

R-47-2000

RESOLUTION CONCERNING THE AUTHORITY OF THE CITY MANAGER TO APPROVE AND EXECUTE CONTRACTS, CONTRACT MODIFICATIONS AND RENEWAL OPTIONS TO PREVIOUSLY APPROVED CONTRACTS, AUTHORIZING THE DELEGATION OF THAT AUTHORITY TO CERTAIN DEPARTMENT DIRECTORS, DESIGNATING THE CITY'S AUTHORIZED REPRESENTATIVE FOR PURPOSES OF NRS 332.025 AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, the City Council has previously adopted Resolution R-71-94 at its regular meeting held on June 1, 1994, which provided certain authorization to the City Manager with regard to: (i) approving contract modifications, within certain limits, without the prior authorization of the City Council; (ii) approving contracts valued at \$25,000 or less which are not adapted to award by public bidding; and (iii) approving contracts for professional services provided the amount of any such contract does not exceed \$25,000;

WHEREAS, the City Council has also adopted Resolution R-56-97 establishing certain guidelines for the exercise of renewal options on contracts for goods and services by the Director of General Services;

WHEREAS, in order to facilitate the day to day operations of the City, the City Council hereby finds a need for the City Manager to be able to execute certain contracts, and to modify or exercise renewal options to existing contracts, without having to submit the contract, the contract modification or the renewal option to the City Council for approval;

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 the Department Directors and Division Managers as set forth herein;

WHEREAS, the City Council further finds that the Manager of the Purchasing and Contracts Division, Department of Finance, of the City is the person responsible for the proper administration of all purchases and contracts, or either of them, on behalf of the City;

WHEREAS, the City Council, by the adoption of this Resolution, intends to (i) authorize the City Manager to execute certain contracts, and modifications to existing contracts, (ii) authorize the City Manager to exercise renewal options to annual contracts under the guidelines set forth herein, (iii) authorize the delegation by the City Manager of all or a portion of the authority to approve contract modifications to the Department Directors designated herein, or their duly authorized representative(s), (iv) designate the person within the City authorized to act as the City's authorized representative for purposes of NRS 332.025; and (v) to supersede Resolutions R-71-94 and R-56-97 previously adopted by this Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, Nevada the following:

1. **Authority to Approve and Execute Contracts and Contract Modifications.**

a. The City Manager is hereby authorized to approve and execute:

(1) Any contract provided the amount to perform such contract does not exceed \$25,000 and the contract does not require the City to indemnify any other party thereto against any liability that may arise thereunder,

(2) Any modification (including time extensions) to a contract previously approved by the City Council provided the modification separately, or together with all previously approved modifications in the aggregate, does not exceed the amount of the contingency fund and/or construction conflicts fund, if any, established in connection with the contract, or the amount of \$25,000, whichever is greater.

b. The City Manager is further authorized to reject any contract modification that is repetitive in nature or circumvents the intent of this Resolution by splitting the contract

modification in such a manner as to avoid approval by the City. All such contract modifications shall be presented to the City Council for approval.

c. The City Manager shall maintain a permanent record of each contract and contract modification approved and executed pursuant to this authorization. Any contract or contract modification in excess of the limits set forth herein shall be submitted to the City Council for approval.

2. **Authority to Exercise Renewal Options.** The City Manager is further authorized to exercise any renewal option granted under a contract previously approved by the City Council including, without limitation, annual requirement contracts, under the following guidelines:

- a. The renewal option is specifically authorized by the contract;
- b. Unencumbered appropriations exist to continue the contract;
- c. The need for the good or services still exists;
- d. The vendor is in compliance with the contract terms;
- e. Any increase in cost for the renewal period is (i) within the limits, if any, specified in the contract, or (ii) based on an increased demand for goods or services by the City, or due to cost increases which can be justified through independent sources (such as, but not limited to, the consumer price index published by the United States Department of Labor, Short Range and Price Review published by McGraw Hill, or the price lists published by competing vendors); and
- f. A market survey or study indicates that a better price is not likely to be obtained by entering into a new contract.

The City Manager shall reject all such increases if rebidding the annual contract would be in the best interests of the City.

3. Delegation of Authority to Approve and Execute Contract Modifications.

The authority granted under Subsection a(2) of Section 1 of this Resolution to approve and execute contract modifications for contracts previously approved by the City Council may be delegated and assigned, subject to the same limitations and responsibilities imposed under Sections 1b and 1c, by the City Manager:

- a. To Director of the Department of Public Works of the City, or his or her duly authorized representative(s), for modifications (including change orders) pertaining to public work projects of the Department provided the cost of the modification separately, or together with all previously approved modifications in the aggregate, does not exceed the amount of the contingency fund and/or construction conflict fund, if any, established in connection with the previously approved contract, or \$25,000, whichever is greater, and
- b. To the Director of the Department of Finance and Business Services, or his or her duly authorized representative(s), for any and all other contract modifications provided (i) a written request as authorized herein has been received by the Director, and (ii) the cost of the modification separately, or together with all previously approved modifications in the aggregate, does not exceed the amount of the contingency fund and/or construction conflicts fund, if any, established in connection with the previously approved contract, or \$25,000, whichever is greater.

Except for the Department of Public Works which is provided for under Section 3a above, each Department Director of the City, or their duly authorized representative(s), for contract modifications not exceeding the amount of the contingency fund and/or construction conflicts fund, if any, or \$25,000, whichever is greater, and each Division Manager of each Department of the City, for contract modifications not exceeding \$10,000, is authorized to submit a request for the approval and execution of any contract modification to a previously approved contract pertaining to that Department, to the Director of the Department of Finance and Business Services, or his or her duly authorized representative(s).

4. **Delegation of Authority to Reject Contract Modifications and Exercise Renewal Options.** The authority granted under Sections 1b and 2 of this Resolution may be delegated by the City Manager to the Director of Finance and/or the Manager of the Purchasing and Contracts Division, Department of Finance and Business Services, of the City.

5. **Designation of Authorized Representative.** The Manager of the Purchasing and Contracts Division, Department of Finance and Business Services, is hereby designated as the authorized representative for purposes of NRS 332.025.

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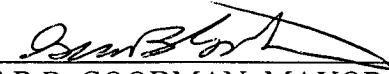
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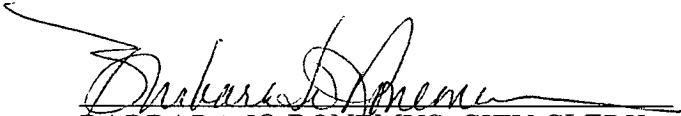
BE IT FURTHER RESOLVED that this Resolution supersedes Resolutions R-56-97 and R-71-94 previously adopted by the City Council.

PASSED, ADOPTED and APPROVED this 19th day of April, 2000.



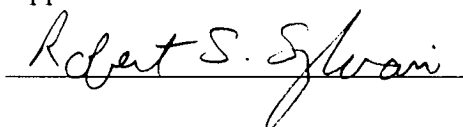
OSCAR B. GOODMAN, MAYOR

ATTEST:



BARBARA JO RONEMUS, CITY CLERK

Approved as to Form:

 4-10-00

Date