

ORDINANCE NO. 1374-2024

AN ORDINANCE OF THE CITY OF TAHLEQUAH, OKLAHOMA, AMENDING THE TAHLEQUAH CITY CODE, PART 7, FINANCE AND TAXATION; CHAPTER 9, PURCHASING; BY AMENDING SECTION 7-903, COMPETITIVE PURCHASING PROCEDURE; PROVIDING FOR CODIFICATION, SEVERABILITY, REPEALER, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY The City Council of the City of Tahlequah, Oklahoma:

SECTION 1. AMENDATORY. Chapter 9 of Part 7 of the Tahlequah City Code is hereby added to read as follows:

Section 7-903. Competitive Purchasing Procedure

A. The Purchasing Agent may purchase the following without giving an opportunity for competitive bidding:

1. ~~Supplies, materials, equipment or contractual services whose cost does not exceed Fifty Thousand Dollars (\$50,000.00) in a single transaction without regard for total dollar amount in a single transaction if the City has obtained at least three (3) firm quotes concerning the same, provided, any purchase under the authority of this paragraph exceeding Fifty Thousand Dollars (\$50,000.00) in a single transaction shall be approved by the city council;~~
2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which has a uniform price wherever bought;
3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private vendors, including war surplus;
4. Supplies, materials, equipment, or contractual services when purchased at a price not exceeding a price set therefor by the state purchasing agency or any other state agency authorized to set prices for things purchased by the state, provided, any purchase through the state purchasing agency under this paragraph in excess of Fifty Thousand Dollars (\$50,000.00) in a single transaction shall be approved by the city council;
5. Supplies, materials, equipment, or contractual services whose purchase is necessary for the immediate preservation of the peace, health, or safety under Section 7-905;
6. Professional service contracts; and
7. Utility services (gas, electricity, telephone services, etc.) purchased from the public utility corporation at a price or rate determined by the state corporation commission or other government agency.
8. Supplies, materials, equipment, or contractual services when purchased at a price not exceeding a price set therefor by the public purchasing cooperative, provided, any purchase through such a public purchasing cooperative under this paragraph in excess of Fifty Thousand Dollars (\$50,000.00) in a single transaction shall be approved by the city council.

PROVIDED, to the extent applicable state law requires competitive bidding be employed in the procurement of any needful item, the same shall control over the provisions of this paragraph.

B. For the procurement of ~~supplies, materials, equipment and/or services valued in excess of Fifty Thousand Dollars (\$50,000.00) in a single transaction~~ needful items in which competitive bidding is required, except as provided in subsection (C) of this section, the following formal bids and awards are hereby adopted and authorized:

1. The Purchasing Agent shall prepare an invitation for bids packet, containing, among other things:
 - a. Written specifications of the supplies, materials, equipment and services to be procured;
 - b. Deadline for receipt of bids;
 - c. Bid opening date;
 - d. Required bidder's qualifications, if any;
 - e. Statement that the city council may accept or reject any or all bids without penalty; and
 - f. Noncollusion affidavits.
2. Invitation for bids shall be publicized as follows:
 - a. A brief descriptive advertisement in a local newspaper and notification by mail to all known qualified vendors and/or contractors. The minimum advertising period shall one (1) time per week for two (2) consecutive weeks with the bid opening not earlier than twenty-one (21) days after the date of first publication.
 - b. All bid announcements will specify latest time for receiving bids, the date, time and place of the opening of bids; the name and address to whom the sealed bids must be submitted and instructions to bidders to clearly mark sealed envelopes "Contents - Sealed Bid For _____".
 - c. Bid packets will be maintained by and be available from the office of the Purchasing Agent.
3. Bids submitted by each contractor and/or vendor shall be detailed in the invitation for bids.
4. Bid opening shall be as follows:
 - a. Bids shall be opened on the day and hour and at the place identified in the invitation for bids;
 - b. Bids shall be opened and read aloud by the Purchasing Agent; and
 - c. Bids shall be tabulated and reviewed for conformity to the invitation for bids.
5. The city council shall review the bid tabulations and recommendations from the Purchasing Agent and shall accept or reject any or all bids.

PROVIDED, to the extent applicable state law requires a different bidding and awarding process be employment in the procurement of any needful item, the same shall control over the provisions of this paragraph.

- C. Professional service contracts are exempt from the requirements of competitive bidding or quote solicitation without regard for the value of the same, but any such contract valued in excess of Fifty Thousand Dollars (\$50,000.00) in a single transaction require approval by an affirmative vote of the city council.


SECTION 2. CODIFICATION. The City Clerk is hereby directed to enter the added section into the appropriate place in the Tahlequah City Code of Tahlequah, Oklahoma, as authorized and approved by this Ordinance.

SECTION 3. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, Paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 4. REPEALER. All other Ordinances and parts of other Ordinances Inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. EMERGENCY. It being immediately necessary for the preservation of the public peace, health, safety, welfare, and morals, this Ordinance shall take immediately after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TAHLEQUAH, OKLAHOMA, THIS 5th DAY OF FEBRUARY, 2024.



Suzanne Myers, Mayor

(SEAL)

ATTEST:


City Clerk



Approved as to form and legality this 5th day of February, 2024.



John Tyler Hammons, City Attorney