Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed Finally
File created:	12/16/2016	**In control:**	Committee on Finance and Law
On agenda:	1/11/2017	**Final action:**	1/17/2017
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Effective date:	1/23/2017		

Title: Ordinance amending and supplementing the Pittsburgh Code at Title One: Administrative, Article VII: Procedures, Chapter 161: Contracts by amending section 161.01, “Adoption of County Procedure; Review of City Council”, adding a new section 161.01A to reflect current contracting requirements, and amending section 161.09, “Executing Contracts Exceeding the Councilmanic Amount; Countersignature and Accounts.”

Sponsors:

Indexes: PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

Code sections:

Attachments: 1. Summary 2016-1091

Date	Ver.	Action By	Action	Result
1/23/2017	2	Mayor	Signed by the Mayor	
1/17/2017	2	City Council	Passed Finally	Pass
1/11/2017	2	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
1/11/2017	2	Standing Committees	AMENDED	Pass
1/4/2017	1	Standing Committees	Held in Committee	Pass
12/20/2016	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code at Title One: Administrative, Article VII: Procedures, Chapter 161: Contracts by amending section 161.01, “Adoption of County Procedure; Review of City Council”, adding a new section 161.01A to reflect current contracting requirements, and amending section 161.09, “Executing Contracts Exceeding the Councilmanic Amount; Countersignature and Accounts.”

WHEREAS, the City has recently opted to retain administration of City contracts rather than have the County administer them; and

WHEREAS, in order to implement this change, certain changes to the City’s existing contracting practices are required; and

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1.

Section 161.01 of City Code is hereby amended as follows:

§ 161.01 CONTRACT AUTHORIZATION~~; ADOPTION OF COUNTY PROCEDURE~~

A. Every contract relating to City affairs shall be authorized by ordinance or resolution of City Council and shall be awarded ~~let in the manner prescribed by City Council~~ as required by applicable law and authorized regulations. Except in the case of contracts for the purchase of a general material, supplies and equipment, or for general maintenances and services, such ordinance or resolution shall designate the maximum amount authorized for such contract, and the account from which payment shall be made.

B. The City ~~will~~ may enter into one or more intergovernmental cooperation agreements with Allegheny County ~~to comply with the provisions of Act 47~~ regarding joint purchasing on the City's behalf. Such intergovernmental cooperation agreement and any amendments shall be presented to City Council for its approval **on an annual basis**.

C. The Director of the Office of Management and Budget may also enter into additional joint-purchasing agreements or participate in other joint purchasing associations (e.g. COGS) on behalf of the City, subject to **annual authorization of Council, and** requirements of applicable law.

Section 2.

The City Code is hereby further amended by adding Section 161.01A as follows:

Title One: Administrative, Article VII: Procedures, Chapter 161A: REQUIRED APPROVALS FROM CITY COUNCIL FOR DESIGNATED CITY CONTRACTS.

I. The following definitions are applicable to this Chapter unless otherwise specifically defined in other Sections:

   a. Commodities: Materials, supplies, goods, equipment, and/or personal property, including pre-packaged or “canned” computer software and intellectual property rights/licenses in relation thereto and combinations of any of the items included in this definition.

   b. Construction Contracts: Those contracts referred to in Section 161.24 of this Chapter that are used by the Department of Public Works, Bureau of Transportation and Engineering for construction projects, including those for construction, alteration, or repair of City buildings or structures.

   c. Councilmanic Amount: The Councilmanic Amount is the monetary amount that triggers a requirement for a written contract pursuant to Section 161.09 of this Chapter. For purposes of this Chapter, the Councilmanic amount is $3,000.

   d. Professional Services Contracts are those contracts defined in Section 161.02(A)(4) of this Chapter. This category includes contracts for the professional services of engineers and architects as further referred to in Section 161.24 of this Chapter.

   e. Non-Professional Services: Services other than Professional Services Contracts, subject to competitive bidding.

II. The Mayor, or his/her designee, are authorized to purchase all Commodities and enter into contracts for the furnishing of Non-Professional Services subject to the following requirements:

a. All purchases of Commodities and Non-Professional Services must be approved by the Director of the Office of Management and Budget or designee, subject to the provisions of Section 161.02, requiring award to the lowest responsible bidder as defined in Part (b) of that Section, or an exception enumerated in Part (a) of that Section.

b. All contracts and/or expenditures described in this Section with an estimated value at or below the Councilmanic Amount may be paid by the City Controller after the corresponding invoices and/or contracts have been placed on a supplemental agenda and approved by City Council resolution. A standard form detailing the use must accompany the request for it to be considered for approval.

c. Departments seeking to enter into Commodity or Non-Professional Services Contracts with an estimated value between $3,000 and $30,000 will be deemed to have received pre-authorization to solicit bids per Council's inclusion of such purchase or service in the applicable department's operating and/or capital budget for the relevant year.

i. To the extent that any such Commodity or Non-Professional Services Contracts are administered by the Office of Management and Budget, and a consultant or vendor is selected pursuant the quotation or other applicable procedure set forth in this Chapter, the resulting contract may be paid by the City Controller after the corresponding invoices and/or contracts have been placed on a supplemental agenda and approved by City Council resolution. A standard form detailing the use must accompany the request for it to be considered for approval.

ii. To the extent that any such Commodity or Non-Professional Services Contracts are administered by the Office of Management and Budget pursuant to a joint-purchasing agreement or through a joint-purchasing association as contemplated in Section 161.01 (C), City Council shall receive an annual list of current contracts available for use (including expiration dates) by the City during the upcoming calendar year from the Director of the Office of Management and Budget by no later than September 30.

iii. To the extent that any such Commodity or Non-Professional Services Contracts are administered by Allegheny County pursuant to the Joint-Purchasing Agreement as contemplated in Section 161.01(B), City Council shall receive an annual list of current contracts available for use (including expiration dates) by the City during the upcoming calendar year from the Director of the Office of Management and Budget by no later than September 30.

d. Departments seeking to enter into Commodity or Non-Professional Service Contracts with an estimated value of over $30,000 shall be deemed to have received pre-authorization to solicit bids via Council's adoption of the relevant annual Operating and/or Capital Budget.

i. To the extent that any such Commodity or Services Contracts are administered by the Office of Management and Budget and a consultant or vendor is selected pursuant to the competitive bidding procedures and requirements set forth in applicable law, the resulting contract may be paid by the City Controller after the corresponding invoices and/or

contracts have been placed on a supplemental agenda and approved by City Council resolution. A standard form detailing the use must accompany the request for it to be considered for approval.

ii. To the extent that any such Commodity or Services Contracts are administered by the Office of Management and Budget pursuant to a joint-purchasing agreement or through a joint-purchasing association as contemplated in Section 161.01(C), City Council shall receive an annual list of current contracts available for use (including expiration dates) by the City during the upcoming year from the Direcotr of the Office of Management and Budget by no later than September 30.

iii. To the extent that any such Commodity or Services Contracts are administered by Allegheny County pursuant to a Joint-Purchasing Agreement as contemplated in Section 161.01(B), City Council shall receive an annual list of current contracts available use by the City during the upcoming year from the Director of the Office of Management and Budget by no later than September 30.

e. Per Council's inclusion of a specified Construction Project in the relevant annual adopted Capital or Operating Budget, the Director of the Department of Public Works shall have Council pre-authorization to bid for a contractor for a Construction Contract pursuant to the competitive bidding procedures and requirements set forth in applicable law. Upon selection of a contractor, the Director of the Department of Public Works must thereafter present an authorizing resolution to City Council for final approval to enter into a Construction Contract with said contractor. Such authorizing resolution must include a "not-to-exceed" compensation amount **~~and~~, financial system ~~JD Edwards~~** account information**, and name of the proposed awardee(s)**.

f. Per Council's inclusion of a desired Professional Service in the relevant annual adopted Operating or Capital Budget, department directors and/or the Mayor shall have Council pre-authorization to seek Request for Proposals ("RFPs"), Requests for Qualifications ("RFQs") or quotes, as applicable per Section 161.02A of this Chapter, for Professional Services Contracts estimated to be valued over $10,000. Upon selection of a consultant pursuant to the competitive selection process set forth in Section 161.02, the applicable department director and/or the Mayor must thereafter present an authorizing resolution to City Council for final approval to enter into a Professional Services Contract with said consultant. Such authorizing resolution shall include a "not-to-exceed" compensation amount **~~and~~, financial system ~~JD Edwards~~** account information**, and the name of the proposed awardee(s)**.

Section 3.

Section 161.09 of City Code is hereby amended as follows:

§ 161.09 - EXECUTING CONTRACTS EXCEEDING THE COUNCILMANIC AMOUNT; COUNTERSIGNATURE AND ACCOUNTS.

Contracts for professional services involving an amount in excess of the Councilmanic amount shall be in writing and shall be executed in the name of the City by the director of the appropriate department and by the

Director of the Office of Management and Budget ~~Department of Finance~~. Contracts for non-professional services and/or goods involving an amount in excess of the Councilmanic amount shall be in writing and shall be executed in the name of the City by the Director of the Office of Management and Budget. ~~The~~ All contracts shall be approved as to form by the City Solicitor and shall contain a certified copy of the authorizing ordinance or resolution or a reference to the number and approval date thereof. ~~The~~ All contracts shall be countersigned by the City Controller who shall designate thereon the account to which each contract is charged, and shall number the contract in the order of its date. No contract shall be payable from any other account than that designated thereon, nor shall any contract become effective until the countersignature and account designation have been accomplished.