

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8 ARTICLE 6 “PURCHASES AND SALES” SECTION 2, SECTION 3, SECTION 4, AND SECTION 6 AND DIRECTING THE CITY MANAGER TO AMEND THE PROCUREMENT POLICY ACCORDINGLY.

WHEREAS, the last revision to the Independence City Code regarding the Procurement Policy occurred May 2019 by Ord. No. 19010; and,

WHEREAS, the City Council desires to increase the City Council approval thresholds in the Procurement Policy;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 8.06.003, Paragraphs A, B, C, and D of the City Code is revised to read:

SEC. 8.06.003. COMPETITIVE BIDDING.

Except as provided in Section 8.06.004, bids shall be obtained as set out below:

A. Commodities.

1. Formal. Before any purchases of, or contract for supplies, materials, equipment, contractual labor, wherein the consideration to be paid is estimated to be more than One Hundred Thousand Dollars (\$100,000), except as otherwise provided in Section 8.06.004 immediately below, the City Procurement Manager shall submit to at least three (3) persons, firms, or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, specifications and an invitation to bid, to give them an opportunity to bid. The bid shall be announced on the Public Notice Board in City Hall and as appropriate through Internet, print media or any other means of publicly making the solicitation known to potential bidders. All bids shall be sealed and shall be opened in public at a designated time and place, and bids shall be received up to the time designated for the opening of bids. The Procurement Manager may repeatedly reject all bids, and again may resubmit to the same or other persons, firms, or corporations and follow the procedures identified above. The Procurement Manager shall purchase from the bidder whose bid is more advantageous to the City, considering the price, quality, date of delivery, prior performance by the person, firm, or corporation or any of its sub-contractors or suppliers, specifically including any City contracts within the immediate past five years, and the preferences set out below. If the contract amount exceeds ~~One Hundred Thousand Dollars (\$100,000)~~, Fifty Thousand Dollars (\$50,000), it shall be reported to, and approved by the City Council prior to award.

2. Informal. Before any purchases of, or contract for supplies, materials, equipment, contractual labor, services, insurance or any sale of surplus, obsolete, or unused property is made, wherein the consideration to be paid is One Hundred Thousand Dollars (\$100,000) or less, the City Procurement Manager shall obtain competitive bids by an informal method, including written, verbal, telephone, Internet, or fax quotations or any other method that establishes competition.

The Procurement Manager may repeatedly reject all bids and again may resubmit to the same or other persons, firms or corporations. The purchase will be made from the bidder whose bid is most advantageous to the City considering the price, quality, date of delivery, prior performance by the person, firm, or corporation or any of its subcontractors or suppliers, specifically including any City contracts within the immediate past five years, the preferences set out below, and any other factors which deem it to be best bid. If the contract amount exceeds ~~One Hundred Thousand Dollars (\$100,000)~~, Fifty Thousand Dollars (\$50,000), it shall be reported to, and approved by, the Council prior to award. Council approval is not required for contracts under ~~One Hundred Thousand Dollars (\$100,000)~~, Fifty Thousand Dollars (\$50,000), or for the renewal of contracts, when the requested price increase does not exceed the renewal period increase established in the original agreement.

B. Professional Services. Businesses which require a State or Federal professional license or certification shall be considered professional services. Competition will be required for professional services that exceed One Hundred Thousand Dollars (\$100,000). The Procurement Manager will utilize Request for Proposals (RFPs) or Requests for Qualifications (RFQs) when procuring professional services where factors other than cost must be considered in the evaluation process. Examples include, but are not limited to, architects, engineers, insurance brokers and companies, and attorneys. ~~RFP's~~ RFPs and RFQs will be announced on the Public Notice Board in City Hall and as appropriate through the Internet, print media or any other means of publicly making the solicitation known to potential bidders or proposers. If the contract amount exceeds ~~One Hundred Thousand Dollars (\$100,000)~~, Fifty Thousand Dollars (\$50,000), it shall be reported to, and approved by, the City Council prior to award. Council approval is not required for contracts under ~~One Hundred Thousand Dollars (\$100,000)~~ Fifty Thousand Dollars (\$50,000) or for the renewal of contracts, when the requested price increase does not exceed the renewal period increase established in the original agreement.

C. Public Improvement Projects. Public Improvement projects shall be processed through the Procurement Division using the processes identified in section A1 and A2, and in conformance with procedures set out in chapter 20 of this City Code. If the contract amount exceeds ~~Hundred Thousand Dollars (\$100,000)~~ Fifty Thousand Dollars (\$50,000), it shall be reported to, and approved by, the City Council prior to award.

D. Change Orders. For contracts up to ~~One Hundred Thousand Dollars (\$100,000)~~ Fifty Thousand Dollars (\$50,000), or ten percent (10%) of the original contract amount if in excess of ~~One Hundred Thousand Dollars (\$100,000)~~, Fifty Thousand Dollars (\$50,000), the City Manager is authorized to issue change orders.

SECTION 2. That Section 8.06.004, Paragraph 4 of the City Code is revised to read:
4. Where supplies, materials, equipment, contractual labor, insurance and services are purchased through bids established by a government purchasing entity or cooperative. The cooperative bids used will have been established pursuant to RSMo.70.220 or generally accepted governmental purchasing practices through the competitive bidding process. Purchases by this method shall be exempt from Section 8.06.003 of the City Code. If the contract amount exceeds ~~One Hundred Thousand Dollars (\$100,000)~~, Fifty Thousand Dollars (\$50,000), it shall be reported to, and approved by, the City Council prior to award.

SECTION 3. That Section 8.06.006 of the City Code is revised to read:
SEC. 8.06.006. EMERGENCY PURCHASES.

The City Manager or a delegated representative may declare an emergency regarding the purchase of appropriated supplies, materials, equipment, contractual labor, services, or insurance, and the same may be purchased without compliance with the requirements of Section 8.06.002, Section 8.06.003 or Section 8.06.004 above when deemed important to public life, health, welfare, or safety of the City. Purchase of appropriated items in an amount in excess of ~~One Hundred Thousand Dollars (\$100,000)~~ **Fifty Thousand Dollars (\$50,000)**, made under the provisions of this section shall be reported to the City Council at a formal Council meeting.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That all other parts and provisions of the Independence City Code shall be in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Office of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED – FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.