

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY CODE RELATED TO THE PURCHASING POLICY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. That City Code Section 165.120 is hereby amended to read as follows: (language to be added is underlined; language to be deleted contains a ~~striketrough~~):

Section 165.120. Procurement Methods.

A. Situations when ~~competitive sealed~~ bidding is required:

1. City officials are prohibited from selling or providing services to the City in excess of five hundred dollars (\$500.00) per transaction or five thousand dollars (\$5,000.00) in one (1) year, unless public notice is given and bids are submitted. The official must submit the lowest bid or offer in order to be awarded the contract.
2. Entering into an agreement with a risk management fund in accordance with Section 376.696, RSMo.
3. Purchase of health insurance in compliance with Section 67.150, RSMo.
4. Work under special assessment as authorized by Chapter 88, RSMo.
5. Use of Construction management services in accordance with Section 8.679, RSMo.
6. As required pursuant to Section 165.130 of this Chapter.

~~B. Competitive sealed bidding requires publicly solicited sealed bids and a firm fixed price lump sum or unit price contract is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the advertisement for bid, is the lowest and best bid. To facilitate competitive bidding, a list of prospective contractors for each type of activity should be invited to bid.~~

~~Public solicitation shall include posting of the bid solicitation on the City's website and notification of bidders listed on the City's public bidder's list and placement in plan rooms to ensure solicitation from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids. All bids must be opened publicly at the time and place stated in the invitation to bid.~~

~~C. Construction (Public Works) Project Contracts. Project specifications and bid documents shall be prepared in writing and City Attorney review is required for liability purposes.~~

~~1. Prevailing wage rates required on construction of public works for projects over seventy five thousand dollars (\$75,000.);~~

~~2. Work authorization required for contracts in excess of five thousand dollars (\$5,000.00);~~

~~3. Bid bonds for contracts exceeding twenty five thousand dollars (\$25,000.00), equivalent to five percent (5%) of bid price;~~

~~4. Contracts over twenty five thousand dollars (\$25,000.00) to provide performance bond for one hundred percent (100%) of contract;~~

~~5. Contracts over fifty thousand dollars (\$50,000.00) to provide payment bond for one hundred percent (100%) of contract.~~

Section 2. That City Code Section 165.130 is hereby amended to read as follows: (language to be added is underlined; language to be deleted contains a ~~strikethrough~~):

Section 165.130. Bidding Process, Purchase Order Requirements, and Approval Levels.

~~A. Department Heads must maintain records that document the rationale for the method used for procurement, selection of the contract type, contractor selection or rejection, and the basis for the selection including cost or price. In addition, all contracts, other than purchases under ten thousand dollars (\$10,000.00), shall contain provisions, which describe administrative, contractual, or legal remedies when contractors violate contract terms and provide for appropriate damages.~~

A. Table A-10, set out in Section 165.150 of this Chapter, establishes bidding process requirements, purchase order requirements, and approval levels.

B. Micro-purchases may be made by the Department Head without obtaining price quotes, but Department Heads are expected to obtain the lowest price and best value possible under the circumstances.

C. Written proposals may be obtained through informal means: via e-mails from providers or from published catalogues or price lists (paper or digital). The Department Head may phone a supplier to request an e-mail quote or send an e-mail request for a quote if the goods or services being purchased are best described in writing. Documentation should include the vendor, item specification, total quote, and date. No specific number of written proposals are required, but reasonable efforts should be made under the circumstances to obtain at least **three** proposals. Department Heads are expected to obtain the lowest price and best value possible under the circumstances.

~~B-D. Sealed bidding must be handled as a formal invitation for bids/request for proposals for a firm-fixed price lump sum or unit price to be awarded to the bidder whose bid, conforming to all the material terms and conditions of the bid, is the lowest and best bid, after due opportunity for competition which shall include at a minimum posting of the bid solicitation on the City's website.~~

Section 3. That City Code Section 165.144 is hereby added to read as follows:

Section 165.144 Contract Provisions for Public Works Projects

The following contract provisions are required for public works projects.

1. Prevailing wage rates required on construction of public works for projects over seventy-five thousand dollars (\$75,000.);
2. Work authorization required for contracts in excess of five thousand dollars (\$5,000.00);

3. Bid bonds for contracts exceeding fifty thousand dollars (\$50,000.00), equivalent to five percent (5%) of bid price;
4. Contracts over fifty thousand dollars (\$50,000.00) to provide performance bond for one hundred percent (100%) of contract;
5. Contracts over fifty thousand dollars (\$50,000.00) to provide payment bond for one hundred percent (100%) of contract.

Section 4. That City Code Section 165.150 is hereby amended to read as follows:

Section 165.150. Table A-10 to this Chapter.

Approval requirements:

Dollar Value	Budget Monies Available	Micro Purchases	Written Proposals	Sealed Bidding	Department Head Approval	Purchase Order Required	Finance Department Approval	City Manager Approval	City Council Approval
<3,499.99	●	●			●				
<\$14,999.99	●	●			●	●	●	●	
>\$15,000	●		●		●	●	●	●	
>\$50,000	●			●	●	●	●	●	●

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage.

INTRODUCED IN WRITING, read by title two times, passed and approved this _____ day of _____, 2023.

Mark Spohn, Mayor

ATTEST:

Shannon Stroud, City Clerk

REVIEWED BY:

Molly McGovern, City Manager