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OAKLAND

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____
10 DEC 15 PM 4:16

M. Morodemi

City Attorney

ORDINANCE No. 13051 C.M.S.

ORDINANCE MOVING OAKLAND MUNICIPAL CODE (OMC) SECTIONS 2.04.016 AND 2.04.017 TO NEW OMC CHAPTER 2.07, "GRANT AWARD APPROVAL," RENUMBERING SAID SECTIONS TO 2.07.100 AND 2.07.110, AMENDING OMC SECTION 2.04.015 AND CLARIFYING THAT THE PURCHASING ORDINANCE DOES NOT APPLY TO GRANT AWARDS

WHEREAS, as currently organized, the Oakland Municipal Code may cause the mistaken impression that the City's solicitation processes required for the purchase of goods and services (OMC section 2.04.010 et seq., the "Purchasing Ordinance"), e.g., the competitive bidding/RFQ/RFP processes, apply to the awarding of grants by the City to nonprofit and similar organizations providing service programs to the public at large; and

WHEREAS, the City has never intended that its goods and services solicitation processes, e.g., the competitive bidding/RFQ/RFP processes, apply to the awarding of grants by the City to nonprofit and similar organizations providing service programs to the public at large and has never required the application such processes to the awarding of grants; and

WHEREAS, these amendments clarify that City's solicitation processes for the purchase of goods and services in the Purchasing Ordinance apply to the purchase of goods and services by the City for the City's own use, and have not applied and do not apply to grant awards to support nonprofit and similar organizations providing service programs to the public at large; and

WHEREAS, these amendments clarify that the award of pay-go grants to third parties are distinct from the expenditure of pay-go funds for City goods and services; and

WHEREAS, each grant program must follow its own award rules, regulations, and procedures as specified by the federal government, state government, or other funding source; and

WHEREAS, these title and numbering amendments move these sections of the Oakland Municipal Code to a new chapter, entitled "Grants Award Approval"; and

WHEREAS, these title and number amendments make clear that the Purchasing Ordinance does not override those federal, state, and other funding source rules, regulations, and procedures; therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1.

There shall be a new in a new Chapter 2.07 “Grant Award Approval,” and the following Oakland Municipal Code Sections are renumbered as follows:

2.04.016 renumbered to 2.07.020

2.04.017 renumbered to 2.07.030

SECTION 2.

There shall be a new Section 2.07.010 -- Definitions, to read as follows:

“Pay-go” shall have the same meaning as defined in Section 2.04.010. See Section 2.04.018 for use of Pay-go for the purchase of services (professional or otherwise), goods, materials or equipment for capital improvements to City-owned facilities and not grants.

SECTION 3.

Oakland Municipal Code Section 2.04.015 is hereby amended to add, delete, or modify sections as set forth below. Additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; portions of the ordinance not cited or not shown in underscoring or strike-through type are not changed.

All The provisions of this chapter shall apply to city contracts for public works projects, public works construction projects, procurements and purchases (as defined in Section 2.04.010), and to services including, but not limited to, contracts for services that are professional, technical or scientific in nature as well as contracts for any other services. However, this chapter has not applied to and shall not apply to agreements for grants awards received or given by the City of Oakland to support nonprofit and similar organizations providing service

programs to the public at large, nor shall it apply to pay-go grants to non-City entities which are governed by Chapter 2.07.

SECTION 4. Severability. If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions, which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 18 2011, 20

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, ~~QUAN~~^{SCHAAF}, REID, and ~~PRESIDENT~~ BRUNNER -- 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: LaTonda Simmons
LaTonda Simmons
City Clerk and Clerk of the
Council of the City of Oakland, California

Introduction Date DEC 21 2010

DATE OF ATTESTATION: January 26, 2011