

ORDINANCE NO. 6390

AN ORDINANCE TO AMEND CHAPTER 1.32 "PURCHASING" OF THE 2019 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTIONS 1.32.010 THROUGH 1.32.060.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 1.32 "Purchasing" of the 2019 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Sections 1.32.010 through 1.32.060 to read as follows:

1.32.010 - Duty of mayor or his or her designee.

It shall be the duty of the mayor or his or her designee to make all purchases of goods and services for the city and see that such goods and services are received and are of the quality and character as called for in the notice to bidders and/or the purchase contract. The following chapter does not apply to solicitation for professional services. Professional services shall include planning, design, architectural, engineering, landscape architecture, land surveying, land appraising, consulting, legal, and management review services. Professional services must be sought and contracted for in a manner consistent with state law and the City's Professional Services Selection Process. Where it is reasonable to think that the total amount of contracted professional services shall exceed seventy-five thousand dollars (\$75,000.00), no contract shall be entered without an affirmative vote of the council.

1.32.020 - Advertising for bids on purchases over twenty-five thousand dollars (fifty thousand dollars for information technology purchases).

Before any goods or services are purchased for the city, where the probable net cost may exceed twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee shall advertise for sealed bids for the same; not less than four days nor more than forty (40) days before bid opening date.

1.32.030 - Deposit to accompany bids.

All bids shall be mailed or delivered (sealed) to the office designated by the mayor or his or her designee and shall be accompanied by a certified bank check, cashier's check or bid bond for not less than five percent of such bid.

1.32.040 - Acceptance or rejection of bids.

The mayor or his or her designee shall accept the lowest bid of a responsible and responsive bidder, taking into consideration the character and quality of goods and services to be furnished and facilities of the bidder to deliver the goods and services in accordance with the requirements of the city, the notice to bidders, and the bidder's ability to furnish adequate repairs and spare parts; however, if the net amount of the lowest responsible bid exceeds twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, and the purchase will exceed the monies approved by the city council in the annual budget, then and in that event, the bid shall not be accepted unless and until the city council has approved the same. The mayor or his or her designee may reject all bids and re-advertise.

1.32.050 - Return of deposits of unsuccessful bidders.

Checks of all unsuccessful bidders shall be returned to the unsuccessful bidders forthwith. Bid bond documents will be retained by the City.

1.32.060 - Purchases costing less than twenty-five thousand (fifty thousand for information technology) dollars.

For all goods and services where the probable net cost thereof shall not exceed the sum of twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee will, by full investigation in pricing, use his or her best efforts to obtain the lowest possible satisfactory price and term thereon. On purchases of a single item or service in excess of seven thousand five hundred dollars (\$7,500.00) but less than twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee will make a good faith effort to obtain three price quotations and purchase from the lowest responsible and responsive of the quotations, taking into consideration the character and quality of the goods and/or services to be furnished and the facilities of the bidder to deliver said items. If the mayor or his or her designee elects to accept any quotation other than the lowest responsive, responsible quote, such purchases will not be made until the city council has approved the same.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

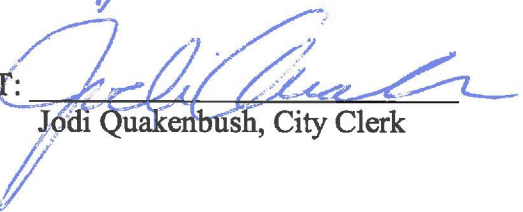
PASSED

AND

APPROVED:

July 8, 2019

BY: 
Matthew J. Walsh, Mayor

ATTEST: 
Jodi Quakenbush, City Clerk

Public Hearing: N/A

First Consideration: 6/10/19 continued

First Consideration: 6/24/19

Second Consideration: 7/8/19

Third Consideration: Waived

Council Communication

Department: City Clerk
Case/Project No.: Kim Riebe
Submitted by: Kim Riebe

Ordinance 6390
ITEM 5.A.

Council Action: 7/8/2019

Description

Ordinance to amend chapter 1.32 - "Purchasing" of the municipal code.

Background/Discussion

No material changes are being proposed.

These amendments will:

- Clean up antiquated verbiage
- Reference the City's Professional Services Policy, which has been in place for years
- Correct the titles of 1.32.020 and 1.32.060
- Remove duplicate information

Recommendation

Approval of this ordinance.

ATTACHMENTS:

Description	Type	Upload Date
Current Purchasing Ordinance with Markups	Ordinance	5/24/2019
Ordinance 6390	Ordinance	6/18/2019

Chapter 1.32 - PURCHASING^[1]

Footnotes:

1.32.010 - Duty of mayor or his or her designee.

It shall be the duty of the mayor or his or her designee to make all purchases of ~~printing, supplies, equipment, materials, goods~~ and services for the city and see that such ~~printing, supplies, equipment, materials, goods~~ and services are received and are of the quality and character as called for in the notice to bidders and/or the purchase contract. The following chapter does not apply to solicitation for professional services. Professional services shall include planning, design, architectural, engineering, landscape architecture, land surveying, land appraising, consulting, legal, and management review services. Professional services must be sought and contracted for in a manner consistent with state law and the City's Professional Services Selection Process. Where it is reasonable to think that the total amount of contracted professional services shall exceed seventy-five thousand dollars (\$75,000.00), no contract shall be entered without an affirmative vote of the council.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.020 - Advertising for bids on purchases over twenty-five thousand dollars (fifty thousand dollars for information technology purchases).

Before any ~~printing, supplies, equipment, materials, and goods~~ or services are purchased for the city, where the probable net cost may exceed twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee shall advertise for sealed bids for the same; not less than four days nor more than forty (40) days before bid opening date.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.030 - Deposit to accompany bids.

All bids shall be mailed or delivered (sealed) to the office designated by the mayor or his or her designee and shall be accompanied by a certified bank check, cashier's check or bid bond for not less than five percent of such bid. ~~The certified bank check or cashier's check will be returned to the successful bidder(s) at bid award. Bid bond documents will be retained by the city.~~

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.040 - Acceptance or rejection of bids.

The mayor or his or her designee shall accept the lowest bid of a responsible and responsive bidder, taking into consideration the character and quality of ~~printing, supplies, equipment, materials, goods~~ and services to be furnished and facilities of the bidder to deliver the ~~printing, supplies, equipment, materials, goods~~ and services in accordance with the requirements of the city, the notice to bidders, and the bidder's ability to furnish adequate repairs and spare parts; however, if the net amount of the lowest responsible bid exceeds twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, and the purchase will exceed the monies approved by the city council in the annual budget, then and in that event, the bid shall not be accepted unless and until the city council has approved the same. The mayor or his or her designee may reject all bids and re-advertise.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.050 - Return of deposits of unsuccessful bidders.

Checks of all unsuccessful bidders shall be returned to the unsuccessful bidders forthwith. Bid bond documents will be retained by the City.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.060 - Purchases costing less than twenty-five thousand (fifty thousand for information technology) dollars.

For all ~~printing, supplies, equipment, materials, goods~~ and services where the probable net cost thereof shall not exceed the sum of twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee will, by full investigation in pricing, use his or her best efforts to obtain the lowest possible satisfactory price and term thereon. On purchases of a single item or service in excess of seven thousand five hundred dollars (\$7,500.00) but less than twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee will make a good faith effort to obtain three price quotations and purchase from the lowest responsible and responsive of the quotations, taking into consideration the character and quality of the ~~printing, supplies, equipment, materials, goods~~ and/or services to be furnished and the facilities of the bidder to deliver said items. If the mayor or his or her designee elects to accept any quotation other than the lowest responsive, responsible quote, such purchases will not be made until the city council has approved the same.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.070 - Purchasing specific makes or brands.

The provisions of this chapter shall not apply where a specific make or brand of article is required and the mayor will have the authority to approve the purchase of the same.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.080 - Emergency and negotiated purchases.

There may be times when a department head determines that the provisions of this chapter should not apply. In such situations emergency or negotiated purchases can occur. Emergency purchases shall be defined as purchases that must be made immediately in order to carry out the essential operations of the city and where potential for damage to property or risk of injury may result if the purchase is not immediately made. A negotiated purchase is warranted when purchasing specialized equipment in order to take advantage of discounts, incentives and/or expedited delivery. A negotiated purchase may occur when deemed necessary with prior approval of the mayor or his or her designee. Approval of any negotiated purchase over twenty-five thousand dollars (\$25,000.00) can only be granted by the mayor.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

1.32.090 - Surplus property.

Any city equipment that can no longer be utilized by the city must be declared surplus by the mayor or his or her designee and disposed of at public auction, by sealed bid, or internet-based auction. Any public auction or sealed bid must first be preceded by advertising not less than four days nor more than twenty (20) days prior to such sale. Any material of no useful value to the city may be declared junk and sold to a licensed scrap dealer for the scrap value, without notice. Disposal of surplus items may be made by donation or sale to other governmental entities after approval of the mayor.

(Ord. No. 6201, § 1, 3-10-2014; Ord. No. 6217, § 1, 10-27-2014; Ord. No. 6297, § 1, 6-26-2017).

Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6390

AN ORDINANCE TO AMEND CHAPTER 1.32 "PURCHASING" OF THE 2019 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTIONS 1.32.010 THROUGH 1.32.060.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 1.32 "Purchasing" of the 2019 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Sections 1.32.010 through 1.32.060 to read as follows:

1.32.010 - Duty of mayor or his or her designee.

It shall be the duty of the mayor or his or her designee to make all purchases of goods and services for the city and see that such goods and services are received and are of the quality and character as called for in the notice to bidders and/or the purchase contract. The following chapter does not apply to solicitation for professional services. Professional services shall include planning, design, architectural, engineering, landscape architecture, land surveying, land appraising, consulting, legal, and management review services. Professional services must be sought and contracted for in a manner consistent with state law and the City's Professional Services Selection Process. Where it is reasonable to think that the total amount of contracted professional services shall exceed seventy-five thousand dollars (\$75,000.00), no contract shall be entered without an affirmative vote of the council.

1.32.020 - Advertising for bids on purchases over twenty-five thousand dollars (fifty thousand dollars for information technology purchases).

Before any goods or services are purchased for the city, where the probable net cost may exceed twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee shall advertise for sealed bids for the same; not less than four days nor more than forty (40) days before bid opening date.

1.32.030 - Deposit to accompany bids.

All bids shall be mailed or delivered (sealed) to the office designated by the mayor or his or her designee and shall be accompanied by a certified bank check, cashier's check or bid bond for not less than five percent of such bid.

1.32.040 - Acceptance or rejection of bids.

The mayor or his or her designee shall accept the lowest bid of a responsible and responsive bidder, taking into consideration the character and quality of goods and services to be furnished and facilities of the bidder to deliver the goods and services in accordance with the requirements of the city, the notice to bidders, and the bidder's ability to furnish adequate repairs and spare parts; however, if the net amount of the lowest responsible bid exceeds twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, and the purchase will exceed the monies approved by the city council in the annual budget, then and in that event, the bid shall not be accepted unless and until the city council has approved the same. The mayor or his or her designee may reject all bids and re-advertise.

1.32.050 - Return of deposits of unsuccessful bidders.

Checks of all unsuccessful bidders shall be returned to the unsuccessful bidders forthwith. Bid bond documents will be retained by the City.

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 12th day of July, 2019.

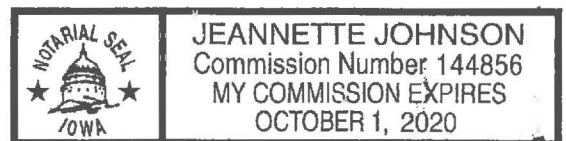
Signed in my presence by the said Tom Schmitt and by her sworn to before me this 12th day of July, A.D. 2019.


Tom Schmitt
Daily Nonpareil Publisher


Jeannette Johnson
Notary Public

Filed this 12th day of July, A.D. 2019.

Publication Cost: \$80.52



Customer Number: 1003258
Order Number: 0000059967

1.32.060 - Purchases costing less than twenty-five thousand (fifty thousand for information technology) dollars.

For all goods and services where the probable net cost thereof shall not exceed the sum of twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee will, by full investigation and pricing, use his or her best efforts to obtain the lowest possible satisfactory price and term thereon. On purchases of a single item or service in excess of seven thousand five hundred dollars (\$7,500.00) but less than twenty-five thousand dollars (\$25,000.00), or fifty thousand dollars (\$50,000.00) for information technology purchases, the mayor or his or her designee will make a good faith effort to obtain three price quotations and purchase from the lowest responsible and responsive of the quotations, taking into consideration the character and quality of the goods and/or services to be furnished and the facilities of the bidder to deliver said items. If the mayor or his or her designee elects to accept any quotation other than the lowest responsive, responsible quote, such purchases will not be made until the city council has approved the same.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED:
July 8, 2019

BY: _____
Matthew J. Walsh, Mayor

ATTEST: _____
Jodi Quakenbush, City Clerk

Public Hearing: N/A
First Consideration: 6/10/19 continued
First Consideration: 6/24/19
Second Consideration: 7/8/19
Third Consideration: Waived
2019(7)12-1 Friday