



---

**TO:** JOSILLA TOGIOLA, PURCHASING MANAGER  
**FROM:** FREDDY LOZA, LBM SUPERINTENDENT  
**CC:** ARLINGTON RODGERS, DIRECTOR OF PUBLIC WORKS  
**SUBJECT:** PURCHASING WAIVER - FORMAL BIDDING AND WRITTEN CONTRACT  
**DATE:** MAY 16, 2023

---

To expedite purchase of equipment needed by the Public Works Department, Public Works is requesting the Purchasing Manager to authorize waiver of the following, as permitted in the City's purchasing ordinance referenced below:

**Exceptions to Bidding Requirements for Purchases Other Than for Public Projects.**

*Section 2611(g). Cooperative Purchasing. The City, through the Purchasing Manager, may purchase materials, supplies, equipment, or services through a joint powers or other cooperative purchasing program with any local, county, State, or Federal public entity or entities, or any association of public agencies, including the California League of Cities, the California State Association of Counties, and the National Conference of Mayors, even if the contracts and implementing agreements entered into by the participating entity or association under those cooperative purchasing programs were not entered into pursuant to a process that resulted in the contract being awarded to the lowest responsible and responsive bidder under CMC 2610(i); provided, that the selected bidder was selected in compliance with the competitive bidding or proposal process requirements of any participating entity or association within three (3) years of City's approval of the City contract entered into with the selected bidder via cooperative purchasing. The price of the materials, supplies, equipment, or services may either be lower or higher than it would be if solicited directly by the City utilizing the lowest responsible and responsive bidder standard under CMC 2610(i).*

**Written Contract**

*2605(b)(ii) If the estimated value of an individual purchase is \$25,000 or greater over a fiscal year, then a separate written contract, in a form approved by the City Attorney, shall be required in addition to the purchase order requirement under subsection (a) of this Section. However, the Purchasing Manager has the sole discretion to waive this requirement.*

Formal bidding and a written contract would normally be required because the purchase is for an amount \$25,000 or more; here, the amount is **\$151,847.64**.

This purchase will be procured in accordance with the following cooperative purchasing agreement:

**Sourcewell Contract #011723-JDC, between Sourcewell and John Deere Construction Retail Sales**

The equipment to be purchased is as follows:

**(1) New 2023 John Deere 304 Wheel Loader**

This memorandum has been reviewed and approved by the City Attorney's Office

Request Approved:

---

Josilla Togiola, Purchasing Manager

May 16, 2023