

- **ARTICLE XV. - PURCHASING**^[19]

Footnotes:

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Editor's note— [Ord. No. 2013, § 1, adopted July 12, 2016](#), set out provisions for use herein as art. XIV, §§ 2-363—2-271. Inasmuch as an art. XV exists at the time of codification, and at the editor's discretion, those provisions have been included herein as art. XV, §§ 2-365—2-373.

- **Sec. 2-365. - Scope and purpose.**

All purchases made on behalf of the city shall be in compliance with the purchasing policy. The policy ensures standardized procedures that provide fiscal control and allow the city to obtain quality goods and services at the lowest possible costs. The purchasing policy shall be reviewed by the Finance Committee and the Board of Aldermen at least once during a five-year period.

([Ord. No. 2027, § 1, 11-22-2016](#))

- **Sec. 2-366. - Purchasing policy.**

The following procedures shall apply when procuring supplies, equipment or services that have been adopted within the city budget by the board of aldermen and the purchase of the supplies, equipment or services is less than the budgeted amount.

Purchases less than one thousand dollars (\$1,000.00) may be authorized by a department head. Department heads shall always strive to maximize value and to minimize costs when making these purchases.

For purchases from one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00), at least three (3) written non-sealed bids shall be solicited for the item or items. The execution of the bid requirement shall be documented by the department and attached to the purchase order.

The department head may then award the purchase or contract for services to the lowest responsible bidder who submits the bid which is most advantageous to the City.

For purchases from five thousand dollars (\$5,000.00) to fifteen thousand dollars (\$15,000.00), at least three (3) written non-sealed bids shall be solicited for the item or items. The execution of the bid requirement shall be documented by the department and attached to the purchase order.

The department head may then award the purchase or contract for services to the lowest responsible bidder who submits the bid which is most advantageous to the city. The city administrator's approval is required.

Whenever any contemplated purchase or contract for services is reasonably anticipated to cost more than fifteen thousand dollars (\$15,000.00), the department head shall cause to be published in one (1) issue of a newspaper of general circulation in the St. Louis metropolitan area a notice inviting sealed bids; said notice shall be published at least ten (10) days prior to the date set for receipt of bids. The notice herein required shall include a general description of the articles to be purchased or the services to be performed, and the time and place for opening of sealed bids. In addition, the notice shall be sent via mail or email to prospective suppliers of the item to be purchased or services to be performed, including all suppliers of such items with whom the city has done business within the preceding two (2) years. Notice of the invitation to bid shall be posted in the lobby of city hall and on the city's web site.

([Ord. No. 2027, § 1, 11-22-2016](#))

- **Sec. 2-367. - Bid approval process.**

Sealed bids shall be received by the appropriate department head and shall be identified as bids on the envelope. The bids shall be opened in public at the time and place stated in the invitation to bid and in any public notice before at least one (1) city witness; and after the opening, the department head shall tabulate all bids received and shall file a written report of the bids with the city administrator together with his/her written recommendations as to whom the city should award the contract.

([Ord. No. 2027, § 1, 11-22-2016](#))

- **Sec. 2-368. - Bids accepted.**

The board of aldermen shall award the contract to the lowest responsible bidder but shall have the right to reject any and all bids. When the award is not given to the lowest bidder, a statement of the reasons for placing the order elsewhere shall be entered upon the minutes of the board. Local suppliers shall be considered whenever possible.

([Ord. No. 2027, § 1, 11-22-2016](#))

- **Sec. 2-369. - Lowest responsible bidder.**

(a)

Contracts shall be awarded to the lowest responsible bidder. Bids shall not be accepted from, nor contracts awarded to, a contractor who is in default on the payment of taxes, licenses or other monies due the city. In determining "lowest responsible bidder", in addition to price, the following shall be considered:

The ability, capacity and skill of the bidder to perform the contract or provide the service required;

Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

The character, integrity, reputation, judgment, experience and efficiency of the bidder;

The quality of performance of previous contracts or services;

The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

The quality, availability and adaptability of the supplies or contractual services to the particular use required;

The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

The number and scope of conditions attached to the bid;

The board of aldermen reserves the right to reject any and all bids and waive any technicality or informality.

([Ord. No. 2027, § 1, 11-22-2016](#))

- **Sec. 2-370. - Exceptions to the purchasing policy.**

Single-source purchases. In the event there is only one (1) acceptable vendor capable of furnishing a particular service or commodity, the department head may be authorized to procure such service or commodity without bidding. The department head shall document the particular facts which make the item a single-source purchase, and the purchase shall be approved by the city administrator.

Emergency purchases. Where an emergency situation requires immediate purchase of supplies or services and time is of the essence, the department head is authorized to procure the supplies or services needed without following the bidding procedures. The department head shall maintain a written record of the circumstances surrounding emergency purchases, and the purchases shall be approved by the city administrator.

Situations calling for competitive negotiations. Where it can be demonstrated that the city receives the best value on a purchase through informal discussion and bargaining rather than through the conventional bidding process, the department head need not follow the conventional bidding process exclusively. Such purchases shall be documented by the department head and given prior approval by the city administrator. Examples would include, but not be limited to, circumstances where time is a crucial factor, when the procurement involves high technology items, or when there is obvious inherent economy in purchasing from a particular vendor.

Cooperative purchasing. The purchasing procedures established shall not apply to purchases made by, through, or with the division of procurement of the state, the purchasing department of the county, or any other governmental agency or unit with whom the city is permitted to engage in cooperative purchasing. A department supervisor has the authority to join with any other governmental unit in cooperative purchasing when the best interests of the city shall be served by such cooperative purchasing.

Confidential expenditures. Confidential expenditures such as payments to informants, purchase of materials as evidence (such as narcotics), or other uses as may be required by law enforcement personnel working in an undercover capacity cannot be subject to normal purchasing procedures. All such disbursements made shall be approved by the chief of police and the city administrator and shall be documented by written vouchers showing date, amount, nature of expenditure, signature of requesting officer or agent, and approval of the chief of police.

Professional services and real estate. Specifically excluded from the provisions of the city's purchasing policy are the procurement of real estate and professional services. All real estate contract, including leases, must be reviewed by the Finance Committee prior to being submitted to the Board of Aldermen for approval.

Used equipment. Because of the difficulty in soliciting bids for used equipment through a formal process, the formal contract procedure requirements for used equipment purchases over one thousand dollars (\$1,000.00) may be waived with the permission of the city administrator provided that the purchase of the item was approved by the board of aldermen and included in the budget.

Police Department Vehicles. Because of the difficulty in obtaining patrol vehicles in a timely manner, the Board of Aldermen approval process for purchases over fifteen thousand dollars (\$15,000) may be waived for vehicles that were previously approved for purchase through the budget and capital improvement plan processes.