

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING
CHAPTER 135 FINANCE AND PURCHASING.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY
OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That the Code of Ordinances of the City of Osage Beach, in Chapter 135, specifically 135.010. Definitions, Section 135.020 Budget and Financial Control A, Section 135.040 Procurement, Transfers and Sales, Section 135.050 Purchasing and Procurement – Competitive Proposals, Section 135.070. Section 135.070. Purchasing and Procurement — Cooperative Purchasing/Sole Source Procurement/Emergency Purchases are hereby enacted with amendments as set forth below with new material set out in red and deleted material struck as follows:

Section 135.020 Definitions. The following words, terms and phrases, when used in Chapter 135, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Chapter 135. Finance and Purchasing

Article I. Budget and Finance in General

Section 135.010. Definitions.

The following words, terms and phrases, when used in Chapter 135, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

APPOINTED OFFICIAL

The following positions are deemed the Appointed Officials: City Administrator, City Clerk, Police Chief, Building Official, City Planner, City Treasurer, and City Attorney.

BIDDERS LIST

A list maintained by the office of the City Clerk used to identify potential suppliers of materials and services. The bidders list contains business firms that have advised and supplied appropriate contact information to the office of the City Clerk in order to be notified of City bidding opportunities on particular items, services, and/or projects.

CITY

The City of Osage Beach, Missouri.

COMMODITIES

Supplies, materials, or other goods that have value to the City that are used or consumed by the City in its operations; for example, office supplies, repair parts, tools, chemicals, uniforms, etc.

CONFIDENTIAL INFORMATION

Information not available to the public. Information made available to an employee only due to the relative position or rank within employment at the City.

CONTRACTUAL SERVICES

Labor and/or services performed for the City by persons not employed by the City, and may include the use of equipment, furnishing of commodities, or other items under a formal or legally binding agreement.

DEPARTMENT MANAGER

Full-time employee designated with broad areas of responsibility within the City. The following positions for the purposes of this chapter are deemed the Department Managers: The Appointed Officials, as defined in this chapter, Assistant City Administrator, Human Resources Generalist, Airport Manager, IT Manager, Public Works Operations Manager, and the Parks and Recreation Manager.

EQUIPMENT

Personal property of durable nature; for example, office furniture, vehicles, etc.

INVITATION FOR BIDS (IFB)

Includes documents with specifications utilized for soliciting competitive bids to be submitted in sealed envelopes to the office of the City Clerk or other designated official for the purchase of commodities or other items that have value to the City for the City's use.

MANAGEMENT TEAM

The following positions shall be deemed the Management Team: The Appointed Officials, as defined within this chapter, Assistant City Administrator, Human Resources Generalist, Airport Manager, IT Manager, Public Works Operations Manager, and the Parks and Recreation Manager.

NON-REOCCURRING REVENUE APPROPRIATIONS

Revenue appropriations not considered operationally reoccurring from year to year. This includes, but not limited to, grants and other reimbursements from outside sources.

PROCUREMENT

The process and the function of purchasing, renting, or otherwise obtaining City commodities, services, equipment, or construction on behalf of the City.

PROFESSIONAL SERVICES

Services within the scope of practice of architecture, engineering, or those performed by an architect, professional engineer, registered land surveyor, or other professional service allowed per State statute in connection with this professional practice.

PURCHASING AGENT or AGENT

Shall be the City Administrator or his/her designee.

REQUEST FOR PROPOSAL (RFP)

Includes documents utilized for obtaining proposals for professional and other contractual services which are evaluated against predetermined criteria and other competing proposals with the possibility of negotiation post-bid opening.

REQUEST FOR QUALIFICATIONS (RFQ)

Includes documents utilized for obtaining proposals for architectural, engineering, and land surveying services which are evaluated against predetermined criteria and other competing proposals with the possibility of negotiation post-bid opening. Price shall not be a predetermined criteria per Sections 8.285 to 8.291, RSMo.

RESPONSIBLE BIDDER

A person or entity who has the capability in all respects to fully perform the contract requirements, and possesses the experience, integrity, reliability, capacity, facilities, equipment, and credit necessary to assure good faith performance.

RESPONSIVE BIDDER

A person or entity who has submitted a bid or offer which conforms in all material respects to the requirements set forth in the IFB (Invitation for Bid) or RFP (Request for Proposal).

SUPERVISOR

A person who has been designated as a supervisor within a specific department and has the authority and responsibility for overseeing, scheduling, and performance of other employees as outlined in the City's Organizational Chart.

SURPLUS PROPERTY

Tangible City property that has been deemed by the Board of Aldermen obsolete, scrap, or surplus as to the needs of said department, Board, or agency of the City.

USER DEPARTMENT

Refers to the department assigned to or responsible for a commodity or service.

VENDOR

A supplier of commodities, services and/or equipment.

Section 135.020 Budget and Financial Control.

A. Administration.

1. The City Administrator or his/her designee shall be the Budget Officer of the City.
2. Fiscal year. The fiscal year of the City shall begin on January 1 and end on December 31.
3. Financial reporting.
 - a. The City Administrator or his/her designee shall make monthly and annual reports to the Mayor and Board of Aldermen showing the financial condition of the City in relation to the budget.
 - b. Annually, the City Administrator or his/her designee shall prepare a financial report covering all funds and operations, published for the public, and presented to the Mayor and Board of Aldermen.

4. Audit. All funds, accounts, and financial transactions of the City shall be subject to an independent audit on an annual basis by a certified public accountant selected by the Mayor and Board of Aldermen. Audits shall comply with all applicable State law.

B. Budget.

1. Preparation and proposed budget.
 - a. An annual budget shall be prepared by the City Administrator or his/her designee for each fiscal year and shall represent a complete financial plan for the City.
 - b. A proposed budget shall be sent to the Mayor and Board of Aldermen for review before the required date of adoption and shall be made available for public inspection during regular office hours in the office of the City Clerk.
 - c. All appropriations not expended at the fiscal year end shall become part of the beginning fund balances for the next fiscal year and may be appropriated for that fiscal year or future years.
 - d. All funds within the budget shall be balanced. Anticipated revenues, including unexpended balances from prior years, shall not be less than anticipated expenditures.
2. Adoption. The Mayor and Board of Aldermen shall adopt the annual budget prior to the first day of the fiscal year. A public hearing shall precede the adoption of the budget.
3. Budget modification. No expenditure within any fund shall be made unless appropriations have been made to meet that expenditure within the adopted budget.
 - a. Transfers. ~~A department manager may request, in writing, to the City Administrator a transfer of use of an expenditure appropriation of an amount equal to or less than four thousand, nine hundred and ninety-nine dollars (\$4,999.00 from one (1) line item account for use in another within the same fund. Transfers may not increase total fund expenditure appropriations. Any transfer equal to or greater than five thousand dollars (\$5,000.00) from one (1) line item account to another shall be considered a budget amendment.~~

(1) Personnel, and Operations & Maintenance Accounts.

- i. A department manager may request in writing to the City Administrator a transfer of personnel, and operations & maintenance account expenditure appropriations of an amount equal to or less than Five Thousand Dollars (\$5,000) from one or more account line items for use in other personnel, and operations & maintenance account expenditures within the same fund.
- ii. Transfer requests equal to or greater than Five Thousand and One Dollars (\$5,001) shall be approved by the Board of Aldermen in the form of an amendment to the budget ordinance.

(2) Capital Accounts.

- i. A department manager may request in writing to the City Administrator a transfer of capital account expenditure appropriations of an amount less than Ten Percent (10%) from one or more account line items for use in other capital account expenditures within the same fund.

- ii. Transfer requests equal to or greater than Ten Percent (10%) shall be approved by the Board of Aldermen in the form of an amendment to the budget ordinance.
- (3) When reasonably possible, transfer requests should be completed prior to purchase.
- (4) Transfers may not increase total fund expenditure appropriations.
- b. Budget amendments.
 - (1) ~~Increases in expenditure appropriations within a budgeted fund that are equal to or greater than five thousand dollars (\$5,000.00) shall be approved by the Board of Aldermen in the form of an amendment to the budget ordinance. Increases in expenditure appropriation within a budgeted fund that do not meet the above criteria may be approved by the City Administrator.~~
 - (1) Personnel, and Operations & Maintenance Accounts.
 - i. Increases in expenditure appropriations for personnel, and operations & maintenance account line items equal to or greater than Five Thousand and One Dollars (\$5,001) shall be approved by the Board of Aldermen in the form of an amendment to the budget ordinance.
 - ii. The City Administrator may approve increases in expenditure appropriations for personnel, and operations & maintenance account line items that are equal to or less than Five Thousand Dollars (\$5,000).
 - (2) Capital Accounts.
 - i. Increases in expenditure appropriations from any capital account line items when the increase is both less than or equal to Ten Percent (10%) and less than or equal to Five Thousand Dollars (\$5,000) may be approved by the City Administrator.
 - ii. All other increases in capital account line items shall be approved by the Board of Aldermen in the form of an amendment to the budget ordinance.
 - (3)(2) If total **fiscal year** expenditures in any fund are over budget ~~at year-end~~, a budget amendment shall be brought before the Board of Aldermen for approval **before the** close of the fiscal year.
 - (4) Increases or decreases in one-time or non-reoccurring revenue appropriations within a budgeted fund that are equal to or greater than Five Thousand and One Dollars (\$5,001) shall be approved by the Board of Aldermen in the form of an amendment to the budget ordinance.
 - (5) When reasonably possible, budget amendment requests should be completed prior to purchase.

Article II. Purchasing, Procurement, Transfers, and Sales

Section 135.040. Purchasing and Procurement — Competitive Bidding.

A. Any purchases or contracts made shall be made only after liberal competition, unless defined otherwise.

B. Authority And Responsibilities **Appropriated within the Adopted Annual Budget.**

<u>Purchase Amount</u>	<u>Authorization</u>	<u>Bid Procedure</u>
=/ < \$999	Department Manager	Small Purchases 135.040.B.1.
\$1,000 – \$14,999	City Administrator	INFORMAL – Verbal Bids Accepted 135.040.B.2
=/ > \$15,000	Board of Aldermen	FORMAL – Written Bids 135.040.C

<u>Amount</u>	<u>Authorization</u>	<u>Bid Procedure</u>
Equal to/Less than \$2,500	Supervisor	Small Purchases 135.040.C.1.
Equal to/Less than \$10,000	Department Manager	Informal Bids - 135.040.C.2.
Equal to/Less than \$15,000	Assistant City Administrator	Informal Bids - 135.040.C.2.
Equal to/Less than \$25,000	City Administrator	Informal Bids - 135.040.C.2.
Equal to/Greater than \$25,001	Board of Aldermen	Formal Bids - 135.040.D

C. Informal Bidding.

1. Small Purchases. ~~department manager approval =/ < \$999.00.~~ Purchases that are equal to or less than ~~nine hundred and ninety-nine dollars (\$999.00)~~ **Two Thousand, Five Hundred Dollars (\$2,500)** shall be obtained under the following guidelines:
 - a. Non-repetitive purchases not to exceed an aggregate amount of ~~nine hundred and ninety-nine dollars (\$999.00)~~ **Two Thousand, Five Hundred Dollars (\$2,500)** may be made as approved by the ~~department manager~~ **Supervisor** for his/her appropriate department. Purchases shall not be artificially divided to constitute a small purchase under this Section.
 - b. When reasonably possible, approval should be given prior to purchase.**
 - be.** All purchases not within their approved Annual Operating Budget **shall follow Budget Modification guidelines** ~~must be pre-approved by the City Administrator or his/her designee.~~
 - ed.** Such purchases under this Section shall not interfere with the procurement of items in an existing contractual obligation, services or items already within a cooperative contract with another agency, or for other items of procurement through another established City policy.
2. Informal Purchases. - ~~City Administrator approval: \$1,000.00 – \$14,999.00.~~ Purchases equal to or greater than ~~one thousand dollars (\$1,000.00)~~ **Two Thousand, Five Hundred and One Dollars (\$2,501)** through fourteen thousand, nine hundred and ninety-nine dollars (\$14,999.00) **and up to Twenty-Five Thousand Dollars (\$25,000)** shall be obtained under the following guidelines:
 - ~~a. Purchases procured by individual departments that are equal to or greater than one thousand dollars (\$1,000.00) through fourteen thousand, nine hundred and ninety-nine dollars (\$14,999.00) shall be pre-approved by the City Administrator or his/her designee~~

- a. Department Managers. Purchases procured by individual departments that are equal to or greater than Two Thousand, Five Hundred and One Dollars (\$2,501) and up to Ten Thousand Dollars (\$10,000) shall be approved by the Department Manager for his/her appropriate department.
- b. Assistant City Administrator. Purchases procured by individual departments under the direct supervision of the Assistant City Administrator up to Fifteen Thousand Dollars (\$15,000) shall be approved by the Assistant City Administrator.
- c. City Administrator. The City Administrator may approve purchases up to Twenty-Five Thousand Dollars (\$25,000).
- bd. Competitive quotations shall be solicited and documented from more than one (1) qualified supplier. Verbal quotes are authorized. Methods of soliciting bids should include direct mail request to prospective vendors; fax or phone requests; and/or electric media requests such as, email or ~~portable document format (pdf)~~ **other online formats**.
- ee. If fewer than ~~three (3)~~ **two (2)** proposals from qualified vendors are received, staff recommendation shall be brought to the Board of Aldermen for approval.
- f. The City Administrator or his/her designee may also choose to advertise using the formal bidding procedures if it is deemed by the City Administrator to be in the best interest of the City.
- g. All purchases not within their approved Annual Operating Budget shall follow Budget Modification guidelines.
- h. When reasonably possible, appropriate approval should be given prior to purchase.
- i. Purchases shall not be artificially divided to constitute an informal purchase under this Section.
- dj. Such purchases under this Section shall not interfere with the procurement of items in an existing contractual obligation, services or items already within a cooperative contract with another agency, or for other items of procurement through another established City policy.

D. Formal Bidding.

- 1. Formal - ~~Board of Aldermen Approval: >=\$15,000.00~~ Purchases and contracts equal to or greater than ~~fifteen thousand dollars (\$15,000.00)~~ **Twenty-Five Thousand and One Dollars** shall be **approved by the Board of Aldermen** ~~obtained~~ under the following guidelines:
 - a. Bidding method. Purchases and contracts shall be procured through formal competitive sealed bidding procedures unless it is determined, in writing, by the City Administrator or his/her designee that this method is not practical. Factors for this determination include:
 - (1) Specifications of the bid can be prepared to permit the award on the basis of either the lowest or the lowest evaluated bid price(s); and/or
 - (2) The specifics of the purchase such as supplies, time, place and/or performance are not appropriate for the use of competitive sealed bidding.
 - b. Public notice.

- (1) An Invitation for Bid (IFB) shall be published, stating a general description, once in at least one (1) local newspaper of the general circulation and on site at City Hall and electronically via the City's website no less than fifteen (15) calendar days prior to stated bid opening.
 - (2) Notice of the bid invitation shall be sent, stating a general description, to all prospective bidders who have requested their names be added to the bidder's list on file with and maintained by the office of the City Clerk pertaining to all published IFBs.
- c. Bid opening.
 - (1) Sealed bids shall be delivered to and held by the office of the City Clerk who shall conduct the public bid opening at said date and time established by the formal notice.
 - (2) The names of the bidders, the prices, and the items offered, shall be recorded by the office of the City Clerk and be posted for public inspection. The delivery terms, and/or other bid specifications items shall be recorded by the user department manager.
- d. Evaluation.
 - (1) All bids are evaluated against the criteria included in the bid specifications as formally advertised.
 - (2) The user department manager and/or City Administrator shall review all bids recorded by the office of the City Clerk.
 - (3) The user department manager shall check and document at least three (3) references of any proposed awardee which has previously not done business with the City within a 4-year period.
 - (4) Changes to the bids or the IFB are not allowed after opening of the bids.
 - (5) A contract modification may be made only after formal approval of the contract.
 - (6) A pending contract modification may not be considered in evaluating procurement.
- e. Award.
 - (1) The Board of Aldermen may accept and/or reject any or all bids and shall make the final award as determined to be the most advantageous to the City, taking into consideration price, bid solicitation and specifications.
 - (2) The City Administrator or his/her designee shall give written notification of award to the successful bidder.
- f. Non-responsive and unacceptable bids.
 - (1) The City may reject any bid which is materially non-responsive to the requirements set forth in the formal bid specifications.
 - (2) The City Administrator may re-solicit bids if bids received as a result of a solicitation for bids are not acceptable for any reason. Such re-solicitation shall not be for the purpose of directing the award to particular bidder.
- g. Prohibitions.

- (1) Competitive price sharing. Otherwise known as 'auctioneering,' price/cost sharing between vendors is prohibited when soliciting bids either in informal or formal, verbal or written, bid soliciting.
 - (2) Contract splitting. Contracts shall not otherwise be divided or split to constitute small quantities and/or amounts or divided into artificial phases or sub-contracts for the purpose of circumventing the requirements of formal bidding.
- h. Records. The office of the City Clerk shall keep records of all bids and all contracts awarded which shall be open for public inspection. The office of the City Treasurer shall keep all invoice and payment records.

Section 135.050. Purchasing and Procurement — Competitive Proposals.

- A. **Authority and Responsibilities** ~~The approval authority is set forth as follows.~~ **Appropriated within the Adopted Annual Budget.**

<u>Purchase Amount</u>	<u>Authorization</u>
=/ < \$999	Department Manager
\$1,000 – \$14,999	City Administrator
=/ > \$15,000	Board of Aldermen

<u>Amount</u>	<u>Authorization</u>
Equal to/Less than \$10,000	Department Manager
Equal to/less than \$15,000	Assistant City Administrator
Equal to/Less than \$25,000	City Administrator
Equal to/Greater than \$25,001	Board of Aldermen

1. Department Managers. Purchases procured by individual departments that are equal to or less than Ten Thousand Dollars (\$10,000) shall be approved by the Department Manager for his/her appropriate department.
2. Assistant City Administrator. Purchases procured by individual departments under the direct supervision of the Assistant City Administrator up to Fifteen Thousand Dollars (\$15,000) shall be approved by the Assistant City Administrator.
3. City Administrator. The City Administrator may approve purchases up to Twenty-Five Thousand Dollars (\$25,000).
4. Purchases and contracts equal to or greater than Twenty-Five Thousand and One Dollars (\$25,001) shall require the approval of the Board of Aldermen.
5. If fewer than two (2) proposals from qualified vendors are received, staff recommendation shall be brought to the Board of Aldermen for approval.
6. All purchases not within their approved Annual Operating Budget shall follow Budget Modification guidelines.

B. Conditions For Use.

1. Request for Qualifications (RFQ). RFQs may be used in lieu of competitive bidding procedures where it is necessary to demonstrate competence and qualifications for the type of services required. Price shall not be a factor in determining the best proposal. The City Administrator or his/her designee shall negotiate these contracts on the basis of predetermined criteria as outlined in Section 8.285 to 8.291, RSMo.
 - a. RFQ uses:
 - (1) Required professional services; includes, engineers, architects, and land surveyors.
 - (2) Optional professional services; includes legal and financial services.
2. Request for Proposal (RFP). RFPs may be used in lieu of competitive bidding procedures under specific circumstances where it is necessary to ensure fair and reasonable price, product, and/or service analysis, but not to prevent competition for technical superiority or price. This method allows for the possibility for negotiations of specific applicable conditions and is only used when competitive bidding is not practical or not advantageous to the City as determined by the City Administrator or his/her designee.
 - a. RFP may be used for the following:
 - (1) Optional professional services; including, but not limited to, legal, financial services, and other professional people who, in keeping with the standards of their discipline, will not enter into a competitive bidding process;
 - (2) Complex services; or
 - (3) Non-standard items.

C. Public Notice.

1. Notice of a proposal invitation shall be published, stating a general description, once in at least one (1) local newspaper of the general circulation and on site at City Hall and electronically via the City's website no less than fifteen (15) calendar days prior to stated proposal opening.
2. Competitive proposal packets may be mailed to proposers who have participated in previous competitive proposal on similar items and/or who have expressed an interest on the specific item and who are on the prospective bidder's list on file with the office of the City Clerk. Notice of the invitation shall be sent, stating a general description, to all prospective bidders who have requested their names be added to the bidder's list on file with and maintained by the office of the City Clerk pertaining to all competitive proposal published.

D. Proposal Opening.

1. Sealed proposals shall be delivered to and held by the office of the City Clerk at said date and time established by the formal notice.
2. The names of each proposer shall be recorded by the office of the City Clerk and shall be posted for public inspection.

- E. Post-Opening Proposal Discussion. Post-opening negotiations, discussions, and clarifications may be made with each proposer by the user department manager and/or the City Administrator or his/her designee as needed to the extent of one's own proposal.
- F. Evaluation.
1. The evaluated criteria shall be predetermined factors as formally advertised which measure the differences on how well a proposer meets the desired qualifications and performance characteristics.
 2. Reasonableness and credibility of price may be considered. Pursuant to Section 8.285 to 8.291 RSMo., price cannot be a factor in the selection of engineers, architects, and land surveyors.
 3. The user department manager and/or City Administrator shall review all proposals recorded by the office of the City Clerk.
 4. The user department manager shall check and document at least three (3) references of any proposed awardee which has previously not done business with the City within a 4-year period.
 5. Changes to the proposal are not allowed after opening of the proposals.
 6. Contract modification may be made by the Board of Aldermen only after formal approval of the contract.
 7. A pending contract modification may not be considered in evaluating procurement.
- G. Award.
- ~~1. The City Administrator or his/her designee shall recommend to the Board of Aldermen that the award be made to the most responsive and responsible proposer who submitted the lowest and/or best proposal.~~
 21. The Board of Aldermen City may accept and/or reject any or all proposals and shall make the final award as determined to be the most advantageous to the City.
 32. The City Administrator or his/her designee shall give written notification of award to the successful proposer.
- H. Non-Responsive And Unacceptable Proposals.
1. The City may reject any proposal which is materially non-responsive to the requirements set forth in the formal specifications.
 2. The City Administrator may re-solicit proposals if proposals received as a result of a solicitation are not acceptable for any reason. Such re-solicitation shall not be for the purpose of directing the award to a particular proposer.
- I. Records. The office of the City Clerk shall keep records of all competitive proposals and such records shall be open for public inspection.

Section 135.070. Purchasing and Procurement — Cooperative Purchasing/Sole Source Procurement/Emergency Purchases.

A. Cooperative Purchasing. It is the goal of the City to participate in the cooperative procurement program with the State of Missouri, the County of Camden and/or Miller, or other governmental body. In lieu of purchasing requirements set out in this Chapter, purchasing may be authorized based on bids received by another governmental entity, provided that all of the following criteria are met:

1. The other governmental entity must have competitively bid the purchase using procedures which are substantially similar to the procedures which would have been required by this Chapter had the City of Osage Beach bid the purchase itself.
2. Verification can be made as to the fact that the bid procedures were indeed followed by the other governmental entity.
3. The successful bidder to the other governmental entity must state, in writing, to the City of Osage Beach that the City of Osage Beach is authorized to make the same purchase at the same price.
4. Authority. ~~The approval authority is set forth as follows:~~ **and Responsibilities Appropriated within the Adopted Annual Budget.**

Amount

Authorization

Equal to/Less than \$2,500

Supervisor

Equal to/Less than \$10,000

Department Manager

Equal to/Less than \$15,000

Assistant City Administrator

Equal to/Less than \$25,000

City Administrator

Equal to/Greater than \$25,001

Board of Aldermen

- a. **Supervisors.** Purchases procured by individual departments that are equal to or less than ~~nine hundred and ninety-nine dollars (\$999.00)~~ **Two Thousand, Five Hundred Dollars (\$2,500)** may be made as approved by the ~~department manager~~ **Supervisor** for his/her appropriate department.
- b. **Department Managers.** Purchases procured by individual departments that are equal to or less than **Two Thousand, Five Hundred and One Dollars (\$2,501)** and up to **Ten Thousand Dollars (\$10,000)** shall be approved by the Department Manager for his/her appropriate department.
- c. **Assistant City Administrator.** Purchases procured by individual departments under the direct supervision of the Assistant City Administrator up to **Fifteen Thousand Dollars (\$15,000)** shall be approved by the Assistant City Administrator.
- b. ~~Purchases procured by individual departments that are equal to or greater than one thousand dollars (\$1,000.00) through fourteen thousand, nine hundred and ninety-nine dollars (\$14,999.00) shall be pre-approved by the City Administrator or his/her designee prior to purchase.~~
- d. **City Administrator.** ~~The City Administrator may approve purchases up to Twenty-Five Thousand Dollars (\$25,000).~~

- ee. Purchases and contracts equal to or greater than ~~fifteen thousand dollars (\$15,000.00)~~ **Twenty-Five Thousand and One Dollars (\$25,001)** shall require the approval of the Board of Aldermen **prior to purchase.**
- f. **All purchases not within their approved Annual Operating Budget shall follow Budget Modification guidelines.**
- g. **When reasonably possible, appropriate approval should be given prior to purchase.**

B. Sole Source Procurement. A contract may be awarded without competition when it has been determined by the City Administrator that there is only one (1) feasible source.

1. Defined. A sole source is defined as follows:

- a. Proprietary. When there is no substitute for items deemed necessary or a product is only available from one (1) manufacturer or single distributor; and/or
- b. History. When the City purchases from the same vendor as it has in the past for the purpose of staying consistent.

2. Procedure and records.

- a. Appropriate negotiations shall determine price, delivery, and other terms necessary for purchase.
- b. Determination of sole source shall be documented and made part of the purchase/invoice file.
- c. The user department manager shall check and document at least three (3) references of any proposed awardee which has previously not done business with the City within a 4-year period.

3. Authority. ~~The approval authority is set forth as follows:~~ **and Responsibilities Appropriated within the Adopted Annual Budget.**

- a. **Supervisors.** Purchases procured by individual departments that are equal to or less than ~~nine hundred and ninety-nine dollars (\$999.00)~~ **Two Thousand and Five Hundred Dollars (\$2,500)** may be made as approved by the ~~department manager~~ **Supervisor** for his/her appropriate department. ~~Purchases shall not be artificially divided to constitute a small purchase under this Section.~~
- b. **Department Managers.** Purchases procured by individual departments that are equal to or less than **Two Thousand, Five Hundred and One Dollars (\$2,501)** and up to **Ten Thousand Dollars (\$10,000)** shall be approved by the Department Manager for his/her appropriate department.
- c. **Assistant City Administrator.** Purchases procured by individual departments under the direct supervision of the Assistant City Administrator up to **Fifteen Thousand Dollars (\$15,000)** shall be approved by the Assistant City Administrator.
- b. ~~Purchases procured by individual departments that are equal to or greater than one thousand dollars (\$1,000.00) through fourteen thousand, nine hundred and ninety-nine dollars (\$14,999.00) shall be pre-approved by the City Administrator or his/her designee prior to purchase.~~

- ed. Purchases and contracts equal to or greater than ~~fifteen thousand dollars (\$15,000.00)~~ **Twenty-Five Thousand and One Dollars (\$25,001)** shall require the approval of the Board of Aldermen.
- e. All purchases not within their approved Annual Operating Budget shall follow Budget Modification guidelines.
- f. When reasonably possible, approval should be given prior to purchase.

C. Emergency Purchases.

1. Defined. An emergency is a disaster declared by the Mayor or when a breakdown in machinery or equipment or termination of essential services that may vitally affect the health, safety, or welfare of the employees or the public. ~~Emergency purchases shall be made consistently as authorized by Section 225.130(C) of this code.~~
2. Authority **and Responsibilities**. The approval authority is set forth as follows:
 - a. ~~Department manager: Approval of emergency purchases equal to or less than nine hundred and ninety-nine dollars (\$999.00);~~
 - ba. City Administrator: Approval of emergency purchases equal to ~~or greater than one thousand dollars (\$1,000.00) through forty-nine thousand, nine hundred and ninety-nine dollars (\$49,999.00)~~ **equal to or less than Fifty Thousand Dollars (\$50,000);**
 - eb. Board of Aldermen: City Administrator or his/her designee shall obtain approval of emergency purchases equal to or greater than ~~fifty thousand dollars (\$50,000.00)~~ **Fifty Thousand and One Dollars (\$50,001)** at the next Board of Aldermen meeting, if time permits, or by means of a concentrated effort to poll the Board of Aldermen to obtain an agreement of the majority.

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgement or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 5. That this Ordinance shall be in full force and effect from and after the date of passage and approval by the Mayor.

READ FIRST TIME: June 17, 2021

READ SECOND TIME: July 1, 2021

I hereby certify that Ordinance No.21.34 was duly passed on July 1, 2021, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 1

Abstentions: 0

Absent: 1

This Ordinance is hereby transmitted to the Mayor for his signature.

July 1, 2021
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.21.34.

John Olivarri
John Olivarri, Mayor

July 1, 2021
Date

Tara Berreth
Tara Berreth, City Clerk