

Exhibit A
Charter Amendment Measure
Proposed Additions Shown as Underline
Proposed Deletions Shown as ~~Strikethrough~~

DRAFT
July 5, 2024

Section 1. Section 1310 of the Charter of the City of Santa Clara, entitled “Contracts on public works”, is amended and restated to read in its entirety as follows:

Sec. 1310 Contracts on public works.

Every contract involving an expenditure of more than ~~one~~ two hundred fifty thousand dollars (\$~~1,000,000~~250,000) for the construction or improvement, (excluding maintenance and repair), of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds (“Public Works Projects”) shall be let to the lowest responsive and responsible bidder after notice by publication in an official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

“Major Public Works Projects,” defined as projects estimated to cost greater than \$500,000, shall be subject to approval by the City Council. “Minor Public Works Projects” defined as projects estimated to cost \$500,000 or less shall be subject to approval by the City Manager.

The City Council or the City Manager, whichever is the approving authority, may reject any and all bids presented and may re-advertise in its discretion.

~~The City Council~~ Such approving authority, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees and, upon such determination, the City ~~after the adoption of a resolution to this effect by at least four affirmative votes, it~~ may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the ~~City Council~~ approving authority to be of urgent necessity for the preservation of life, health or property, ~~and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.~~

The City Council may adopt an ordinance to implement the terms of this Section. Such ordinance may include limited exceptions to the bid solicitation and award provisions set forth above, including special procurement rules for utility projects; provided, however, that any such exception(s) or special rule(s) shall be implemented as part of a City-wide policy or program determined to be in the best overall interests of the City.

Notwithstanding any provisions of this Charter to the contrary, the City may also employ a design-build process for the procurement of Public Works projects. A “design-build process” shall mean a process in which the design and construction of a Public Works Project are procured from a single entity. Prior to employing the design-build process, the City Council shall, by ordinance, establish solicitation and procurement procedures and standards to solicit, qualify, evaluate and select design-build proposals.

The provisions of this section of the Charter, and any and all provisions of City ordinances that are consistent and adopted in connection herewith, shall supersede any and all inconsistent state laws or regulations that may otherwise be applicable to the City's public works procurement processes.