

Procurement Policy Updates

Most of the updates are to phrasing and ordering within a section to provide more clarity in the reading of the policy. Wording was updated so consistent phrases or terms are used throughout the policy, for example; the words materials, supplies, goods, items, commodities have been replaced by the word good(s), so the reader will see “goods and services” consistently in the policy.

A description of changes within each section of identified below.

Section 1. Procurement Definitions

Formatting was cleaned up, terms that are no longer used were removed (Modification), and couple new terms (Interested Party, Solicitation) added and removed from their location within the policy. Removed the footnote markings (*,+,**,***) that identified the source of the definition.

Section 2. Authority and Enforcement

Review of sections for compliance with City Charter and policies, some wording changed to match the Charter.

Section 2.6 Contracting Authority – per the City Charter, the City Manager and Mayor have signature authority to enter into contracts or agreements on behalf of the City.

Section 2.7 Renewal of Contracts/Agreements – Updated to reflect the use of auto renewals and new renewal processes included in City Contracts

Section 2.8 Prohibited Acts by Elected and Appointed Public Officials and Employees – updated and sited specific state statute

Section 3. General Requirements

Section 3.6 Product Testing/Demonstrations moved from previous location at Section 12.3

Section 3.10 – changed fixed amount to reference the Approval Levels in Section 4 Approvals

Section 3.11 Licenses – Clarified who is responsible for verifying or obtaining Business Licenses for a purchase

Section 3.16 Contract Total Cost – cleaned up and clarified

Section 3.18 Purchase Orders – moved from previous location Section 11. Needed when ordering using a quote, bid RFP, RFQ, etc. and anytime the City’s standard terms and conditions need to be included.

Discretionary purchases made on a day to day basis can be made using a City issued P-card in person or online in compliance with the Procurement and P-card policies.

Section 4 Approval Levels

Recommending significant change in the Approval Levels – increasing the City Manager’s approval authority from \$50,000 to \$75,000. See spreadsheet, for history of items approved in last 3-4 years Improved language to make the policy clearer, added reference to Contract Total Cost

Sections 4.1 – 4.5 adjusted accordingly

Section 4.2 Quotes \$5,000 - \$19,999.99 – \$5,000 was identified as point to start quotes because under Missouri Law a purchase that is over \$5,000 and includes service requires the Vendor to provide a Work Authorization document and proof of participation in the E-Verify program.

Section 4.4 \$75,000 was identified for two reasons, 1) historical spend on existing Council Approved Contracts and 2) at \$75,000 a project may become subject to the Prevailing Wage laws.

Section 5 Solicitation Processes

5.1 Quotes – Split this into A) Quotes for Goods and B) Quotes for Projects with Services. Purpose is to define the process identify who is responsible for each of the steps. We identified the \$5K level for

service as that is when Missouri law requires Work Authorization and E-Verify documents. New Quote templates for Project Managers have been created.

5.2 Bids – clarify informal is a written bid document, department is responsible for spec/SOW, how bids are awarded, and general timeline for process. Added clarifying language in regards to extending closing date and time of a Bid.

5.6 On-call Contracts – added that on-call contracts for goods falls under Section 5.6 as well.

Clarified that if a contract is approved by Council and the budget for the project is approved by Council, then the on-call contract can be used without additional Council approval. Policy also states when an on-call contract shall go to Council. Reflects the City Manager authorization up to \$75,000.00

Section 6 Alternative Procurement Methods

Section 6.1 Cooperative Purchasing – clarifying how to use a Cooperative agreement, required conditions, etc.

Section 6.2 Convenience Contracts – added clarifications and documentation required to use a contract

Section 7 Non-solicitation type processes

Section 7.1 Emergency Purchase – language clean up, may revisit once City Emergency Response Plan is completed.

7.2 Sole Source – adding item “e. to maintain uniformity and consistency in an area, a good must be purchased from a single distributor” to the list of qualifying conditions.” New Sole Source Request form created.

7.3 Exempt-added clarification that approval levels apply, Worker’s Compensation settlements, and art purchases selected within the approved budget are reviewed and approved by the City Manager.

7.4 Original Equipment Manufacturer (OEM) Agreements – this has been in practice for many years but not included in the policy. The agreements lock in discounts for goods and services from OEM dealers for new equipment to maintain manufacture warranty. This is not to be used for the purchase of additional equipment.

Section 8 Contract Amendments

8.1 Non-construction – updated to provide clarification for the process.

8.2 Increase the split from \$500,000 to \$1M, added fixed amount with percentage to determine when Change Orders need to go to Council for approval

8.2.3 added fixed amount with percentage go determine when Time Change Orders need to go to Council for approval

8.3 Moved Consultant Contracts out to its own level, added fixed amount with percentage to determine when Change Orders need to go to Council for approval

Section 9 Project Delivery Methods

Provided some clarifications and state statute references.

Section 10 Real Property Processes

10.1 to be in alignment with the Charter and City practices

10.2 b – added clarification

No other updates

Section 11 Disposal of Property (Previously Section 15)

A couple of language updates, section was moved from previous location to here after Real Property Added the donation of Public Safety Materials and Equipment to another agency with City Manager approval to the methods of disposing of property. Reinforce staff to follow Capital Asset policy for retirement of assets.

Section 12 Receiving, Delivery, and Freight

Made a few clarifications to wording, clarify process and timing, moved Product Testing/Demo to Section 3.6

Section 13 Protest

Adjusted the timeline to one that is more realistic

Cleaned this section up so it reads better and timelines are clearer

Going to create a form to review if a protest will cause a pause in the process or not

Section 14 Disputes with Contractor Performance

Clarified, Procurement is limited to assisting with Vendors under Contract or Purchase Orders, very limited in its ability to help with purchases made off contract or without a Purchase Order

Section 15 Procurement Policy Review

Updated the review process to reflect input is sought from each of the City departments