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R-20-2017

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD AND EXECUTE CERTAIN CONTRACTS, CONTRACT MODIFICATIONS, RENEWAL OPTIONS, CONTRACT EXTENSIONS AND ASSIGNMENTS; AUTHORIZING THE CITY MANAGER'S DELEGATION OF THAT AUTHORITY TO CERTAIN REPRESENTATIVES OF THE CITY; AND DESIGNATING THE MANAGER OF THE PURCHASING AND CONTRACTS DIVISION OF THE DEPARTMENT OF FINANCE AS THE CITY'S "AUTHORIZED REPRESENTATIVE" FOR PURPOSES OF NRS CHAPTERS 332 AND 338

WHEREAS, pursuant to Section 3.030(7) of the Las Vegas City Charter, the City Council may authorize the City Manager to execute those contracts delegated either specifically or generally to such person by the Council; and

WHEREAS, in order to facilitate the day to day operation of the City, the City Council hereby finds that there exists a need for the City Manager to be able to award and execute certain contracts, contract modifications, renewal options, extensions, assignments and other documents without having to submit the aforementioned documents to the City Council for award and to the Mayor for execution; and

WHEREAS, the City Council further finds that it is of benefit to the City to authorize the City Manager to be able to delegate all or a portion of the authority granted herein to his or her duly authorized representatives as set forth below; and

WHEREAS, the City is a political subdivision of the State of Nevada subject to the provisions of the NRS Chapter 332 (Purchasing: Local Governments) and NRS Chapter 338 (Public Works), which allows the City Council to designate a person to act as the "Authorized Representative" on behalf of the City Council in performing the purchasing and contract duties and functions required under these NRS Chapters; and

WHEREAS, the City Council further finds that it is of benefit to the City to designate the Manager of the Purchasing and Contracts Division of the Department of Finance as the "Authorized Representative" of the City Council in performing the purchasing and contract duties and functions required under the aforementioned NRS Chapters; and

WHEREAS, the City Council, by adoption of this Resolution, intends to provide for the more efficient operation of municipal government by (i) authorizing the City Manager to award and execute the documents more specifically described below, (ii) authorizing the City Manager's delegation of

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1 that authority to the representatives of the City more specifically identified below, and (iii) designating the
2 person authorized to act as the "Authorized Representative" for purposes of NRS Chapters 332 and 338.

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas,
4 Nevada, as follows:

5 A. CITY MANAGER'S AUTHORITY TO AWARD AND EXECUTE CERTAIN CONTRACTS,
6 AND TO APPROVE AND EXECUTE CONTRACT MODIFICATIONS, RENEWAL OPTIONS,
7 CONTRACT EXTENSIONS AND ASSIGNMENTS

8 1. Contracts. The City Manager is hereby authorized to award and execute any contract that
9 complies with the following:

10 (a) Does not involve any expenditure on the part of the City or does not involve an
11 expenditure on the part of the City that is (i) in excess of \$1,000,000 for public works projects procured
12 pursuant to the laws of NRS Chapter 338, (ii) in excess of \$500,000 for goods and services procured
13 pursuant to the laws of NRS Chapter 332, (iii) in excess of \$500,000 for CMAR pre-construction general
14 services procured pursuant to the laws of NRS Chapter 338, or (iv) in excess of \$50,000 for professional
15 services;

16 (b) Does not require the City to indemnify any other party thereto against any liability
17 that may arise thereunder unless (i) such party is a governmental entity and the indemnity does not waive,
18 and is subject to, the governmental liability limits of NRS Chapter 41 (Actions and Proceedings in
19 Particular Cases Concerning Persons), or (ii) the risk associated with the indemnity is within the
20 expenditure authority granted to the City Manager by this Resolution (as determined by the City Manager,
21 after appropriate consultation with the City Attorney's Office and other relevant staff), and the indemnity is
22 reasonable and customary for that type of contract;

23 (c) Is approved as to form by the City Attorney's Office;

24 (d) Is funded with an appropriation for that purpose, and is in the budget that was
25 approved by the City Council; and

26 (e) Complies with the requirements of the applicable Nevada Revised Statutes for the

1 procurement.

2 2. Contract Modifications. The City Manager is hereby authorized to approve and execute
3 any modification (including time extensions) to a contract (including a contract previously approved by the
4 City Council or pursuant to the authority granted under this Resolution) provided the cost of the
5 modification to the City does not exceed separately, or when added together with all previously approved
6 modifications, an amount no greater than 25% of the amount of the original award or \$50,000, whichever is
7 greater. Notwithstanding the foregoing, any modification over \$500,000 must be submitted to the City
8 Council for approval.

9 A contract modification which does not qualify under the parameters set forth above shall be
10 submitted to the City Council for approval. The City Manager shall reject any contract modification that is
11 repetitive in nature, violates professional contracting practices, or circumvents the intent of this Resolution
12 by splitting the contract modification in such a manner as to avoid submission to the City Council.

13 3. Renewal Options. The City Manager is hereby authorized to exercise any renewal option
14 granted under a contract including, without limitation, annual requirement contracts.

15 4. Contract Assignments. The City Manager is hereby authorized to execute any consent to an
16 assignment of a contract.

17 5. Contracts Approved by the City Council. The City Manager is further authorized to
18 execute those contracts approved by the City Council.

19 **B. CITY MANAGER'S AUTHORITY TO DELEGATE THE AWARD AND EXECUTION OF**
20 **CERTAIN CONTRACTS, CONTRACT MODIFICATIONS, RENEWAL OPTIONS, CONTRACT**
21 **EXTENSIONS AND ASSIGNMENTS**

22 1. Contracts. The City Manager may delegate to the Chief Financial Officer, Director of the
23 Department of Finance ("Finance Director") and the Manager of the Purchasing and Contracts Division of
24 the Department of Finance ("Purchasing and Contracts Manager"), the authority to execute contracts that
25 the City Manager is authorized to execute under Section A1 of this Resolution provided the contract does
26 not exceed the limits of authority set forth therein.

1 2. Contract Modifications. The City Manager may delegate his or her authority to execute
2 contract modifications granted under Section A2 of this Resolution to the following persons:

3 (a) The Chief Financial Officer, Finance Director and the Purchasing and Contracts
4 Manager, provided the modification does not exceed the limits of authority set forth in Section A2; and

5 (b) The Director of the Department of Public Works and the Director of the
6 Department of Field Operations, or their duly authorized representative(s), provided the modification (i)
7 does not exceed the limits of authority set forth in Section A2, (ii) modifies a public work contract
8 pertaining to their respective Department, and (iii) the modification individually, or taken together with all
9 prior modifications in the aggregate, does not exceed the amount of the contingency fund and/or
10 construction conflicts fund set aside by the Department of Finance for such project.

11 3. Renewal Options. The authority granted under Section A3 of this Resolution may be
12 delegated by the City Manager to the Finance Director and the Purchasing and Contracts Manager.

13 4. Contract Assignments. The authority granted under Section A4 of this Resolution may be
14 delegated by the City Manager to the Finance Director and the Purchasing and Contracts Manager.

15 5. Contracts Approved by the City Council. The authority granted under Section A5 of this
16 Resolution may be delegated by the City Manager to the Deputy City Managers, Chief Financial Officer,
17 Finance Director and the Purchasing and Contracts Manager.

18 C. DESIGNATION OF AUTHORIZED REPRESENTATIVE. For purposes of NRS Chapter 332 and
19 338, the Purchasing and Contracts Manager is hereby designated as the “authorized representative” of the
20 City Council as that term is defined and used therein, who shall take such actions authorized therein for and
21 on behalf of the City Council. However, the authority granted to the Purchasing and Contracts Manager for
22 the award of any contract is subject to the limitations as set forth in Section A1.

23 D. REPORTS AND CUSTODIAN OF RECORDS. The Department of Finance shall provide to the
24 City Council a quarterly report that identifies all of the contracts over the formal bidding thresholds
25 identified in NRS Chapters 332 and 338, or containing an indemnity provision, awarded in accordance with
26 this Resolution, which have been executed by the City Manager, or his or her authorized representative, for

1 the given quarter. The Purchasing and Contracts Division shall maintain a permanent record of the
2 documents executed pursuant to the authorization granted under this Resolution.

3 E. CITY COUNCIL AUTHORIZATION NOT PROHIBITED. Nothing in this Resolution prohibits
4 the City Manager, or the Purchasing and Contracts Manager acting as the Authorized Representative under
5 NRS Chapter 332 and 338, from seeking the review and/or approval of the City Council for any action
6 authorized to be taken by the City Manager and/or the Purchasing and Contracts Manager by this
7 Resolution.

8 BE IT FURTHER RESOLVED that this Resolution supersedes Resolution R-8-2017
9 previously adopted by the City Council.

10 PASSED, ADOPTED, AND APPROVED this 3rd day of May, 2017.

11 CITY OF LAS VEGAS

12 BY 
13 CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 
16 LuAnn D. Holmes, MMC
City Clerk

17 APPROVED AS TO FORM

18  4-12-17
19 Deputy City Attorney Date