or ignorance of the provisions of this Section, and the regulated communication was not material to the procurement. A regulated communication may be deemed material if it relates to any provision of a Bid Invitation, RFEI, RFP, RFQ, or specifications or other documents referenced therein, including documents responsive to a Bid Invitation, RFEI, RFP or RFQ, unless the regulated communication is so obviously insignificant and unimportant that it could be objectively found that no reasonable person would have been influenced by it, or attached any importance to it.
4. In the absence of extenuating circumstances, the subject Proposer may be sanctioned under this Section if doing so is deemed consistent with the objectives of this Section and in the best interest of the City.

5. The subject Proposer or Bidder may appeal the determination of the Purchasing Agent if that determination forms a basis of his or her recommendation for imposition of a sanction in accordance with the appeal procedures specifically applicable to the subject Bid Invitation, RFEI, RFP, or RFQ. In the absence of such a specifically applicable appeal procedure, the subject Proposer or Bidder may protest the determination of the Purchasing Agency, in accordance with Section 3.36.170 of this Code.
6. If a disclosure is made subsequent to the posting of the City Council agenda, which includes notice of the consideration of the subject contract, then the City Council shall refer the matter back to the Purchasing Agent for his or her evaluation, and report and recommendations, in accordance with this Section.

3.36.180 Procurement During a Proclaimed Emergency or Disaster

This Section establishes the City's procurement practices to be followed in the event of an emergency or disaster, such that the City is able to effectively obtain the goods or services required in such circumstances.

- A. Purchasing authority during a Proclaimed Emergency or Disaster. In the event of a Proclaimed Emergency or Disaster, the following purchasing authority is granted:
 1. The department heads or their designees of the Police Department, Fire Department, Public Works Department, and any other department designated by the City Manager, have the authority to approve Purchases up to the Simplified Acquisition Threshold, following the procedures in Subdivision 3.36.030.H.
 2. The Purchasing Agent or his or her designee has the authority to approve Purchases up to \$500,000.00, following the procedures in Subdivision 3.36.030.H. The Finance and Administration Section Chief shall be a designee of the Purchasing Agent at any time the Purchasing Agent is not available to approve Purchases or conduct procurements as allowed in this Chapter.
 3. The City Manager or his or her designee has the authority to approve Purchases up to \$1,000,000.00, following the procedures in Subdivision 3.36.030.H.
 4. Purchases exceeding \$1,000,000.00 require the approval of a minimum of three City Council Members (including the Mayor). Such Purchases shall follow the procedures in Subdivision 3.36.030.H.
- B. Procurement procedures during a Proclaimed Emergency or Disaster.
 1. The regulations in Title 2 of the Code of Federal Regulations, Part 200, as it may be amended from time to time, are incorporated herein by this reference.
- C. Procedures for Competitive Procurements.
 1. Competitive procurements for Purchases below the Simplified Acquisition Threshold shall not be required to be formally bid.

2. Competitive procurements for Purchases equal to or exceeding the Simplified Acquisition Threshold shall be conducted in accordance with the following alternate purchasing procedures:
 - a. Public Announcement. For public posting of requests for proposals or solicitation of bids, the Purchasing Agent may use alternate posting requirements in lieu of normal requirements. Alternate locations may include the Emergency Operations Center, City Hall, the Lompoc Public Library, or other locations as specified by the Purchasing Agent. The Purchasing Agent may shorten the normal period for public announcement period to expedite award, but such period shall be not less than 24 hours.
 - b. Adequate Sources. The Purchasing Agent shall obtain competitive sealed bids or proposals from potential suppliers. The Purchasing Agent may use methods including but not limited to print, telephonic email, or online/Internet outreach in order to obtain these responses. The Purchasing Agent may shorten the typical period for responses to be submitted to expedite award, but such period shall be not less than 24 hours. A minimum of three responses from qualified sources shall be obtained. All bids or proposals received, including those deemed non-responsive by the Purchasing Agent, shall be counted toward meeting the minimum requirement.

D. Procedures for Noncompetitive Procurements.

1. Noncompetitive procurements may be used when one or more of the following circumstances exist:
 - a. Public Exigency or Emergency will not permit a delay resulting from competitive procurement,
 - b. The item is available only from a single source,
 - c. After solicitation of a number of sources, competition is determined inadequate, or
 - d. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
2. The authorized purchaser shall document the justification for noncompetitive procurement in accordance with established procedures.
3. When a noncompetitive procurement is used due to Public Exigency or Emergency, the procurement shall be limited to that portion of the work that must be performed immediately. Procurement for any additional work shall be conducted through competitive procurement procedures.

E. Post-Award.

1. Bid Protests. The Purchasing Agent may alter and/or shorten the normal bid protest process if Emergency Circumstances will not permit a delay resulting from the normal bid protest process, but such period shall be not less than 24 hours.
2. Posting of Contract Awards. All contracts awarded under this Chapter that would be presented to City Council under the normal award process shall be presented to the City Council at the next practicable opportunity to receive and file, and thereafter shall be publicly posted within 60 days of the award.
3. Authority to Cancel Procurements. The City Manager or his or her designee has the authority to rescind a Purchase contract for non-performance within 24 hours when a contractor or vendor, once awarded a contract, is unable to immediately perform under the terms of the contract.

F. Administrative Regulations or Policies. The Director of Management Services or his or her designee shall create written administrative regulations or policies to implement this Chapter, which shall include procedures requiring immediate notification to City Council if a disaster is declared by other than City Council and shall include mechanisms for notifying City Council of any purchases made (after the fact) that would have required City Council approval if there had not been an emergency.

SECTION 2: Chapter 3.40 of the Lompoc Municipal Code is hereby repealed in its entirety.

SECTION 3. Effective Date. This Ordinance shall be effective thirty (30) days after its adoption.

This Ordinance was introduced on August 15, 2017, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2017, by the following electronic vote:

PASSED AND ADOPTED this ___th day of ___ 2017, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Bob Lingl, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc