

Chapter 130

Section 130.020

Purchasing Policy

Article I.

Purchasing Policy, General Rules

This Purchasing Policy (or sometimes herein referred to as the “**Policy**”) is established pursuant to the authority granted in Section 130.020 Purchasing of the City of Harrisonville, Missouri (“City”) City Code.

1.1. Overview.

- 1.1.1. The purchasing/inventory office of the Finance Department, as directed by the City Administrator, is responsible for managing the procurement of goods and services for all City departments in accordance with applicable laws and regulations. This Purchasing Policy delineates the requirements and procedures set forth and adopted by the Board of Aldermen.
- 1.1.2. The City Administrator is ultimately responsible for the administration and oversight of the purchasing and inventory control activities of the City as governed herein and as may be further regulated by administrative operating procedures. The Finance Department is assigned specific responsibilities to work closely with individuals in the City and with vendors in supplying the requirements for all departments economically, effectively and as promptly as circumstances will permit.
- 1.1.3. Department supervisors who are responsible for budgets should simplify and expedite the handling of their requests for material and the reporting of items received and used by becoming familiar with the City's procedures and policies for procurement and inventory. Forms are provided for their use in requesting goods, acknowledging receipt of goods and disposing of goods. The following points warrant special attention:
 - 1.1.3.1. Plan for and schedule departmental needs and requirements.
 - 1.1.3.2. Describe accurately the quantity and quality needed on the accounting system form and specify end use.
 - 1.1.3.3. Initiate transactions well in advance of the critical date material is needed.
- 1.1.4. The City considers its vendors to be valuable assets. Sales representatives and vendors shall be treated with respect and dignity. They will be helpful in obtaining product and pricing information.
- 1.1.5. The City will attempt to save as much money as possible by combining orders for greater buying power and by standardizing and simplifying the products being purchased.

- 1.1.6. Procurement and purchasing procedures and administrative practices developed shall be uniformly standardized but sufficiently flexible to care for isolated unique conditions. Items commonly used in the various departments therefore shall be standardized whenever consistent in the interest of efficiency and economy. The necessity for pre-planning supply and equipment needs by using departments cannot be overemphasized.
- 1.1.7. It should be realized that, although the Finance Department will act as quickly as possible to obtain the requested approvals, there may be many factors involved in processing the requisition as soon as desired by a department supervisor. Cooperation of all individuals associated with purchasing, warehousing and issuing items for use will be necessary to ensure an effective and efficient operation.

1.2. Principal Functions.

The following list is the general overview of the purchasing functions of the Finance Department but is not intended to encompass the entire description.

- 1.2.1. Procure all equipment, supplies and services for the City as requested and approved by authorized personnel, as specified or authorized by the City Administrator, in a manner that will ensure maximum value for the money expended.
- 1.2.2. Administer and coordinate purchasing and property inventory policies and procedures throughout the City in accordance with this policy, and applicable laws and regulations.
- 1.2.3. Negotiate and execute purchase orders with the vendors to the best interest of the City.
- 1.2.4. Consolidate purchases of like or common items to obtain the maximum benefits.
- 1.2.5. Utilize all known contacts and sources to expedite deliveries of needed supplies and equipment.
- 1.2.6. Work with other departments of the City to promote better customer and vendor relations.
- 1.2.7. Exercise technical management of inventory control functions for all City departments.
- 1.2.8. Maintain master asset records for effecting perpetual inventory of all City property.
- 1.2.9. Develop and administer a program to advise all department supervisors and their employees on correct requisitioning procedures.
- 1.2.10. Provide department supervisors with information concerning the status of their requisition and purchase orders.
- 1.2.11. Approve purchase requests based on budgetary allocations and compliance

with City purchasing requirements.

- 1.2.12. Supervise a complete inventory of all City capital items and expendable items once every fiscal year.
- 1.2.13. Keep a complete record of deliveries, items on order, back orders, items used and account records.
- 1.2.14. Assist the City Administrator and department supervisors during the budget process by identifying cost estimates.
- 1.2.15. Assist the City Administrator and department supervisors in the preparation of bids and keep a record of these bids.
- 1.2.16. Provide supporting data to the Board of Aldermen for all procurements requiring their approval.
- 1.2.17. Provide all necessary forms for purchasing and inventory.

1.3. Annual Purchases.

The Finance Department may, after public notice, award annual bids for the purchase of services or supplies in which the charge per item will be a constant charge; and only the total number of purchases is undetermined (i.e., the purchasing of gas or contracting services on an hourly basis for welding, etc.) if the Finance Department determines same to be in the best interest of the City.

1.4. Local Buying.

Other things being equal, the City prefers to deal with local distributors or local sources. If an item is needed, local vendors need to be contacted to see if the items can be obtained from them as economically as out-of-town sources. The City shall have an agreement with the State of Missouri Cooperative Procurement Program for purchase of goods. Vendors shall be treated in a fair and businesslike manner with preference given to area vendors when all factors are reasonably comparable.

1.5. Bidders' List.

The Finance Department shall prepare and keep on file a bidders' list of all persons interested in selling to or contracting with the City to furnish supplies or services, and update such list on a regular basis.

1.6. Purchase of American-Made Goods.

The City shall not enter into any contract for the purchase or lease of manufactured commodities unless the contract contains a provision that any manufactured goods or commodities used or supplied in the performance of that contract or any subcontracts thereto shall be manufactured, assembled or produced in the United States, except under the following circumstances:

- 1.6.1. Where the specified products are not manufactured, assembled or produced in the United States in sufficient quantities to meet the requirements of the contract; or

- 1.6.2. The specific product cannot be manufactured, assembled or produced in the United States within the necessary time in sufficient quantities to meet the contract requirements; or
- 1.6.3. Where the costs of buying United States manufactured products would be more than ten percent (10%) over foreign made goods; or
- 1.6.4. Where the contract is for less than one thousand dollars (\$1,000.00).

1.7. Definitions.

As used in this Purchasing Policy, the following terms shall have the meanings ascribed to them:

- 1.7.1. Mayor – means the highest elected official of the City, as set forth in the City Code.
- 1.7.2. Board or Board of Aldermen – means the Board of Aldermen of the City, as set forth in the City Code.
- 1.7.3. City – means the City of Harrisonville, Missouri.
- 1.7.4. City Code – means the Code of Ordinances of the City.
- 1.7.5. Contractual Services - means personal services, all telephone, gas, water, electric light and power services, towel and cleaning services, leases for all grounds, buildings, offices or other space required by the using agency and the rental, repair or maintenance of equipment, machinery and other City-owned personal property. The term shall not include insurance, professional and other contractual services which are in their nature often unique and not subject to normal competitive bidding.
- 1.7.6. Cooperating Agency - means any department, agency, commission, bureau or other unit in the City Government not under the direction and control of the Board of Aldermen or part of any other governmental unit whether school district, special authority, other municipality, County or otherwise which cooperates with the City through its Finance Director in purchasing any items covered by this Policy.
- 1.7.7. Purchasing Policy or Policy – means all Articles, Sections, paragraphs, and language included herein and adopted by the Board of Aldermen by ordinance to be included in City Code Section 130.020, as amended from time to time.
- 1.7.8. Supplies - means all supplies, materials, equipment, commodities and capital outlays.
- 1.7.9. Using Agency - means any department, agency, commission, bureau or other unit in the City Government using Supplies or procuring contractual services as provided for in this Policy and which shall be under the direction and control of the Board of Aldermen.

1.8. Conflicts of Interest.

The Mayor and members of the Board of Aldermen shall, at time of election, advise the City Clerk, who shall notify the Finance Department, of all businesses in which the Mayor and/or Board of Aldermen have a ten percent (10%) interest or more. If at any time during the term of office of the Mayor or the Board of Aldermen they should acquire a business in which they have ten percent (10%) interest or more, they shall amend their affidavit with the City Clerk. All employees of the City shall also be required to file an affidavit with the City advising the City of any business in which they have or acquire a ten percent (10%) interest or more.

1.9. Acceptance of Gifts or Rebates.

The Finance Director and each officer and employee of the City is expressly prohibited from accepting, directly or indirectly, from any person to which any purchase order or contract is or might be awarded any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the City.

1.10. Requisitions and Estimates — Emergency Requirements — Revision of Requisitions.

All Using Agencies, either by or with the authorization of the head of the agency, shall to the extent practicable file with the Board of Aldermen detailed requisitions or estimates of their requirements of Supplies and Contractual Services in such manner, at such times and for such future periods as the Board shall prescribe.

- 1.10.1. Unforeseen requirements. A Using Agency shall not be prevented from filing in the same manner with the Finance Director at any time a requisition or estimate for any Supplies and Contractual Services it needs that were not foreseen when the detailed estimates were filed subject to budgetary limitations.
- 1.10.2. Revision powers. The City Administrator may examine each requisition or estimate and may suggest revisions as to quality, quantity or estimated cost.

1.11. Emergency Purchasing Procedures.

- 1.11.1. In the event of an apparent emergency which requires immediate purchase of Supplies or Contractual Services, the City Administrator is empowered to secure by an Open Market Procedure as provided in Article IV., with the consent of the Mayor, at the lowest obtainable price, any Supplies or Contractual Services regardless of the amount of the expenditure. The City Administrator will contact the Board of Aldermen as soon as is practical and advise of the apparent emergency. A full report of the circumstances of an emergency purchase shall be filed by the City Administrator with the Board of Aldermen and shall be entered into the official records of the Board and shall be open to public inspection.
- 1.11.2. In the event of an actual emergency and with the consent of the Mayor, the head of any Using Agency may purchase directly any Supplies the immediate procurement of which is essential to prevent delays in the work of the Using Agency that may affect the life, health or convenience of citizens of the City. The head of the Using Agency shall send to the City

Administrator a requisition and a copy of the delivery record together with a full written report of the circumstances of the emergency. The City Administrator will contact the Board of Aldermen as soon as is practical and advise of the actual emergency. The report shall be filed with the Board and be made a part of the permanent records of the Board and be open to public inspection.

1.12. Single Source Purchasing Procedure.

The requirement of competitive bids or proposals for Supplies may be waived when the City Administrator has determined in writing that there is only a single reasonable source for the Supplies. Immediately upon discovering that other reasonable sources exist, the City Administrator shall rescind the waiver and proceed to procure the Supplies through the competitive processes as described in this Policy. A single reasonable source exists when:

- 1.12.1. Supplies are proprietary and only available from the manufacturer or a single distributor; or
- 1.12.2. Based on past procurement experience, it is determined that only one (1) distributor services the region in which the Supplies are needed; or
- 1.12.3. Supplies are available at a discount from a single distributor for a limited period of time.

1.13. Purchase Orders Required — Rejection of Non-Conforming Shipments — Approval of Invoices.

- 1.13.1. All purchases of Contractual Services and Supplies made pursuant to this Policy shall be on purchase order forms, and each purchase order shall reflect salient conditions of the purchases such as description, specification, unit purchase price, aggregate amounts, freight conditions and place of delivery.
- 1.13.2. A copy of all purchase orders shall be available to the Using Agency which will receive the Contractual Services or Supplies purchased, and the Using Agency shall reject delivery of any Contractual Services or Supplies which do not conform to the purchase order conditions and specifications.
- 1.13.3. All invoices for purchases made pursuant to this Policy shall be approved as being in conformity with the purchase order. Said approval will be made in accordance with procedures established by the Board of Aldermen.

1.14. Competitive Bidding Required For Purchases or Sales of Property.

All purchases and contracts for Supplies and Contractual Services, and all sales of personal property which has become obsolete and unusable shall, except as expressly provided in this Policy or by the City Code, be based wherever possible on competitive bids.

1.15. Inspections, Tests of Goods.

- 1.15.1. The Using Agencies under the authority of the City Administrator shall be responsible for ensuring that all Supplies and Contractual Services conform

to the specifications set forth in the order or contract.

- 1.15.2. The City Administrator shall have the authority to require chemical tests of samples submitted with bids and samples of deliveries which are necessary to determine their conformance with the specifications. In the performance of such tests, the City Administrator shall have authority to make use of laboratory facilities of any agency of the City or any outside laboratory.

1.16. Surplus, Report — Transfer or Sale.

- 1.16.1. At least annually, all Using Agencies shall submit to the City Administrator, at such times and on such forms as prescribed, reports showing stocks of all Supplies which are no longer used or which have become obsolete, worn out or scrapped.
- 1.16.2. The City Administrator shall have the authority to transfer surplus stock to other Using Agencies.
- 1.16.3. The City Administrator shall have the authority to sell all Supplies which have become unsuitable for possible use or exchange or trade the Supplies for new supplies in accordance with the procedures set forth in this Policy.

1.17. Board Approval of Contracts — Endorsement of City Administrator Required.

No resolution or ordinance shall finally be passed approving any contract for Supplies or Contractual Services (except for professional services) unless such resolution or ordinance shall contain the endorsement of the City Administrator on the face thereof indicating that proper Purchasing Policy procedures have been followed.

1.18. Subdivision or Change Order of Contract To Evade Requirements of This Policy Prohibited.

No contract or purchase shall be subdivided to avoid the requirements of this Policy, nor shall Change Orders exceeding 1% of the total approved bid amount be allowed without following the same Purchasing Policy procedures as included in this Policy or, in lieu of quotes or sealed bids where required, must be approved by the Using Department director, the City Administrator, and the Mayor in a written memo with an explanation to the Board of Aldermen with a copy to the City Clerk.

1.19. Justification of Award To Other Than 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 Administrator and filed with the other papers relating to the transaction.

Article II.

Formal Purchasing and Sales Procedures

2.1. When Required.

All Supplies and Contractual Services, except as otherwise provided herein, when the extended cost thereof shall equal or exceed fifteen thousand dollars (\$15,000.00), shall be purchased by formal written contract from the lowest and best responsible bidder after due notice inviting proposals. All sales of personal property or Supplies that has become obsolete and unusable and has an estimated value of ten thousand dollars (\$15,000.00) or more shall be sold by formal written contract to the highest and best responsible bidder after due notice inviting proposals.

2.2. Subdivision or Change Order of Contract To Evade Requirements of This Policy Prohibited.

See Section 1.18..

2.3. Solicitation of Bids.

The City Administrator shall, by certified or registered mail or in his/her discretion by first class mail, solicit sealed bids from at least three (3) responsible prospective suppliers including all suppliers with whom the City has done business within the preceding two (2) years setting forth detailed specifications and all pertinent information necessary for the prospective supplier to file a bid. Prospective suppliers to whom invitations to bid are sent shall be limited to those who are part of the trade group offering commodities and services similar in character to that being purchased. If the City Administrator is unable to reasonably find three (3) responsible suppliers, he/she shall certify that fact to the City Clerk who shall then certify a number less than three (3) to whom invitations to bid shall be sent and such lesser number shall be deemed in compliance with the requirements of this Section. The provisions of this Section may be waived when the Mayor, the department superintendent involved, and the City Administrator agree that following this Section's provisions may cause excessive delay, public inconvenience and/or a significant cost penalty.

2.4. Bid Deposit — When Required, Refund, Forfeiture.

When deemed necessary by the City Administrator 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 to return of any surety required. A successful bidder shall forfeit any surety required upon failure on the bidder's part to enter into a contract within ten (10) days after the award, and the invitation to bid shall so state.

2.5. Manner of Submission of Bids — Opening — Recommendations To The Board.

Sealed bids shall be submitted to the City Clerk and shall be identified as bids on the envelope. The bids shall be opened in public at the time and place stated in the invitations to bid and in any public notices. After the opening, the City Clerk shall tabulate and certify all bids received and file a report of the bids with the Board of Aldermen, together with the City Administrator's recommendations as to whom the award shall be made.

2.6. Award of Contract To Lowest and Best Responsible Bidder.

The Board of Aldermen, upon receiving the tabulation from the City Clerk and recommendation of the City Administrator, shall award the contract to the lowest and best responsible bidder, but shall have the right to reject any and all bids.

2.7. Factors For Determination of Lowest Responsible Bidder.

In determining the lowest and best responsible bidder, the Board of Aldermen shall consider:

- 2.7.1. The ability, capacity and skill of the bidder to perform the contract or provide the services required.
- 2.7.2. Whether the bidder can perform the contract or provide the services promptly or within the time specified without delay or interference.
- 2.7.3. The character, integrity, responsibility, judgment, experience and efficiency of the bidder.
- 2.7.4. Whether the bidder is in default on the payment of taxes, licenses or other monies due the City. This factor alone shall justify disqualification.
- 2.7.5. The quality and performance of previous contracts or services.
- 2.7.6. The previous and existing compliance by the bidder with laws, the provisions of this Policy, City Code and other City ordinances relating to the contract or service.
- 2.7.7. The sufficiency of the financial resources and ability of the bidder to perform a contract or provide the service.
- 2.7.8. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
- 2.7.9. The ability of the bidder to provide future maintenance and service of machines for the use of the subject of the contract.
- 2.7.10. The number and scope of conditions attached to the bid.
- 2.7.11. What is in the best interest of the City.

Article III.

Informal Purchasing and Sales Procedures

3.1. When Allowed — Requirements.

All purchases of Supplies and Contractual Services and all sales of personal property or Supplies that have become obsolete and unusable for less than the estimated value of fifteen thousand dollars (\$15,000.00), but equal to or in excess of the estimated value of five thousand and one dollars (\$5,001.00), shall be made upon the basis of at least three (3) written bids from three (3) prospective suppliers of the City or such lesser number as shall be certified by the City Clerk in the event three (3) prospective suppliers shall not exist. The

provisions of this Section may be waived when the Mayor, the department superintendent involved and the City Administrator agree that following this Section's provisions may cause excessive delay, public inconvenience and/or a significant cost penalty.

3.2. Subdivision of Contract To Evade Requirements of This Article Prohibited.

See Section 1.18.3.3. Solicitation of Bids.

The City Administrator or department superintendent shall solicit bids by direct or electronic mail, or telephone request to prospective vendors.

3.4. Award To Lowest and Best Responsible Bidder.

The award shall be made to the lowest and best responsible bidder by the Board of Aldermen in accordance with the standards set forth in Sections 2.5., 2.6., and 2.7. after consultation with the City Administrator and the head of the department.

3.5. Award To Local Bidder — Tie Bids.

If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. If there shall be no local bidder or more than one (1) local bidder with a low equal bid, the Board of Aldermen shall award the contract to one (1) of the tie bidders by drawing lots in public.

Article IV. Open Market Procedure

4.1. When Allowed.

All purchases of Supplies and Contractual Services and all sales of personal property and Supplies that have become obsolete and unusable for the estimated value of less than five thousand dollars (\$5,000.00), but equal to or in excess of the estimated value of one thousand and one dollars (\$1,001.00), shall be made on the open market without newspaper advertisement and without the procedures prescribed in this Article for purchases of more than five thousand dollars (\$5,000.00).

4.2. Subdivision of Contract To Evade Requirements of This Article Prohibited.

See Section 1.18.

4.3. Bids — Award To Lowest and Best Responsible Bidder.

All open market purchases shall, wherever possible, be based on at least three (3) competitive bids which may be either oral or written and shall be awarded to the lowest and best responsible bidder in accordance with the standards set forth in Sections 2.5., 2.6., and 2.7..

4.4. Solicitation of Bids.

The using department shall solicit bids by direct or electronic mail request to prospective suppliers or by telephone or by such other method as he/she shall deem appropriate in order to receive competitive proposals.

Article V. Purchases and Sales of Less Than One Thousand Dollars

5.1. Bids and Proposals Not Required.

All purchases of Supplies and Contractual Services and all sales of personal property and Supplies that have become obsolete and unusable for less than the estimated value of one thousand hundred dollars (\$1000.00) shall be made on the open market without bids or proposals.

5.2. Check of Market Conditions.

The Finance Director shall from time to time, at least annually, make random checks as to prices being quoted by several competing suppliers for Contractual Services and Supplies.

Article VI. Policy and Procedure For The Procurement of Architectural, Engineering, Land Surveying, Maintenance Services and Other Professional Services

The City does adopt and establish a policy and procedure for the selection and procurement of professional services in accordance with the following provisions. The City Administrator is hereby directed to implement the provisions of the policy set forth in this Article. The following shall be the policy and procedures for selecting architectural, engineering, land surveying services and other professional services (hereinafter referred to as professional services) for the City of Harrisonville.

6.1. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them:

- 6.1.1. Architectural Services – means those services within the scope of practice of architecture as defined by the laws of the State of Missouri, Section 327.091, RSMo.
- 6.1.2. Engineering Services - means those services within the scope of practice of engineering as defined by the laws of the State of Missouri, Section 327.181, RSMo.
- 6.1.3. Firm - means any individual, firm, partnership, corporation, limited liability company, association or other legal entity permitted by law to practice the profession of architecture, engineering or land surveying or other professional services and provide said services.

- 6.1.4. Land Surveying Services – means those services within the scope of practice of land surveying services as defined by the laws of the State of Missouri, Section 327.272, RSMo.
- 6.1.5. Maintenance Services means the repair, but not replacement, of existing facilities when the size, type or extent of the existing facilities is not thereby changed or increased.
- 6.1.6. Other Professional Services means those services of a vocation requiring specialized knowledge and intensive academic or technical training in such fields as land appraisal, urban planning, finance, real estate and others.
- 6.1.7. Selection Committee means - at least three (3) qualified individuals appointed by the Mayor, including the department head of the Using Agency, and the City Administrator who shall oversee and coordinate the selection process and shall serve as the Chair of the Selection Committee. The selection process shall only be instituted under the supervision and direction of the City Administrator who may with the approval of the Mayor establish procedural rules so long as they are not inconsistent with this Policy, City Code or State law.

6.2. Types of Services.

After reviewing the detailed proposals, the Selection Committee shall make a recommendation to the Board of Aldermen for approval or rejection of the proposal. The Board has the right to approve or reject any and all proposals. Projects will be divided into four (4) types as follows:

- 6.2.1. Type 1. Services for projects where fees will exceed fifteen thousand dollars (\$15,000.00); the Using Agency shall select at least five (5) firms to be contacted for an "Expression of Interest". After the Expressions of Interest are received and reviewed, at least three (3) detailed proposals shall be requested. Request for the Expressions of Interest and detailed proposals may be combined into a single request.
- 6.2.2. Type 2. Services for projects where fees are less than fifteen thousand dollars (\$15,000.00) but more than five thousand dollars (\$5,000.00); three (3) written proposals are required, when reasonable or as allowed in Section 3.1.. Such written proposals may be solicited by mail or telephone. After reviewing the detailed proposals, the Selection Committee then makes a recommendation to the Board of Aldermen for approval or rejection of the proposal.
- 6.2.3. Type 3. Services for projects where fees are less than five thousand dollars (\$5,000.00) may be made by the director of the Using Agency without soliciting competitive proposals upon approval of the City Administrator.
- 6.2.4. Type 4. Maintenance service where the costs are less than five thousand dollars (\$5,000.00) may be made by the director of the Using Agency without soliciting competitive proposals upon approval of the City Administrator.

6.3. General Procedures and Responsibilities.

- 6.3.1. Expressions Of Interest Type 1 Projects. For Type 1 service, the Using Agency shall solicit proposals from qualified firms approved by the Selection Committee. The request should invite comments as to the special experience in the project being considered and describe previous experience with similar projects. The Expressions of Interest will be reviewed by the Using Agency requesting the services. Factors to be determined in the initial screening will include:
 - 6.3.1.1. Specialized experience and technical competence with respect to the type of services required.
 - 6.3.1.2. Quality of services previously performed by the firm for the City.
 - 6.3.1.3. Past record of performance with respect to cost control, quality of services and ability to meet schedules.
 - 6.3.1.4. Community relations including evidence of sensitivity to citizen concerns.
 - 6.3.1.5. The firm's proximity to and familiarity with the area where the project is located.
- 6.3.2. Detailed Proposals. Firms requested to submit detailed proposals will provide the information prescribed by the Using Agency. The information shall include:
 - 6.3.2.1. Project name for which firm is filing.
 - 6.3.2.2. Name and address of firm.
 - 6.3.2.3. Previous related experience.
 - 6.3.2.4. Outside firms or outside personnel to be used on projects.
 - 6.3.2.5. Brief resume of key persons, specialists.
 - 6.3.2.6. Special experience in the project being considered.
 - 6.3.2.7. Any work previously or currently performing for City.
 - 6.3.2.8. Description of resources.

6.4. Selection.

- 6.4.1. Upon receipt of the detailed proposals for Type 1 or 2 projects, the Selection Committee will review the proposals; interview the prospective firms, if necessary; and make a recommendation of two (2) firms best qualified and capable of performing the desired work.
- 6.4.2. The Using Agency shall negotiate a contract with top firm selected. If a satisfactory contract cannot be negotiated with the top firm, negotiations

with that firm shall be terminated with the approval of the Selection Committee. Negotiations may then begin with the second (2nd) firm. If there is a failing of accord with the second (2nd) firm, negotiations with such firm may be terminated with the approval of the Selection Committee.

- 6.4.3. If an agreement cannot be negotiated with the two (2) selected firms, the Using Agency shall re-evaluate the professional services, including scope and fee requirements, and proceed in accordance with this Policy.

6.5. Prohibition Against Contingent Fees.

- 6.5.1. Each contract entered into by the Board of Aldermen for professional services shall contain a prohibition against contingent fees as follows:

"The architect, engineer or land surveyor (as applicable) warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer or land surveyor, to solicit or secure any person, company, corporation, limited liability company, individual or firm, other than a bona fide employee working solely for the architect, engineer or land surveyor, any fees, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this agreement."

- 6.5.2. For the breach or violation of the foregoing provision, the Board of Aldermen shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration.

6.6. Exceptions.

- 6.6.1. When, in the opinion of the City Administrator, the nature of other professional services is so specialized that there is only a sole reasonable supplier of a professional service that can meet the City's needs, the City Administrator may select such firm or recommend the Board of Aldermen select such firm. An exception shall be promptly reported to the Board of Aldermen with an explanation of the reasons therefore.
- 6.6.2. The Board of Aldermen in its sole and absolute discretion may waive any and all aforementioned procedural requirements.

Article VII.

Other Procurement/Purchasing Procedures

7.1. Procurement/Purchasing Related to Grant Eligibility.

Should the City apply for funding through grant, contribution, endowment, donation or other similar award ("Grant Funding") for City supplies and contractual services, then the City shall comply with the individual procurement requirements of each Grant Funding ("Grant Procurement Requirements") in lieu of the procurement policy requirements of this Purchasing Policy; provided, however, that Grant Procurement Requirements shall achieve the minimum standards established by the procurement policy requirements of this Purchasing Policy.

7.2. Cooperative Purchasing Authority.

To the extent permitted by law, the City may engage in cooperative purchasing for Supplies and Contractual Services with other Federal, state and local public entities, municipalities, political subdivisions, Cooperating Agencies, and governmental units, agencies and other authorities (collectively, "Cooperative Purchasing") when it serves the best interests of the City. Cooperative Purchasing is not subject to the procurement provisions of this Purchasing Policy.

Article VIII. Other Selection Methods

Nothing in the Purchasing Policy of the City's Municipal Code shall be interpreted to preclude the use of selection methods, including, but not limited to, Qualifications-Based Selection, Design-Build contracts, and/or negotiated contracts with architectural, engineering and construction services to the extent permitted by applicable law. In this Purchasing Policy, "Design-Build" means a project in which the design and construction services are furnished under one contract with a contractor selected primarily based on qualifications and "Qualifications-Based Selection" means a negotiated procurement process for the selection of professional architects, engineers and land surveying services using objective criteria looking for competence and experience relative to the work to be performed.

Article IX. Blanket Purchase Orders

Blanket purchase orders may be prepared for regular recurring payments to a certain vendor. These purchase orders must include and are subject to:

- 9.1. A period of time the purchase order is valid;
- 9.2. A total dollar amount for the time period;
- 9.3. Maximum single purchase or bill to be incurred during time period;
- 9.4. Approval follows guidelines listed above based on total period amount. If period amount is exceeded, a new purchase order must be issued.