

AN ORDINANCE OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, STATING THE PROCUREMENT POLICY OF THE CITY REGARDING CDBG.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

SECTION I

THE CITY OF PORTAGE DES SIOUX SHALL FOLLOW THE FOLLOWING PROCUREMENT POLICY FOR THE SEWER PROJECT:

1. **Small Purchases**

Formal bid solicitation procedures are not required under the Regulation for the purchase of items that cost less than \$25,000. However, three written quotes should be obtained for all purchases in excess of \$250. What is being purchased, either goods or services, should be clearly written. For purchases of less than \$250, the purchasing officer may obtain informal price quotes by telephone or face-to-face inquiry. Price quote must be obtained from at least three qualified vendors. Prices obtained orally should be documented for the files.

2. **Competitive Sealed Bids**

Competitive Sealed Bids (formal advertising) are used when the goods or services are expected to be over \$25,000 in cost. The invitation shall be publicly advertised for a period NOT less than three consecutive weeks (21 days) to allow sufficient time prior to the opening of bids. CDBG suggests allowing a period of 7 days between the final advertisement and designated bid opening. Bids shall be solicited from an adequate number of known suppliers. The invitation, including specifications and attachments, must clearly describe the goods or scope of services required permitting bidders to be responsive to the invitation. All bids must be opened publicly at the time and place stated in the invitation for bids. A firm-fixed price contract award must be made in writing to the responsive bidder whose bid is lowest, most responsible and responsive. All unsuccessful bidders must be notified in writing.

3. **Procurement by Competitive Proposals**

Procurement by competitive proposals may be used if conditions are not appropriate for the use of formal advertising. This type of procurement is most commonly used for professional services. The only area in which price is not used as a selection factor is in procurement of professional architectural or engineering (A/E) services. A/E firms may also be procured under qualifications for surveying and other services that require A/E degree. **Price must be a selection factor in the purchase of other types of services, such as easement acquisition, archeological services, legal, etc.** Only fixed price (a specified price to be paid when the items or services are delivered and accepted) or cost-reimbursement (price is usually reimbursed as costs are incurred) may be awarded. When using procurement by competitive proposals, the following requirements apply:

- a. Proposals must be obtained from three or more qualified sources.
- b. A Request for Qualifications/Proposals, which identifies all the factors that will be used to evaluate proposals and qualifications, including the importance that price or cost will play in the selection, must be issued and publicized. A period of at least 7 days to respond to an RSP or RFQ should be allowed.
- c. For administration services, in order to comply with CDBG policy, a copy of the RFP must be made available to the area Regional Planning Commission as well as ALL grant administrators on the most current CDBG Administrators List in addition to all other procurement procedures. Failure to follow required procurement will either disallow the use of CDBG funds to pay for the service, or the process will have to be repeated correctly.
- d. All proposals received must be evaluated. A written method for evaluation, which includes the significant factors used to determine the contract selection award, must be prepared and publicized along with the Request for Proposals.
- e. The award may be made to the respondent whose proposal would be most advantageous to the recipient, considering prices and other factors identified in the Request for Proposals.
- f. Unsuccessful respondents must be notified promptly in writing.

4. Procurement by Noncompetitive Proposals

A noncompetitive proposal is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following: (a) after solicitation from a number of sources, competition is determined inadequate; (b) the items or services required are available only from one source; (c) the State authorizes the noncompetitive method; or (d) a public emergency is such that the urgency will not permit a delay beyond the time needed to employ one of the other methods described above. The mere fact that a contractor is performing other consultant services for the grantee is not in itself an adequate justification for a noncompetitive proposal award. **DED must approve the method of procurement prior to contract award where fewer than three qualifications/proposals/bids have been obtained.**

Construction Projects

All construction procurements should follow the competitive sealed bid (formal advertisement) procurement method. A number of firms are generally able to supply these services. To facilitate competitive bidding, a list of prospective contractors for each type of activity should be assembled. The list should include reputable firms or persons who have a good performance record, including minority and project area contractors. Prospective contractors from the appropriate category should be invited to bid. DED, HUD, and the Department of Labor maintain a list of excluded bidders. Recipients are required to contact DED to ensure that contractors are eligible. (See the Labor Standards Chapter.)

Missouri Reciprocity Law

Missouri State Statute 34.076 says the Missouri communities are legally compelled to award contracts to Missouri bidders when the bid is with the percentage of bid preference established by another state's reciprocity law. This law applies to all bids over \$500.00. Specific inquiries regarding this requirement should be directed to the Missouri Office of Administration, Division of Purchasing, at (573)751-2387.

SECTION II

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR AND THE BOARD OF ALDERMEN.

PASSED AND APPROVED THIS 1st DAY OF December, 2014.

MARK D. WARNER, MAYOR

ATTEST: _____

SUZIE A. CISSELL, CITY CLERK

CITY SEAL