

**ORDINANCE NO. 6567**

**AN ORDINANCE TO AMEND CHAPTER 1.32 PURCHASING OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 1.32.010 “DUTY OF MAYOR OR HIS OR HER DESIGNEE”; RETITLING AND AMENDING SECTION 1.32.020 “ADVERTISING FOR BIDS ON PURCHASES OVER TWENTY-FIVE THOUSAND DOLLARS (FIFTY THOUSAND DOLLARS FOR INFORMATION TECHNOLOGY PURCHASES)”; AMENDING SECTIONS 1.32.030 “DEPOSIT TO ACCOMPANY BIDS” AND 1.32.040 “ACCEPTANCE OR REJECTION OF BIDS”; RETITLING AND AMENDING SECTION 1.32.060 “PURCHASES COSTING LESS THAN TWENTY-FIVE THOUSAND (FIFTY THOUSAND FOR INFORMATION TECHNOLOGY) DOLLARS; RETITLING AND AMENDING SECTION 1.32.080 “EMERGENCY AND NEGOTIATED PURCHASES”; ENACTING NEW SECTION 1.32.085 “EMERGENCY PURCHASES”; AMENDING SECTION 1.32.090 “SURPLUS PROPERTY”; AND ENACTING NEW SECTION 1.32.100 “EXCEPTIONS”.**

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

**SECTION 1.** That Chapter 1.32 Purchasing of the 2020 Municipal Code of Council Bluffs, Iowa is hereby amended to read as follows:

**Chapter 1.32 - PURCHASING**

1.32.010 Duty Of Mayor Or His Or Her Designee

1.32.020 Advertising For Bids On Purchases Over Forty Thousand Dollars (Sixty Thousand Dollars For Information Technology Purchases)

1.32.030 Deposit To Accompany Bids

1.32.040 Acceptance Or Rejection Of Bids

1.32.050 Return Of Deposits Of Unsuccessful Bidders

1.32.060 Purchases Costing Less Than Forty Thousand (Sixty Thousand For Information Technology) Dollars

1.32.070 Purchasing Specific Makes Or Brands

1.32.080 Cooperative Purchases

1.32.085 Emergency Purchases

1.32.090 Surplus Property

1.32.100 Exceptions

**Editor's note—** Ord. No. 6201, § 1, adopted March 10, 2014, amended CBMC 1.32 in its entirety to read as herein set out. Former CBMC 1.32.010—CBMC 1.32.090, pertained to similar material, and derived from Ord. No. 5670, 2002.

### **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.

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

#### **HISTORY**

*Amended by Ord. 6390 on 7/8/2019*

### **1.32.020 Advertising For Bids On Purchases Over Forty Thousand Dollars (Sixty Thousand Dollars For Information Technology Purchases)**

Before any goods or services are purchased for the City, where the probable net cost in a fiscal year may exceed forty thousand dollars (\$40,000.00), or sixty thousand dollars (\$60,000.00) 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)

#### **HISTORY**

*Amended by Ord. 6390 on 7/8/2019*

### **1.32.030 Deposit To Accompany Bids**

All bids shall be received electronically via the City's electronic bidding system as designated by the mayor or his or her designee and shall be accompanied by a cashier's check or bid bond for not less than five percent of such bids over \$40,000. The cashier's check shall clearly state cashier's check on it.

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

#### **HISTORY**

*Amended by Ord. 6390 on 7/8/2019*

### **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 forty thousand dollars (\$40,000.00), or sixty thousand dollars (\$60,000.00) 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)

#### **HISTORY**

*Amended by Ord. 6390 on 7/8/2019*

### **1.32.050 Return Of Deposits Of Unsuccessful Bidders**

Due to all bids being submitted electronically, 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)

#### **HISTORY**

*Amended by Ord. 6390 on 7/8/2019*

### **1.32.060 Purchases Costing Less Than Forty Thousand (Sixty Thousand For Information Technology) Dollars**

For all goods and services where the probable net cost thereof shall not exceed the sum of forty thousand dollars (\$40,000.00), or sixty thousand dollars (\$60,000.00) 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 ten thousand dollars (\$10,000.00) but less than forty thousand dollars (\$40,000.00), or sixty thousand dollars (\$60,000.00) 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.

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

#### **HISTORY**

*Amended by Ord. 6390 on 7/8/2019*

### **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 Cooperative Purchases**

A cooperative purchase shall be defined as when the City combines efforts with another entity to obtain advantages of volume purchases, including administrative savings and other benefits. A cooperative purchase requires an applicable contract number from a City approved cooperative contracting agency. Approval of any cooperative purchase over forty thousand dollars (\$40,000.00) 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)

### **1.32.085 Emergency Purchases**

An emergency purchase shall be defined as a purchase 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. The Department Head must submit his/her written approval of the emergency purchase to the Purchasing Division for documentation and audit purposes.

### **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)

### **1.32.100 Exceptions**

Use of this provision is discouraged and shall be utilized only when absolutely necessary. A Department Head may determine a purchase does not meet the requirements or provisions of this chapter, after establishing good cause. The Mayor is authorized to review and approve such exceptions after submission of the Purchasing Exception Form. The form must clearly identify good cause.

“Good cause” shall meet at least three of the following circumstances:

- A. More than one required purchasing method (Bid, Request for Quotes, RFP, Sole Source, Single Source, Cooperative, etc.) was attempted but unsuccessful;
- B. The time frame required is such that an expedient purchase is in the best interest of the City;
- C. An explanation that a requirement or provision of this chapter would likely result in an unintended, undesirable, or adverse consequence or outcome to the City;

- D. The desired good or service could not have been reasonably foreseen or anticipated and immediate delivery or furnishings meet the needs of the City; and/or
- E. There is a need for the purchase of used equipment or vehicles that meet standard operating requirements of the City, defined by the Equipment Maintenance Division.

**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 publication, as by law provided.

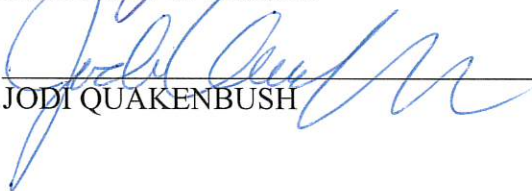
PASSED  
AND  
APPROVED

August 14, 2023.

  
MATTHEW J. WALSH

Mayor

Attest:

  
JODI QUAKENBUSH

City Clerk

First Consideration: 7-24-23  
Second Consideration: 8-14-23  
Public Hearing: 8-14-23  
Third Consideration: Waived

## Proof Of Publication

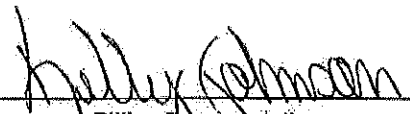
State of Iowa

~~Wattawattamie~~ County

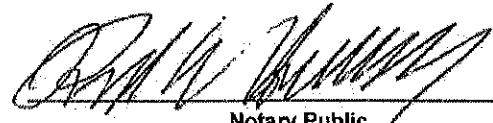
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

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

The First publication thereof began on the 22nd day of August, 2023.

  
Billing Representative

Sworn to and subscribed before me this 22nd  
day of August, A.D. 2023.

  
Notary Public

State of Virginia  
County of Hanover  
My Commission expires \_\_\_\_\_

Richard A. Hundley  
Notary Public  
Commonwealth of Virginia  
Notary Registration No. 7904041  
Commission Exp. Jan 31, 2024

CITY OF COUNCIL BLUFFS  
209 PEARL ST.  
COUNCIL BLUFFS, IA 51503

Publication Cost: \$153.50  
Customer Number: 1003258  
Order Number: 0000380850

E-mail

jquakenbush@councilbluffs-ia.gov

ORDINANCE NO. 6567

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1.32.030 Deposit To Accompany Bids  
1.32.040 Acceptance Or Rejection Of Bids  
1.32.050 Return Of Deposits Of Unsuccessful Bidders

1.32.060 Purchases Costing Less Than Forty Thousand (Sixty Thousand For Information Technology) Dollars

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be accompanied by a cashier's check or bid bond for not less than five percent of such bids over \$40,000. The cashier's check shall clearly state cashier's check on it.

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**1.32.070 Purchasing Specific Makes Or Brands**  
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**1.32.080 Cooperative Purchases**

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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.

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Use of this provision is discouraged and shall be utilized only when absolutely necessary. A Department Head may determine a purchase does not meet the requirements or provisions of this chapter, after establishing good cause. The Mayor is authorized to review and approve such exceptions after submission of the Purchasing Exception Form. The form must clearly identify good cause.

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C. An explanation that a requirement or provision of this chapter would likely result in an unintended, undesirable, or adverse consequence or outcome to the City;

D. The desired good or service could not have been reasonably foreseen or anticipated and immediate delivery or furnishings meet the needs of the City; and/or

E. There is a need for the purchase of used equipment or vehicles that meet standard operating requirements of the City, defined by the Equipment Maintenance Division.

For complete copy of Ordinance, see City Clerk's Office.

ADOPTED AND APPROVED August 14, 2023.

MATTHEW J. WALSH, Mayor

JODI QUAKENBUSH, City Clerk

2023 (8) 22-1 Tuesday

## Council Communication

Department: City Clerk  
Case/Project No.:  
Submitted by: Mallory Davis

Ordinance 6567  
ITEM 5.A.

Council Action: 8/14/2023

### Description

Ordinance to amend Chapter 1.32 Purchasing, by amending section 1.32.010 "Duty of Mayor or his or her designee"; retitling and amending section 1.32.020 "advertising for bids on purchases over twenty-five thousand dollars (fifty thousand dollars for information technology purchases)"; amending sections 1.32.030 "deposit to accompany bids" and 1.32.040 "acceptance or rejection of bids"; retitling and amending section 1.32.060 "purchases costing less than twenty-five thousand (fifty thousand for information technology) dollars; retitling and amending section 1.32.080 "emergency and negotiated purchases"; enacting new section 1.32.085 "emergency purchases"; amending section 1.32.090 "surplus property"; and enacting new section 1.32.100 "exceptions"

### Background/Discussion

### Recommendation

### ATTACHMENTS:

| Description                                         | Type      | Upload Date |
|-----------------------------------------------------|-----------|-------------|
| Chapter 1.32 Purchasing Ordinance - Redline Version | Ordinance | 7/17/2023   |
| Ordinance 6567                                      | Ordinance | 7/19/2023   |

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

## **Chapter 1.32 - PURCHASING**

1.32.010 Duty Of Mayor Or His Or Her Designee

1.32.020 Advertising For Bids On Purchases Over ~~Twenty-Five~~ **Forty** Thousand Dollars (~~fifty~~ **sixty** Thousand Dollars For Information Technology Purchases)

1.32.030 Deposit To Accompany Bids

1.32.040 Acceptance Or Rejection Of Bids

1.32.050 Return Of Deposits Of Unsuccessful Bidders

1.32.060 Purchases Costing Less ~~Than Twenty-Five~~ **Forty** Thousand (~~Sixty-fifty~~ **Sixty** Thousand For Information Technology) Dollars

1.32.070 Purchasing Specific Makes Or Brands

1.32.080 ~~Emergency And Negotiated~~ **Cooperative** Purchases

**1.32.085 Emergency Purchases**

1.32.090 Surplus Property

**1.32.100 Exceptions**

**Editor's note**— Ord. No. 6201, § 1, adopted March 10, 2014, amended CBMC 1.32 in its entirety to read as herein set out. Former CBMC 1.32.010—CBMC 1.32.090, pertained to similar material, and derived from Ord. No. 5670, 2002.

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#### **HISTORY**

Amended by Ord. [6390](#) on 7/8/2019

### **1.32.020 Advertising For Bids On Purchases Over ~~Twenty-Five~~ **Forty** Thousand Dollars (~~fifty~~ **sixty** Thousand Dollars For Information Technology Purchases)**

Before any goods or services are purchased for the eCity, where the probable net cost **in a fiscal year** may exceed ~~twenty-five~~ **forty** thousand dollars (\$~~25~~**40**,000.00), or ~~fifty~~ **sixty** thousand dollars (\$~~50~~**60**,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)

#### **HISTORY**

Amended by Ord. [6390](#) on 7/8/2019

### **1.32.030 Deposit To Accompany Bids**

All bids shall be ~~mailed or delivered (sealed) to the office~~ **received electronically via the City's electronic**

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

**bidding system as** 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 bids **over \$40,000.**  
**The cashier's check shall clearly state cashier's check on it.**

HISTORY

Amended by Ord. [6390](#) on 7/8/2019

### **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 eCity, 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~~ **forty** thousand dollars (\$25**40**,000.00), or ~~fifty~~ **sixty** thousand dollars (\$50**60**,000.00) for information technology purchases, and the purchase will exceed the monies approved by the eCity eCouncil in the annual budget, then and in that event, the bid shall not be accepted unless and until the eCity eCouncil has approved the same. The mayor or his or her designee may reject all bids and re-advertise.

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HISTORY

Amended by Ord. [6390](#) on 7/8/2019

### **1.32.050 Return Of Deposits Of Unsuccessful Bidders**

~~Checks of all unsuccessful bidders shall be returned to the unsuccessful bidders forthwith.~~ **Due to all bids being submitted electronically,** 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)

HISTORY

Amended by Ord. [6390](#) on 7/8/2019

### **1.32.060 Purchases Costing Less Than ~~Twenty-Five-Forty~~ Thousand (~~fifty~~ **sixty** Thousand For Information Technology) Dollars**

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

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.

#### **1.32.080 ~~Emergency And Negotiated~~ Cooperative 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 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. A negotiated purchase is warranted when purchasing specialized equipment in order to take advantage of discounts, incentives and/or expedited delivery.~~

**A cooperative purchase shall be defined as when the City combines efforts with another entity to obtain advantages of volume purchases, including administrative savings and other benefits. A cooperative purchase requires an applicable contract number from a City approved cooperative contracting agency. Approval of any cooperative purchase over forty thousand dollars (\$40,000.00) 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)

#### **1.32.085 Emergency Purchases**

**An emergency purchase shall be defined as a purchase 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. The Department Head must submit his/her written approval of the emergency purchase to the Purchasing Division for documentation and audit purposes.**

#### **1.32.090 Surplus Property**

Any eCity equipment that can no longer be utilized by the eCity 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 eCity 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)

#### **1.32.100 Exceptions**

**Use of this provision is discouraged and shall be utilized only when absolutely necessary. A Department Head may determine a purchase does not meet the requirements or provisions of this chapter, after establishing good cause. The Mayor is authorized to review and approve such exceptions after submission of the Purchasing Exception Form. The form must clearly identify good cause. "Good cause" shall meet at least three of the following circumstances:**

**A. More than one required purchasing method (Bid, Request for Quotes, RFP, Sole Source,**

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

**Single Source, Cooperative, etc.) was attempted but unsuccessful;**

- B. The time frame required is such that an expedient purchase is in the best interest of the City;**
- C. An explanation that a requirement or provision of this chapter would likely result in an unintended, undesirable, or adverse consequence or outcome to the City;**
- D. The desired good or service could not have been reasonably foreseen or anticipated and immediate delivery or furnishings meet the needs of the City; and/or**
- E. There is a need for the purchase of used equipment or vehicles that meet standard operating requirements of the City, defined by the Equipment Maintenance Division.**