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ORDINANCE NO. 1461

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, AMENDING ORDINANCE NO. 1459, TO INCLUDE PROVISIONS FOR NON-COMPETITIVE NEGOTIATIONS AS PART OF PURCHASING AND CONTRACTING PROCEDURES.

WHEREAS, purchasing and contracting procedures shall be updated by the City of Columbus, Kansas, to accommodate immediate needs of the City Administrator and department officials including the City Superintendent, City Foreman, City Clerk, Chief of Police and Fire Chief, to be used when necessary and to serve the best interests of the City when making necessary, timely purchases not suited to normal purchasing procedures.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS.

SECTION 1. City Code 2014, Ordinance 1220, Sec. 1, Ordinance 1238, Sec. 1, Ordinance 1351, Sec. 1, Ordinance 1375, Sec. 1, Ordinance 1380, Sec. 1-2, and Ordinance 1427, Sec. 1, and Ordinance 1459, Section 2, shall be revised.

SECTION 2: That the *Code of the City of Columbus, Kansas*, Chapter 1, Administration, Article 9, Purchasing and Contracting Procedure, and Ordinance 1459 shall be amended as follows:

1-901. SHORT TITLE. This article shall be known and may be cited as the Purchasing Ordinance of the City of Columbus, Kansas.

1-902. EXPENDITURES - LIMITS. Each department head shall have the authority to make expenditures in accordance with City procedures of any moneys up to \$3,000.00 maximum without prior Council approval. The City Superintendent shall have the authority to make expenditures in accordance with City procedures of any moneys up to \$7,000 maximum without prior Council approval. In the absence of the City Superintendent, the City Foreman shall have authority to make expenditures in accordance with City procedures up to \$3,000.

1-903. SUPPLIES AND CONTRACTUAL SERVICES EXCEEDING \$25,000. All supplies and contractual services, when the estimated cost thereof shall exceed \$25,000., shall be purchased by formal, written contract, after due notice inviting proposals.

(a) Notice inviting bids shall be published at least once on the City's official web site or in an official newspaper in the City, at least five days preceding the last day set for the receipt of proposals.

(b) The newspaper or City web site notice shall include a description of the equipment or services to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

(c) When deemed necessary by the City Council, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of such required security.

(d) Bids shall be submitted sealed to the City Administrator or designee assigned to the project; shall be identified as bids on the envelope shall be opened in public at the time and place stated in the public notice; and a tabulation of all bids received shall be provided to all bidders.

(e) The City Council shall have the authority to reject all bids, or parts of all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

(f) The City Council shall have the authority to award contracts within the purview of this article. Contracts shall be awarded to the lowest responsible bidder, with the exception of professional services. In this case, qualifications and experience to the benefit of the City shall receive first consideration. Upon determination of these factors, a price or fee may be negotiated.

(g) Contracts or proposals for purchases of equipment, supplies or services exceeding the department heads discretionary spending limit, but less than \$25,000 shall be submitted in writing to the City Council for approval. All verbal or written negotiations for small purchases or services involving one or more contractors or suppliers shall be documented.

1-904. NON-COMPETITIVE NEGOTIATION. Non-Competitive negotiation is procurement through a proposal from only one source, or after solicitation of a number of sources, competition is determined to be inadequate. Non-competitive negotiation will be utilized when limited to the following:

- (a) The item is available from only one source;
- (b) After solicitation of a number of sources, competition is determined to be inadequate;
- (c) A public emergency will not permit or may cause a delay with competitive bids.

1-905. CITY ADMINISTRATOR. The City Administrator shall have the authority to make expenditures in accordance with City procedures of any monies up to \$7,000. maximum without prior Council approval.

1-906. CREDIT CARD POLICIES. (a) The City Administrator, Department heads and City Foreman shall each be responsible for a credit purchase card in the amount of each department

heads spending limit: City Administrator, 7,000., City Clerk, \$3,000.; Chief of Police, \$3,000.; Fire Chief, \$3,000.; City Superintendent, \$7,000., and City Foreman, \$3,000.

(b) Cards are to be used only by the department head to whom the card is issued and for authorized City purchases only. Any use of the card for private or personal purchases is prohibited, and any such use will result in disciplinary action and/or possible termination of employment. Continued failure to submit detailed invoices to support monthly charges could result in the loss of credit purchase card privileges and/or disciplinary action. Availability of the purchase cards does not modify or invalidate the City's official purchasing policies and procedures regarding bids, price quotes, etc.

(c) The City Clerk shall review all charges and maintain records of each card including detailed written receipts and invoices, purchase and activity logs showing all activity on each card, and reconciliation of each billing statement. The City Administrator shall also review invoices, receipts, purchase and activity logs and monthly statements of all credit purchase cards.

(d) Either the cardholder, the City Clerk or designee should note the budgetary account number to be charged on the invoice or sales receipt.

(e) Each cardholder shall obtain and be responsible for the required purchase documentation in the form of a detailed written invoice or sales receipt obtained at the time of purchase. The cardholder shall provide the original invoices and receipts to the City Clerk for entry into the purchase log. The invoice shall include a notation by the card holder stating the exact business purpose of the purchase. In the event that an invoice is lost or unavailable, the card holder shall submit a written, detailed statement describing the business purpose of the charges.

(f) The cardholder is responsible for informing the merchant when a purchase is tax exempt and to provide the merchant with a copy of the City's tax exemption certificate.

(g) Periodic audits of the credit purchase card accounts will be conducted by the City Clerk, City Administrator, Budget Committee or independent auditors.

(h) As requested, monthly reconciliation statements showing credit purchases and payments may be submitted for review by the City Council.

(i) Any lost or misplaced credit card shall be reported immediately to the City Administrator and City Clerk.

SECTION 3: City Code 2014 Section 1-430, Section 1-431, and Ordinance 907, Sec. 2-3 shall be repealed because the sections are duplicitous with City Code Chapter 1, Article 9.

SECTION 4: This ordinance shall take effect and be in force from and after passage and publication in the official city newspaper.

SECTION 5: All ordinances, resolutions or policies or parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

PASSED and APPROVED by the Governing Body of Columbus, Kansas, this 18th day of February, 2020.



Grant Spieth, Mayor

ATTEST:



Cherri Chancellor, City Clerk

