

ORDINANCE NO. 11 SERIES 2015  
CITY OF LA GRANGE, KENTUCKY

MODIFYING §§ 40.02 (A) (1), (2), & (4), 40.03 & 40.05  
CONCERNING PROCUREMENT STANDARDS

Whereas, the City Council of the City of La Grange, Kentucky, has the authority pursuant to statute to enact Ordinances relating to the City, and

Whereas, it is desirable that modifications be made to certain sections of the code of ordinances, and

Whereas, it is therefore necessary that appropriate terms concerning procurement standards be changed or eliminated and this requires modification of §§ 40.02 (A) (1), (2), & (4), 40.03 & 40.05 of the code of ordinances.

BE IT ORDAINED THAT §§ 40.02 (A) (1), (2), & (4), 40.03 & 40.05 CONCERNING PROCUREMENT STANDARDS BE MODIFIED AS FOLLOWS:

Section 1:

§ 40.02 METHODS FOR PROCUREMENT.

(A) Procurements shall be made by one of the following methods: (1) small purchase procedures; (2) competitive sealed bids; (3) competitive negotiation; (4) non-competitive negotiation.

(1) Small Purchase Procedures.

(a) Purchases of supplies, equipment and services which cost between ~~\$300~~ 3,000 and ~~\$10,000~~ 20,000 will require written estimates but no legal advertisement is required. The city will solicit written responses from at least three vendors, and if no such responses are available, a statement explaining the procurement will be prepared and filed.

(b) ~~Purchases which cost between \$50 and \$300 require three over the telephone quotations of rate, price, etc. A memorandum will be prepared setting forth the date the calls were made, parties contacted, and prices obtained.~~

(c) For purchases of less than ~~\$50~~ 3,000, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary.

(2) Competitive Sealed Bids.

(a) Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When

the cost of a contract, lease or other agreement for materials, supplies, equipment, or contractual services other than those personal or professional exceeds ~~\$10,000~~ 20,000, an Invitation for Bids (IFB) notice will generally be prepared. This notice will be published at least once in at least one official newspaper of general circulation within the community. This newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. The mayor may also solicit sealed bids from responsible prospective suppliers by sending them a copy of the notice.

(b) The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as Section 3 of the 1968 Housing Act, Section 109 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11246, and the Davis-Bacon Act.

~~(c) Sealed bids will be opened in public at the time and place stated in the IFBs. The bids will be tabulated by the city clerk at the time of bid opening. The results of the tabulation and the bid documents will be examined for accuracy and completeness by the review committee which will make recommendations to the city council. In addition, the committee determines that all firms are responsive and responsible. The city council will make the decision as to whom the contract shall be awarded. After the bid award is made by the city council, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.~~

(d) The city may cancel an Invitation for Bid or reject all bids if it is determined in writing that such is in the best interests of the city. The city may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

[Note – part (3) remains unchanged.]

(4) Non-competitive Negotiations.

(a) Non-competitive negotiations may be used for procurements ~~in excess of \$10,000~~ when bidding or competitive negotiations are not feasible. The city may purchase goods and services through non-competitive

negotiations when it is determined in writing by the mayor that competitive negotiation or bidding is not feasible and that:

1. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures; or
2. The product or service can be obtained only from one source; or
3. The contract is for the purchase of perishable items purchased on a weekly or more frequent basis; or
4. Only one satisfactory proposal is received through RFP or RFQ; or
5. The state has authorized the particular type of non-competitive negotiation (the procurement of services by an Area Development District, for example.)

(b) Procurement by non-competitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. ~~The Office of Community Development must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.~~

See prior Ord. No. 2-95, passed 3-6-95.

#### § 40.03 CONTRACTS.

Generally, all procurement in excess of ~~\$300~~ 3,000 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared on a form of documentation regarding the transaction will also be prepared. The contractual provisions required by the "Common Rule," 24 CFR Part 85, will be included in all contracts.

See prior Ord. No. 2-95, passed 3-6-95.

#### ~~§ 40.05 LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED, AND SMALL BUSINESSES.~~

~~Efforts will be made and documented to solicit participation of locally owned, minority owned, female owned, and small businesses. Where feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned, and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. The list shall also be consulted when making small purchases.~~

See prior Ord. No. 2-95, passed 3-6-95.

Section 2:

This Ordinance shall become effective upon its passage and publication.

First Reading:	<u>October 5, 2015</u>
Second Reading:	<u>November 2, 2015</u>

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JOE DAVENPORT, MAYOR  
CITY OF LA GRANGE, KENTUCKY

ATTEST:

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STEPHANIE COOPER, CITY CLERK  
CITY OF LA GRANGE, KENTUCKY

VOTE:

FOR:	7
AGAINST:	0
ABSTAINED:	0
PRESENT:	7