19.20.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO, CALIFORNIA, AMENDING CHAPTER 3.20 OF THE CHICO MUNICIPAL CODE PERTAINING TO FORMAL CONTRACT PROCEDURES

WHEREAS, the City of Chico ("City") is a Charter City, incorporated under the laws of the State of California, and has the power to make and enforce within its jurisdictional limits laws and regulations in respect to municipal affairs subject only to such restriction and limitations as may be provided in the Constitution of the State of California or provision of the City Charter; and

WHEREAS, Section 1110 of the City Charter requires all public works projects to be competitively bid whenever the estimated cost of such public works project is equal to or exceeds the cost of a public works project required to be competitively bid under the general laws of the state of California applicable to public works contracts; and

WHEREAS, design-build project delivery is a method of competitive bidding for public works construction delivery in which the design and construction functions are contracted by a single "design-build" entity; and

WHEREAS, public agencies have utilized design-build delivery methods for completion of public works projects and have experienced numerous benefits from utilizing this alternative competitive bidding method, including enhanced design quality, reduced costs to the public agencies, development of innovative solutions to construction and design challenges, accelerated schedules for project delivery and completion, and the ability of public entities to make and negotiate contractor selections based on qualifications, value, cost, and criteria in addition to price: and

WHEREAS, Chapter 3.20 of the Chico Municipal Code establishes that the award of City public works contracts requires selection of the lowest bid contractor; and

WHEREAS, the Chico City Council desires to amend Chapter 3.20 to permit the design-build delivery method for City projects, in accordance with the requirements of the Public Contract Code.

NOW, THEREFORE, BE IT ORDAINED the Council of the City of Chico does hereby adopt the following Ordinance amending Chapter 3.20 of the Chico Municipal Code as follows:

SECTION 1. Section 3.20.090 of Chapter 3.20 of Title 3 – "Design Build" – is hereby added to the City of Chico Municipal Code to read as follows:

3.20.090. Design Build.

Nothing in this chapter shall preclude the City from utilizing the design-build project delivery method as authorized by Section 1110 of the City Charter and in accordance with the provisions and requirements set forth in Public Contract Code Section 22160 et seq., as it may be amended from time to time and where the Director of Public Works - Engineering makes a written determination that utilizing such method for a particular project will promote efficiency

and will not hamper fair competition, and the City Council has adopted a conflict-of-interest 1 policy pertaining to such method. The City Manager shall adopt administrative policies and 2 procedures to implement this authorization and promote fair competition. 3 **SECTION 2.** CEQA. The City Council, on the basis of the whole record and exercising independent judgment, finds that this Ordinance is exempt from the provision of the California 4 Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen 5 with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. 6 **SECTION 3.** Severability. If any section, subsection, line, sentence, clause, phrase, or word 7 of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, 8 by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Chico hereby declares that it 9 would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision. 10 11 **SECTION 4.** Effective Date. The Ordinance shall be effective 30 days after its final adoption by the City Council. 12 **SECTION 5.** Certification. The City Clerk shall certify to the passage and adoption of this 13 Ordinance and shall cause the same to be published or posted in the manner required by law. 14 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its 15 duly noticed meeting held on August 20 , 2024, by the following vote: 16 AYES: Bennett, Tandon, van Overbeek, Winslow, Reynolds, Coolidge 17 NOES: None ABSENT: Morgan 18 ABSTAINED: None 19 DISQUALIFIED: None 20 ATTEST: APPROVED AS TO FORM: 21 22 23 Deborah R. Presson, City Clerk John W. Lam, City Attorney* 24 *Pursuant to The Charter of the City of Chico, 25 Section 906(E) 26 27 28