

**AN ORDINANCE AMENDING SECTIONS 135.060, 135.120, AND 135.140 OF THE CITY CODE IN REGARD TO PURCHASING AND SETTING EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHILLICOTHE, MISSOURI as follows:

**Section 1:** Sections 135.060, 135.120, and 135.140 of the City Code of the City of Chillicothe are hereby amended to read as follows:

**Section 135.060 Competitive Bidding.**

- A. When the City negotiates any purchase, sale or other contract, there shall be provided ample opportunity for competitive bidding in the following manner:
1. If the consideration is not more than two thousand five hundred dollars (\$2,500.00), bids shall be solicited in the most expedient manner with due regard for competitive prices and quality.
  2. If the consideration is for more than two thousand five hundred dollars (\$2,500.00) but less than twenty-five thousand dollars (\$25,000.00), bids shall be made in accordance with open market procedures set forth below.
  3. All purchases, sales, or other contracts, unless excluded, estimated to involve in excess of twenty-five thousand dollars (\$25,000.00) shall be purchased, sold, or contracted by formal, written contract from the lowest responsible bidder after formal notice. The City Council shall award such purchase, sale, or contract.
  4. Individual contracts, purchases, or sales, for goods, supplies, commodities, and services shall not be excluded from the requirements of competitive bidding with the specific exception of contracts or agreements for professional and advisory services to be rendered to or on behalf of the City.
  5. Individual contracts or purchases shall not be subdivided for the purpose of evading the requirement of competitive bidding.

**Section 135.120 Open Market Procedure.**

- A. All purchases, sales and contracts involving less than twenty-five thousand dollars (\$25,000.00) shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by the foregoing Sections for the award of formal contracts.
1. All open market purchases, sales and contracts shall, whenever possible, be based on at least three (3) competitive bids and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in Section 135.100.
  2. The City may solicit bids by:
    - a. Direct mail request to prospective vendors,
    - b. By telephone,
    - c. By notice posted on the bulletin board of the City Hall, or
    - d. By notice placed on the City's website or other social media pages.

3. The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon and such records shall be open to public inspection.

**Section 135.140 Emergency Purchases.**

A. This Section shall govern the circumstances and conditions when the City may purchase supplies, services, materials, or provide for immediate repairs and improvements to City property without the necessity of formal bids as required in this Code.

B. An "emergency situation" is one that requires immediate action to obtain essential supplies, materials, parts or perform immediate repair or maintenance on City property, buildings, equipment, or vehicles for which there is not a sufficient time to carry out the normal bidding process. An emergency situation shall be deemed to exist when City residents, people, buildings, and/or equipment are in imminent danger of injury, damage, disrepair or destruction which would hinder or terminate the City's ability to provide for regular, essential and necessary services or facilities such that the health, welfare, safety or protection of persons or property is threatened and requires immediate action.

C. In an emergency situation, the Mayor, or in his/her absence the Councilman-at-large, may authorize the purchase at the lowest obtainable price of any necessary supplies, services, repairs, or equipment not to be in excess of one hundred thousand dollars (\$100,000.00).

D. In emergency situation where the minimum reasonable projected costs would exceed one hundred thousand dollars (\$100,000.00), then the City Council by resolution at a regular or special meeting may provide for the acquisition of the necessary supplies, services, repairs, and/or equipment, and the waiver of competitive bidding requirements, subject to the City Council's final approval of the final purchase price by said Council.

E. Purchases deemed to be emergency in nature shall be, so far as practical, made in accordance with the open market procedure.

F. The following additional provisions will apply to emergency purchases:

1. In an emergency situation, with the approval of two (2) of the following persons: the Mayor, the City Administrator, and the Councilman-at-large, the normal bidding procedures contained in Chapter 135 are waived, and one (1) of the persons approving the action may authorize the purchase of necessary supplies, services, repairs or equipment, so long as the reasonably projected cost of any single purchase is one hundred thousand dollars (\$100,000.00) or less.

2. In an emergency situation when the minimum reasonably projected cost of any single purchase would exceed one hundred thousand dollars (\$100,000.00), then the City Council, at a regular or special meeting, may waive normal bidding procedures contained in Chapter 135 and authorize the acquisition of the necessary supplies, services, repairs and/or equipment.

**Section 2:** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the

remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

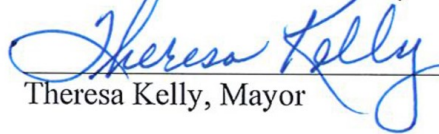
**Section 3:** This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

**Section 4.** It is the intent of the City Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

**Section 5:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF APRIL 2024.

CITY OF CHILLICOTHE, MISSOURI

  
Theresa Kelly, Mayor

ATTEST:

  
Amy Hess, City Clerk