

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE  
AMENDING CHAPTER 27.04 OF TITLE 27 OF THE SAN  
JOSE MUNICIPAL CODE TO ADD A NEW SECTION  
27.04.100 AND AMENDING SECTION 27.10.080 OF  
CHAPTER 27.10 OF TITLE 27 OF THE SAN JOSE  
MUNICIPAL CODE TO CLARIFY SECTIONS RELATED  
TO THE PROCUREMENT OF PUBLIC WORKS**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP10-068(c) (Code or Policy change that involve no changes in the physical environment); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** Chapter 27.04 of Title 27 of the San José Municipal Code is hereby amended to add a new section to be numbered and to read as follows:

**27.04.100 Inflation Adjustment**

The purpose of this Section is to comply with the requirement of Section 1217(b) of the Charter of the City of San José to set forth the manner in which the City will adjust for inflation the threshold amount used to define a Major Public Works Contract.

A. For the purposes of this Section, "CCI" means one of the following:

1. The Construction Cost Index published by the Engineering News Record for the geographical area that includes the City of San José; or
2. If the Engineering News Record stops publishing CCI, such other index – as is selected by the Director of Public Works – that is publicly-published and measures the cost of construction in the geographical area that includes the City of San José.

B. Every July 1, the Director of Public Works will adjust the threshold amount used to define a Major Public Works Contract in accordance with the following:

1. The Director of Public Works will determine the percentage increase or decrease in the CCI over the past year using the indices published most immediately preceding each July 1.
2. The Director of Public Works will multiply the threshold amount that is being adjusted by the percentage change calculated above in Section 27.04.100.B.1, round the resulting number up or down to the nearest ten thousand, and then adjust, if necessary, the threshold amount accordingly.

C. Each July 1, the Director of Public Works will post on the City's web site on a web page designated for such postings the applicable threshold amount used to define a Major Public Works Contract for the upcoming year.

SECTION 2. Section 27.10.080 of Chapter 27.10 of Title 27 of the San José Municipal Code is hereby amended to read as follows:

**27.10.080 Review and Approval**

- A. Before soliciting bids for a Major Public Works Contract, the Director will review the ~~bid documents~~ plans and specifications to determine if they are suitable for Public Bidding.
- B. The Director's signature on the front of the ~~bid documents~~ plans and specifications indicates the following:
1. The Director's determination that the ~~bid documents~~ plans and specifications are suitable for Public Bidding; and
  2. The Director's approval of the plan or design associated with the Public Works Project being undertaken by the City.

RD:GDS:CLS  
8/18/2020

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk