

ORDINANCE NUMBER 15-007

An ordinance to add Article XI and Sections 2-380, 2-381, 2-382, 2-383, 2-384, 2-385, 2-386, 2-387, 2-388, and 2-389 to Chapter 2 of the Beatrice City Code regarding the establishment of a formal purchasing and procurement procedure for the City of Beatrice; to repeal Section 20-1 of the Beatrice City Code; to repeal all other conflicting ordinances or parts of ordinances; and provide for an effective date of this ordinance.

BE IT ORDAINTED BY THE MAYOR AND CITY COUCNIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That Article XI to Chapter 2 and Section 2-380 be added to the Beatrice City Code as follows:

“Article XI. Purchasing

Sec. 2-380. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable bid: A bid received by the City which is less than one hundred and fifty percent (150%) of the estimated amount and which meets all specifications in the bid letting documents.

Lowest Responsible Bidder: All purchases, leases, or contracts which by law are required to be based on competitive bids shall be made to the lowest responsible bidder, taking into consideration the best interests of the City, the quality or performance of the personal property proposed to be supplied, its conformity with specifications, the purposes for which required, and

the times of delivery. In determining the lowest responsible bidder, in addition to price, the following elements shall be given consideration:

- (a) The ability, capacity, and skill of the bidder to perform the contract required;
- (b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- (c) Whether the bidder can perform the contract within the time specified;
- (d) The quality of performance of previous contracts;
- (e) The previous and existing compliance by the bidder with laws relating to the contract;
- (f) The life-cycle costs of the personal property in relation to the purchase price and specific use of the item;
- (g) The performance of the personal property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;
- (h) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;
- (i) The information furnished by each bidder concerning life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis;
- (j) Such other information as may be secured having a bearing on the decision to award the contract; and
- (k) Any prior determination by the City Council that a bidder has been declared an irresponsible bidder pursuant to Beatrice City Code Section 2-389.

Quote: Quote shall mean for the purchase of goods or services via a quote. Such purchase shall require:

- (a) A Department Head, Superintendent, or authorized employee shall request, from three (3) separate vendors or contractors, written quotes for price;
- (b) The written quotes may be sent via mail, facsimile, or e-mail;
- (c) Such quotes shall be retained on file;
- (d) The lowest quote received that meets the specifications shall be awarded;
- (e) The time frame to receive a quote shall be determined by the Department Head, Superintendent, or authorized employee, and shall be communicated to all vendors or contractors contacted;
- (f) A majority of the vendors or contractors contacted shall be local to the City of Beatrice or Gage County area when practical; and
- (g) Such other requirements as may be necessary for the purchase or project.

Public Bid: Public bid shall mean the purchase of goods or services requiring a public bidding. Such purchase shall require:

- (a) Formal bid documents and the publication and public notice of bid letting;
- (b) A deadline for the receipt of sealed bids;
- (c) The opening of sealed bids at a designated time and place, open to the public, with minutes of the proceeding taken and kept on file with all bid and contract documents;
- (d) Awarding of the contract to the lowest acceptable bid received by the lowest responsible bidder; and
- (e) Such other requirements as may be necessary for the purchase or project.”

SECTION 2. That Section 2-381 be added to the Beatrice City Code as follows:

“Sec. 2-381. Purchase of Equipment, Materials, Parts, or Supplies.

Any purchase of equipment, materials, parts, or supplies estimated to be:

- (a) greater than thirty thousand dollars (\$30,000.00) shall be purchased via public bid;
- (b) less than thirty thousand dollars (\$30,000.00), but greater than two thousand five hundred dollars (\$2,500.00) shall be purchased via a quote; or
- (c) less than two thousand five hundred dollars (\$2,500.00) shall not require a quote or public bid.”

SECTION 3. That Section 2-382 be added to the Beatrice City Code as follows:

“Sec. 2-382. Contracted Capital Construction Projects.

Any capital construction project estimated to be:

- (a) greater than thirty thousand dollars (\$30,000.00) and requiring the use of contracted labor, shall be purchased via public bid.
- (b) less than thirty thousand dollars (\$30,000.00), but greater than two thousand five hundred dollars (\$2,500.00) and requiring the use of contracted labor, shall be purchased via a quote.
- (c) less than two thousand five hundred dollars (\$2,500.00) and requiring the use of contracted labor, shall not require a quote or public bid.”

SECTION 4. That Section 2-383 be added to the Beatrice City Code as follows:

“Sec. 2-373. Professional Services.

Professional services, including but not limited to, the hiring of attorneys, architects, engineers, surveyors, accountants, auditors, real estate appraisers, insurance, demolition services, information technology services, and other professionals may be solicited through an informal process a Request for Proposal, or Request for Qualifications as the discretion of the City Administrator or General Manager of the Board of Public Works. Such professional services shall be awarded on the basis of, but not limited to, the vendor’s ability to perform the work, the

experience of the assigned professional(s) as well as that of the firm, the quoted fee, and the proposed time frame for completion.”

SECTION 5. That Section 2-384 be added to the Beatrice City Code as follows:

“ Sec. 2-384. Exceptions.

The following purchases shall not require a quote or public bid:

- (a) Purchases made in cooperation with the State of Nebraska and its’ statewide purchasing pool which is made in a competitive bidding process;
- (b) Purchases made in response to emergency needs of the City of Beatrice, occasioned by natural disasters, national emergencies, and any other emergency situation wherein such purchases are made to protect persons or property of the City or residents of the City of Beatrice. The approval of emergency purchases shall only require the approval of the City Administrator or General Manager of the Board of Public Works;
- (c) Purchases of sole source items or unique items or equipment which are produced or manufactured in limited quantity or on special order by a very limited or small number of manufacturers; or
- (d) Purchases of computer software or meters if the Department has established a type or brand of software or meters that they prefer to use.”

SECTION 6. That Section 2-385 be added to the Beatrice City Code as follows:

“Sec. 2-385. Local Preference

In case of tied low quotes or bids, all other things being equal, preference shall be given in the following order:

- (a) To those bidders who manufacture their products within the limits of the City of Beatrice;
- (b) To those bidders who manufacture their products within the limits of the County of Gage;
- (c) To those bidders who package, process, or through some other substantial operation have employees and facilities for these purposes in the City of Beatrice;
- (d) To those bidders who package, process, or through some other substantial operation have employees and facilities for these purposes in the County of Gage;
- (e) To those bidders who maintain a bona fide business office in the City of Beatrice, but whose products may be made outside the confines of the County of Gage;
- (f) To those bidders who maintain a bona fide business office in the County of Gage, but whose products may be made outside of the confines of the County of Gage;
- (g) To those bidders whose commodities are manufactured, mined, produced, or grown within the State of Nebraska, and to all firms, corporations, or individuals doing business as Nebraska firms, corporations, or individuals when quality is equal or better and the delivered price is the same or less than the other bids received;
- (h) To those bidders whose commodities are manufactured, mined, produced, or grown within the United States of America, and to all firms, corporations, or individuals doing business as firms registered in states other than Nebraska, when quality is equal or better and the delivered price is the same or less than the other bids received.”

SECTION 7. That Section 2-387 be added to the Beatrice City Code as follows:

“Sec. 2-386. Failure to Secure Acceptable Bid

If all bids received by the City are in excess of one hundred and fifty percent (150%) of the Engineer's estimate, Department Head's estimate, or the budgeted amount, then such bids may be deemed unacceptable and the City Council may request that such item(s) or project be rebid."

SECTION 8. That Section 2-388 be added to the Beatrice City Code as follows:

"Sec. 2-387. Contracts with Public Officials or Public Employees.

Except as otherwise provided by law, no public official or public employee, a member of that individual's immediate family, or business with which the individual is associated shall enter into a contract valued at two thousand dollars (\$2,000.00) or more, in any one (1) year, with a government body unless the contract is awarded through an open and public process. An open and public process includes prior public notice and subsequent availability for public inspection during the regular office hours of the contracting government body of the proposals considered and the contract awarded. No contract may be divided for the purpose of evading the requirements of this section.

The definitions of language in this Section shall have the same meaning as those defined in the Nebraska Political Accountability and Disclosure Act, Neb. Rev. Stat. §49-1401 et seq."

SECTION 9. That Section 2-389 be added to the Beatrice City Code as follows:

"Sec. 2-388. Federal and State Funded Projects.

Purchases for projects funded with federal or state funds shall be acquired according to the procurement and purchasing requirements of the funding agency. If no formal procurement or purchasing requirements are stated, then the requirements of this article shall apply."

SECTION 10. That Section 2-390 of the Beatrice City Code be and is hereby added as follows:

“Sec. 2-389. Irresponsible Bidder.

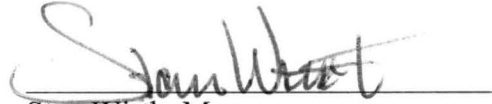
- (a) The City Council shall have the authority to declare a vendor or contractor an irresponsible bidder and to disqualify them from receiving any business from the City of Beatrice or the Beatrice Board of Public Works for a stated period of time, if said vendor: (1) has defaulted on previous bids, quotes, contracts, or projects; (2) has previous unresolved performance issues with the City; (3) is involved in collusion with other bidders; (4) has failed to timely complete previous projects or contracts with the City; or (5) has unpaid debts owed to the City.
- (b) Such declaration shall be considered at a public hearing held at a regularly scheduled meeting of the City Council with the vendor or contractor being provided ten (10) days written notice of such hearing. Such notice may be sent via first class mail.
- (b) Any such designation shall require a majority vote of the elected members of the City Council. The decision of the City Council shall be final.”

SECTION 11. That Section 20-1 of the Beatrice City Code is hereby repealed.

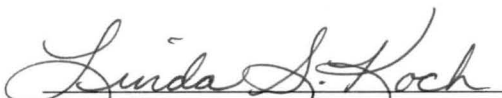
SECTION 12. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 13. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 6th day of April, 2015.


Stan Wirth, Mayor

Attest:


Linda S. Koch, City Clerk

