CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Sunshine Reform Task Force

FROM: Tom Manheim

SUBJECT: CONTRACT BID AWARD EXCEPTION TO LATE MEMO PROHIBITION

DATE: April 10, 2007

At the last Task Force meeting on April 5, 2007, the Task Force discussed the City Council approved exceptions to the prohibition of late memos. Exception #2 would allow a late memo for, "Contract Bid Awards or procurement contracts where the initial memo was distributed to the City Council on time." During the discussion of this exception, Task Force Member Bob Brownstein asked whether this exception would also apply to a situation where the bid award is being challenged.

City procedures provide a five day window within which a bid award can be protested. If a protest is filed, staff defers the item and works with the protester to resolve the issues. Once the issue is resolved, staff would then move the bid award forward to the City Council. In the event staff is unable to resolve the protest issue, the item, including all information about the protest, would go to council with full noticing.

Since 2000, the City has awarded more than 1,300 contracts for capital improvement projects. Of those awarded, less than 5 have resulted in an unresolved bid protest that required City Council resolution.

TOM MANHEIM
Public Outreach Manager