

**RESOLUTION R-145-2001**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE CONTRACTS, CONTRACT MODIFICATIONS, RENEWAL OPTIONS AND CERTAIN DOCUMENTS APPROVED BY THE CITY COUNCIL AND 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, pursuant to Section 3.03(7) of the Las Vegas City Charter, the City Council may authorize the City Manager to execute those contracts delegated to him or her by the Council; and

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, contract modifications, renewal options to existing contracts or other documents, without having to submit the aforementioned documents to the City Council for approval and to the Mayor for execution;

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 their authorized representatives as set forth herein;

WHEREAS, the City Council further finds that the Manager of the Purchasing and Contracts Division, Department of Finance and Business Services 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 authorize the City Manager to be able to (i) approve and execute the documents more specifically described below, (ii) delegate all or a portion of the authority granted herein to the City Manager to the Department Directors and their duly authorized representative(s) designated herein, (iii) designate the person within the City authorized to act as the City's authorized representative for purposes of NRS Chapter 332 and (iv) to supercede Resolution R-47-2000 previously adopted by this Council.

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

3  
4 **A. City Manager's Authority to Approve and Execute Contracts, Contract  
Modification and Certain Documents Approved by the City Council**

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6 **1. Contracts and Contract Modifications.**

7 (a) The City Manager is hereby authorized to approve and execute:

8 (1) Any contract provided the amount to perform such contract does  
9 not exceed \$25,000 and the contract does not require the City to indemnify any other party thereto  
10 against any liability that may arise thereunder,  
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12 (2) Any modification (including time extensions) to a contract  
13 previously approved by the City Council, provided the modification separately, or together with all  
14 previously approved modifications in the aggregate, does not exceed the amount of the contingency  
15 fund and/or construction conflicts fund, if any, established in connection with the contract, or  
16 \$25,000, whichever is greater.  
17

18 (3) Any modification to a contract previously approved by the City  
19 Manager pursuant to the authority granted under Section A1 (a)(1) above provided the modification,  
20 together with the original contract amount or all previously approved modifications in the aggregate,  
21 does not exceed \$25,000.  
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23 (b) Except as provided in Section A3, all contracts and contract  
24 modifications in excess of the limits set forth herein shall be submitted to the City Council for  
25 approval. The City Manager shall reject any contract modification that is repetitive in nature or  
26 circumvents the intent of this Resolution by splitting the contract modification in such a manner as  
27 to avoid approval by the City. All such contract modifications shall be presented to the City Council  
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1 for approval.

2 (c) The City Clerk shall maintain a record of each contract and contract  
3 modification approved and executed by the City Manager pursuant to this Resolution.  
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5 2. **Renewal Options.** The City Manager is further authorized to exercise any renewal  
6 option granted under a contract previously approved by the City Council including, without  
7 limitation, annual requirement contracts, under the following guidelines:  
8

- 9 a. The renewal option is specifically authorized by the contract;  
10 b. Unencumbered appropriations exist to continue the contract;  
11 c. The need for the good or services still exists;  
12 d. The vendor is in compliance with the contract terms;  
13 e. Any increase in cost for the renewal period is (i) within the limits, if any,  
14 specified in the contract, or (ii) based on an increased demand for goods or  
15 services by the City, or due to cost increases which can be justified through  
16 independent sources (such as, but not limited to, the consumer price index  
17 published by the United States Department of Labor, Short Range and Price  
18 Review published by McGraw Hill, or the price lists published by competing  
19 vendors); and  
20  
21 f. A market survey or study indicates that a better price is not likely to be  
22 obtained by entering into a new contract.  
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25 The City Manager shall not exercise the renewal option if rebidding the contract would be in the best  
26 interests of the City.  
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1           3.       **Documents Approved by the City Council.** The City Manager is further authorized  
2 to execute those documents which have been approved as part of the agenda of the Department of  
3 Finance and Business Services by the City Council and which pertain to, or are the administrative  
4 responsibility of, the Purchasing and Contracts Division such as, but not necessarily limited to, (i)  
5 joinder or use agreements authorized pursuant to NRS 332.195 (ii) contracts (including contracts  
6 awarded by the City Council pursuant to NRS 332.065, 338.1389 and 338.147) or contract  
7 modifications which exceed the limits set forth in Section A1 and, therefore, have been previously  
8 approved by the City Council, and (iii) assignments requested by a party in privity of contract with the  
9 City.  
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12           B.       **City Manager's Authority to Delegate Approval and Execution of Contracts,**  
13 **Contract Modification and other Documents Approved by the City Council**

14           1.       **Contract Modifications.** The authority granted under Subsection (a) of  
15 Section A of this Resolution to approve and execute contract modifications to contracts previously  
16 approved by the City Council may be delegated and assigned, subject to the same limitations and  
17 responsibilities imposed under Subsection (b) of Section A1 by the City Manager:  
18

19                   (a)     To Director of the Department of Public Works and the Director of the  
20 Department of Field Operations of the City, or their duly authorized representative(s),  
21 for those modifications (including change orders) which pertain to the public work  
22 projects of the respective Departments, provided, however the cost of the modification  
23 separately, or together with all previously approved modifications in the aggregate,  
24 does not exceed the amount of the contingency fund and/or construction conflict fund,  
25 if any, established in connection with the previously approved contract, or \$25,000,  
26 whichever is greater, and  
27  
28

1 (b) To the Director of the Department of Finance and Business Services,  
2 or his or her duly authorized representative(s), for any and all other contract  
3 modifications provided, however, the cost of the modification separately, or together  
4 with all previously approved modifications in the aggregate, does not exceed the  
5 amount of the contingency fund and/or construction conflicts fund, if any, established  
6 in connection with the previously approved contract, or \$25,000, whichever is greater.  
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9 Except for the Department of Public Works and the Department of Field Operations  
10 which are provided for under Section B1(a) above, each Department Director of the City, or their duly  
11 authorized representative, may request the Director of Finance and Business Services, or the Manager  
12 of Purchasing and Contracts, to approve and execute any contract modification to a contract previously  
13 approved by the City Council which pertains to that Department, provided the modification does not  
14 exceed the limits of authority set forth under Subsection (b) of Section B1.  
15

16 2. **Renewal Options.** The authority granted under Sections A2 of this Resolution may  
17 be delegated by the City Manager to the Director of Finance and/or the Manager of the Purchasing and  
18 Contracts Division of the Department of Finance and Business Services.  
19

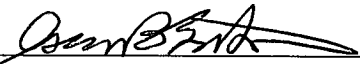
20 3. **Documents Approved by the City Council.** The authority granted upon Section  
21 A3 of this Resolution may be delegated by the City Manager to the Director of the Department of  
22 Finance and Business Services and/or the Manager of the Purchasing and Contracts Division of that  
23 Department.  
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25 C. **Designation of Authorized Representative.** Except for purposes of awarding a contract  
26 to the lowest responsive and responsible bidder pursuant to NRS 332.065 (whose responsibility shall  
27 remain with the City Council), the Manager of the Purchasing and Contracts Division is hereby  
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1 designated as the "authorized representative" of the City Council for purposes of NRS Chapter 332  
2 and NRS 338.141(3)(b) and shall take such actions authorized therein for and on behalf of the City  
3 Council unless he or she determines that such action should have the prior review and approval of the  
4 City Council.  
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6 BE IT FURTHER RESOLVED that this Resolution supercedes Resolution R-47-2000  
7 previously adopted by the City Council.

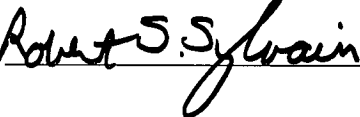
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9 PASSED, ADOPTED and APPROVED this 21<sup>st</sup> day of November, 2001.

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12 OSCAR B. GOODMAN, MAYOR

13  
14 ATTEST:

15   
16 BARBARA JO RONEMUS, CITY CLERK

17 Approved as to Form:

18  11-13-01  
19 Date