

ORDINANCE NO. 1151

AN ORDINANCE AMENDING CHAPTER 4 ARTICLE 6 OF THE FORT MORGAN MUNICIPAL CODE

WHEREAS, the Fort Morgan Municipal Code contains the City of Fort Morgan's Procurement Policy; and

WHEREAS, the Procurement Policy has not been adjusted and updated for several years; and,

WHEREAS, some clarifications and adjustments to the language are needed to increase the efficiency of City departments; and,

WHEREAS, the City Council finds and determines that this Ordinance is necessary for the preservation of the public peace, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,

Section 1: The Fort Morgan Municipal Code Chapter 4 Article 6 is hereby amended as follows:

Sec. 4-6-40. Best value.

(a) It shall be the policy of the City to make every reasonable effort to procure services and goods which are of the highest quality at reasonable prices, with consideration given to service, availability, vendor reliability, location of vendor, etc.

(b) PURSUANT TO SECTION A, THE CITY MANAGER HAS AUTHORITY TO SUSPEND OR DISQUALIFY VENDORS IF, IN THE DISCRETION OF THE CITY MANAGER, THE VENDOR BREACHES OR FAILS TO COMPLY WITH AN AGREEMENT. THE LENGTH OF DISQUALIFICATION SHALL BE IN THE DISCRETION OF THE CITY MANAGER.

Sec. 4-6-50. Limits and approvals.

(c) Purchases estimated to exceed ten thousand dollars (\$10,000.00) in costs. It shall be the policy of the City to require IFBs for all purchases in which the purchase price is estimated to exceed ten thousand dollars (\$10,000.00) for any one (1) purchase or liability, or where the aggregate purchases from a single vendor exceed ten thousand dollars (\$10,000.00) EXCEPT WHEN: ~~However,~~

(1) ~~This does not apply to~~ THE purchases IS associated with federal, state or private grant funded projects that ~~required~~ REQUIRES the use of a specific vendor for the project; OR

(2) WHEN STATE BID PRICING HAS BEEN ESTABLISHED AND IT IS IN THE BEST INTEREST OF THE CITY TO FOREGO FORMAL BID REQUIREMENTS TO UTILIZE STATE BID PRICING; OR

(3) IN THE DISCRETION OF THE CITY MANAGER A PURCHASE IS CONSIDERED TO BE REQUIRED FROM A SOLE SOURCE VENDOR BASED ON THE FOLLOWING CRITERIA:

(i) WHEN THERE IS NO OTHER DISTRIBUTOR OR MANUFACTURER OF THE PRODUCT WITHIN 200 MILES, OR DUE TO PATENT OR TRADEMARK LIMITATIONS; OR

(ii) WHEN SOFTWARE SUPPORT IS NECESSARY FOR A SPECIFIC PRODUCT OR SERVICE PURCHASED OR PROVIDED BY THE CITY WHICH IS SPECIFIC TO THE VENDOR OF THE PRODUCT OR SERVICE; OR

(iii) WHEN PURCHASE OF A SPECIFIC PRODUCT IS NECESSARY TO MAINTAIN CONSISTENCY WITH OTHER PRODUCTS USED BY THE CITY,

AND FAILURE TO STAY CONSISTENT WOULD POSE A HEALTH, SAFETY OR UNNECESSARY ADDITIONAL COST.

(d) Purchases estimated to exceed ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND DOLLARS (\$2,000.00) but not exceed ten thousand dollars (\$10,000.00). It shall be the policy of the City to require IQs for all purchases which are estimated to exceed ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND DOLLARS (\$2,000.00) but not to exceed ten thousand dollars (\$10,000.00) for any one (1) purchase or liability.

(e) Purchases estimated to be less than ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND DOLLARS (\$2,000.00) limited allowance. It shall be the policy of the City to allow the Purchasing Agents to use their discretion in the purchase of services or goods which are estimated not to exceed ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND DOLLARS (\$2,000.00). Such purchases will be made using the requisition form.

(f) Use of purchase order. It shall be the policy of the City to require the use of purchase orders for all procurements which are estimated to exceed ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND DOLLARS (\$2,000.00). Terms and conditions for purchase orders shall be developed by the City Manager and approved by the City Attorney. The terms and conditions of the City shall supersede conflicting terms and conditions of an invoice.

Section 2. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 3. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 6. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

Section 7. Effective date. The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This change shall be effective five (5) days after final publication of this ordinance.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 6th day of May, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:

/s/ John Brennan
John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 20th day of May, 2014.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry McAlister
By: Terry McAlister
Mayor

Attest:

/s/ John Brennan
John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1151** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 6th day of May, 2014. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 12th day of May, 2014, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 20th day of May, 2014. Within five (5) days after its final passage, said **Ordinance No. 1151** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John Brennan
John Brennan
City Clerk