

CITY OF MARCELINE, MISSOURI

Bill No: 16-10.041

Ordinance No: 16-09.40

AN ORDINANCE REPEALING ALL OF CHAPTER 125 UNDER TITLE I OF THE MUNICIPAL CODE AND ENACTING A NEW CHAPTER 125 IN LIEU THEREOF RELATING TO PURCHASING, CONTRACTING AND SAFETY TRAINING REQUIREMENTS

BE IT ORDAINED by the Council of the City of Marceline, Missouri as follows:

Section 1. Chapter 125 is hereby repealed in its entirety and a new Chapter 125 is hereby enacted in its place to read as follows:

"SECTION 125.010: SHORT TITLE

This Chapter shall be known and may be cited as the Purchasing Ordinance of the City of Marceline. (Ord. No. 4.106 §1, 6-16-87)

SECTION 125.020: DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

CITY MANAGER: Shall be designated as the Purchasing Agent for the City of Marceline.

CONTRACTUAL SERVICES: Includes all telephone, gas, water, electric light and power service; towel and cleaning service; insurance; leases for all grounds, buildings, office or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other City-owned personal property as well as all public works projects. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition.

SUPPLIES: Includes all supplies, materials and equipment.

USING AGENCY: Any department, agency, commission, bureau or other entity in the City Government using supplies or procuring contractual services as provided for in this Chapter. (Ord. No. 4.106 §2, 6-16-87)

SECTION 125.030: OFFICER OR EMPLOYEES-PROHIBITED TO SELL TO, OR PURCHASE FROM, CITY

A. It shall be unlawful for any officer or employee of the City to enter into any contract with the City for the purchase or sale of any commodity or service to the City or for any such officer or employee to sell to or purchase from the City any commodity or service except as hereinafter expressly provided.

1. Nothing herein contained shall apply to or prevent the payment for services rendered by an officer or employee in the performance of regular or established duties as such officer or employee.

2. Nothing herein contained shall apply to or prevent the purchase from the City by any person of services or commodities offered by the City to the general public for an established consideration.

B. It shall be the duty of the Council to remove from office any Councilman or officer or employee appointed by the Council who shall violate the provisions hereof; and it shall be the duty of the City Manager to discharge any officer or employee appointed or employed by him/her, who shall violate the provisions hereof.

C. If the Council shall find that the interests of good government and the welfare of the general public of

the City shall require deviation from the prohibitions hereby established, then the Council shall enact an enabling ordinance expressly authorizing such deviation.

D. Nothing herein contained shall apply to any contract with the City under which the rights of all parties thereto are finally fixed and determined and one (1) party thereto shall subsequently become an officer or employee of the City.

E. Any contract with or purchase by or from any firm, partnership or corporation in which any officer or employee of the City shall hold any substantial interest shall be deemed to be a contract with or purchase by or from such officer or employee.

F. The provisions hereof shall not be applicable to Firemen or employees of the Fire Department who are not regularly employed by the City on a salary basis. (Ord. No. 2.301 §§1) -9, 9-19-55)

SECTION 125.040: COMPETITIVE BIDDING REQUIRED

All purchases of, and contracts for supplies and contractual services, (except professional services) and sales of personal property which has become obsolete and unusable shall, except as specifically provided herein, be based wherever possible on competitive bids. (Ord. No. 4.106 §4, 6-16-87)

SECTION 125.050: FORMAL CONTRACT PROCEDURES

A. All supplies and contractual services, except as otherwise provided herein when the estimated cost thereof shall equal or exceed ten thousand dollars (\$10,000.00), shall be purchased by formal, written contract from the lowest and best responsible bidder, after due notice inviting proposals.

B. All sales of personal property, which has become obsolete and usable when the estimated value shall equal or exceed two thousand dollars (\$2,000.00), shall be sold by formal written bid to the highest responsible bidder, after due notice inviting proposals or through auction.

C. *Notice Of Inviting Bids.* The City Manager, or designee, shall solicit bids by direct mail, in person, by telephone, or by such other method as he/she may deem appropriate in order to receive competitive proposals.

D. *Bid List.* The agent may also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "*Bidders List*", which the agent may maintain, by sending them a copy of any solicitation material that will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to the commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

E. *Bulletin Board.* The agent may also advertise all pending purchases or sales by a notice posted on the public bulletin board in the City Hall. (Ord. No. 4.106 §5, 6-16-87; Ord. No. 4.106 §16, 6-16-87)

SECTION 125.060: BID DEPOSIT-REQUIREMENT-REFUNDS-FORFEITURES

When deemed necessary by the City Manager, or when requested by a using agency or when directed by the City Attorney bid deposits shall be prescribed in inviting bids. An unsuccessful bidder shall be entitled the return of his/her surety when the City Manager has required such. A successful bidder shall forfeit any surety required by the agent upon failure on his/her part to enter a contract within ten (10) days after the award. (Ord. No. 4.106 §6, 6-16-87)

SECTION 125.070: BID OPENING PROCEDURE

A. *Sealed Bids.* Bids shall be submitted sealed to the City Manager and shall be identified as bids on the envelopes.

B. *Bid Opening Procedure.* Bids shall be opened in public at the time and place stated in the public notices.

C. *Tabulation.* A tabulation of all bids received shall be made available for public inspection upon request. (Ord. No. 4.106 §7, 6-16-87)

SECTION 125.080: TABULATION OF BIDS

The City Manager shall have the authority to tabulate the bids for contractual services included in the proposed contract and shall make a recommendation to the Council. (Ord. No. 4.106 §8, 6-16-87)

SECTION 125.090: BIDDERS IN DEFAULT TO THE CITY

The City Manager, or their designee shall not accept the bid of a vendor who is in default on the payment of taxes, licenses or other monies to the City. (Ord. No. 4.106 §9, 6-16-87)

SECTION 125.100: RESPONSIBLE BIDDER

Contracts shall be awarded to the lowest responsible bidder. In determining "*lowest responsible bidder*", in addition to price, the City Council shall consider:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts and services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of conditions attached to the bid. (Ord. No. 4.106 §10, 6-16-87)

SECTION 125.110: AWARD TO OTHER THAN A LOW BIDDER

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the City Manager at the direction of the City Council and filed with the other papers relating to the transaction and shall be made available to the public on request. (Ord. No. 4.106 §11, 6-16-87)

SECTION 125.120: TIE BIDS

A. *Local Vendor*. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder.

B. *Outside Vendor*. Where Subsection (A) is not in effect, the agent shall award the contract to one (1) of the bidders by drawing lots in public. (Ord. No. 4.106 §12, 6-16-87)

SECTION 125.130: INFORMAL PURCHASING PROCEDURES

A. All purchase of supplies and contractual services over two thousand five hundred dollars (\$2,500.00) but less than ten thousand dollars (\$10,000.00) shall be made upon the basis of at least three (3) quotations (written or verbal) from qualified vendors. The City Manager shall approve a lesser number of bidders, depending on the circumstances, such as: Availability and number of bidders handling the product or service; maintenance and service capabilities; non-standard or technical items.

B. Awards will be made within thirty (30) days of the date bids are to be received, or all bids will be rejected. Bids shall be awarded to the lowest responsible bidder in accordance with the provisions of this Chapter. (Ord. No. 4.106 §13, 6-16-87)

SECTION 125.140: AWARD OF CONTRACT

The Council, upon receiving the tabulation and recommendation of the City Manager, shall award the contract to the lowest responsible bidder, but shall have the right to reject any and all bids. (Ord. No. 4.106 §14, 6-16-87)

SECTION 125.150: PERFORMANCE BOND

The City Manager shall have the authority to require a performance bond before entering a contract in such amount as he/she shall find reasonably necessary to protect the best interest of the City or as required by law. (Ord. No. 4.106 §15, 6-16-87)

SECTION 125.160: EXCEPTIONS TO BID PROCEDURE

Notwithstanding the provisions of this Chapter, purchase of items or services pursuant to this Chapter may be made which are not in conformity with this Chapter under the following circumstances:

1. *Single-source purchases.* In the event there is only one (1) acceptable vendor capable of furnishing a particular service or commodity, the City Manager shall be authorized to procure such service or commodity without bidding. The City Manager shall document the particular facts which make the item a single-source purchase, and the City Manager must approve the purchase. The reason for avoiding single-source purchases is to avoid bias or preference for a particular product made by a particular company.

2. *Emergency purchases.* Where an emergency situation requires immediate purchase of supplies or services and time is of the essence, the City Manager shall be authorized to procure the supplies or services needed without bidding. The City Manager shall maintain a written record of the circumstances surrounding emergency purchases and the City Manager must approve the purchases. All emergency purchases in excess of ten thousand dollars (\$10,000.00) shall be documented and presented to the City Council within ten (10) calendar days of the expenditure.

3. *Situations calling for competitive negotiations.* Where it can be demonstrated that the City receives the best value on a purchase through informal discussion and bargaining rather than through the conventional bidding process, the City Manager shall not be required to follow the conventional bidding process exclusively. Such purchases shall be documented and approved by the City Manager or Mayor. Examples would include, but not be limited to, circumstances when time is a crucial factor, when the procurement involves high technology items, or when there is obvious inherent economy in purchasing from a particular vendor.

4. *Cooperative purchasing.* Established purchasing procedures should not apply to purchases made by, through, or with the Division of Procurement of the State of Missouri or any other governmental agency or unit with whom the City is permitted to engage in cooperative purchasing.

5. *Confidential expenditures.* Confidential expenditures such as payments to informants, purchase of materials as evidence (such as narcotics), or other uses as may be required by law enforcement personnel working in an undercover capacity cannot be subject to normal purchasing procedures. At such time as the circumstances require such expenditures to be made by the City, an imprest cash fund controlled by a bonded officer of the City shall be established. All disbursements made from such fund shall be approved by the Chief of Police and shall be documented by written vouchers showing date, amount, nature of expenditure, signature of requesting officer or agent, and approval of the Chief of Police.

SECTION 125.080: SAFETY TRAINING REQUIREMENTS.

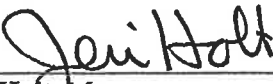
A. The Project approved by this Ordinance is subject to the requirements as set forth in HB 1549 pertaining to public works projects contracts, as further defined in Section 295.675, RSMo, which requires all contractors and subcontractors doing work on public project contracts to require its on-site

employees to complete a ten (10) hour course in construction safety and health approved by the Occupational Safety and Health Administration (OSHA) or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as the approved OSHA program. The training must be completed within sixty (60) days of the date the work on the Project commences. On-site employees found on the worksite without documentation of the required training shall be given twenty (20) days to produce such documentation.

B. The request for bid(s) for such Projects shall specify the requirements of Section 292.675, RSMo, and shall include a notice of the penalties for the contractor's failure to comply with Section 292.675, RSMo.

Section 2. This ordinance shall be in full force and effect from and after the date of its passage.

PASSED THIS 18th DAY OF October, 2016.



Jeri Holt, Mayor

ATTEST:


Lindsay Krumpelman, City Clerk