



Legislation Details (With Text)

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**On agenda:**      **Final action:** 3/2/2010

**Enactment date:** 3/2/2010      **Enactment #:** 5

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**Title:** Ordinance amending the Pittsburgh City Code, Title I, Administrative, Article VII: Procedures, Chapter 161: Contracts, by adding Section 161.13, entitled Special Requirements for City Contracts Competitively Bid and Managed through the PENNDOT ECMS.

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

**Code sections:**

**Attachments:** 1. 2010-0164.doc

Date	Ver.	Action By	Action	Result
3/3/2010	1	Mayor	Signed by the Mayor	
3/2/2010	1	City Council	Passed Finally	Pass
2/24/2010	1	Standing Committees		
2/23/2010	1	City Council	Waived under Rule 8	Pass
2/23/2010	1	City Council	Read and referred	

Ordinance amending the Pittsburgh City Code, Title I, Administrative, Article VII: Procedures, Chapter 161: Contracts, by adding Section 161.13, entitled Special Requirements for City Contracts Competitively Bid and Managed through the PENNDOT ECMS.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1. WHEREAS,** the Commonwealth of Pennsylvania Department of Transportation (“PENNDOT”) has implemented an internet based application called the Engineering & Construction Management System (“ECMS”) that automates the process of, *inter alia*, executing agreements, preparing and submitting bid packages, and construction management; and

**WHEREAS,** PENNDOT requires those municipalities receiving funding from or through PENNDOT for the construction of transportation projects to use ECMS exclusively; and

**WHEREAS,** using ECMS requires the City to revise certain current City Code contract requirements so that designated contracts may be bid and managed through ECMS.

**Section 2.** The Pittsburgh City Code is hereby supplemented at Title 1, Administrative, Article VII: Procedures, Chapter 161: Contracts, by adding Section 161.13, entitled Special Requirements for Contracts Competitively Bid and Managed through the PENNDOT ECMS as follows:

**Section 161.13: SPECIAL REQUIREMENTS FOR CONTRACTS COMPETITIVELY BID AND MANAGED THROUGH THE PENNDOT ECMS.**

(a) The Department of Public Works/Bureau of Transportation and Engineering shall specially designate those projects for which the City will be receiving funds from or through the Commonwealth of Pennsylvania, Department of Transportation (“PENNDOT”) for applicable transportation projects required to be bid and managed through PENNDOT's Engineering & Construction Management System (“ECMS.”) Contracts for projects included in this category shall be deemed “ECMS-designated contracts.”

(b) All ECMS-designated contract awards shall be subject to the City's Home Rule Charter and City Code, including those requirements set forth in this Chapter 161, with the exception of the following provisions, which shall take precedence over any inconsistent provisions of this Chapter 161:

1. Advertising shall be undertaken in accordance with the requirements of the City's Home Rule Charter, this Chapter, and ECMS procedures. The advertised bid announcement shall include notice of the time and place of the bid opening.
2. Bidder prequalification and other required pre-bid procedures shall be subject to all EMCS rules and regulations, which shall be available for inspection on the EMCS website and, upon request with reasonable advance notice, at the Department of Public Works/Bureau of Transportation and Engineering.
3. For purposes of this Section only, PENNDOT, through its Contract Award Unit, shall be authorized to receive, open, and award bids on the City's behalf.
4. All competitive bids shall be filed electronically via the ECMS website. For purposes of this Section only, the filing of sealed bids through the ECMS website shall be deemed to constitute sealed filing at the Controller's Office.
5. PENNDOT shall open bids online in real time pursuant to the ECMS system and according to the schedule set forth in the advertised bid announcement. The City Controller or his/her designee and a representative from the Finance Department shall monitor all online bid openings at the Controller's Office at the date/time set forth in the advertised bid announcement. Interested parties may also be present during the opening and bids shall be announced to those present.
6. PENNDOT shall award the subject ECMS-designated contract to the lowest responsible bidder on the City's behalf only after receipt of a “Concurrence to Award” final approval from the City.
7. Each ECMS-designated contract shall be executed electronically by EMCS-authorized representatives of the Department of Public Works and the Law Department after final receipt of a Signature Authorization Page signed internally by the Director of Public Works, the Director of Finance, approved as to form by the City Solicitor, and countersigned by the City Controller. That signature authorization page shall be attached to each EMCS-designated contract whenever that EMCS-designated contract appears in its hard-copy version.
8. After electronic execution, a hard copy of each ECMS-designated contract shall be filed with

the City.