

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Enacting Chapter 175 PURCHASING AND CONTRACTING PROCEDURES; AND DECLARING AN EMERGENCY.

WHEREAS, The purchase of supplies, materials, equipment and construction of public improvements for the city shall be made pursuant to specifications through open, competitive bidding, under such rules consistent with the Charter; and

WHEREAS, on November 7<sup>th</sup>, 2017, the electors of the City of Reynoldsburg did approve an amendment to Charter Section 8.04 Purchasing And Contracting Procedures; and

WHEREAS, it is the intent of the Council to establish purchasing and contracting procedures in accordance with Charter Section 8.04; and

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, COUNTIES OF FRANKLIN, LICKING, and FAIRFIELD, STATE OF OHIO that:

SECTION 1. That Chapter 175 PURCHASING AND CONTRACTING PROCEDURES of the Codified Ordinances be and is hereby enacted to read as set forth in Exhibit A attached hereto and incorporated herein.

SECTION 2. That this ordinance is deemed to be an emergency measure necessary for the financial needs of the City and further to have the procedure in place by January 1, 2018; wherefore, upon adoption by Council this ordinance shall be in effect immediately upon signature by the Mayor.

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Chris Long, President Pro Tempore

ATTEST: April E. Beggerow  
April E. Beggerow, Clerk of Council

APPROVED: Doug Joseph DATE 12-18-2017  
Doug Joseph, Acting Mayor

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. 155-17 as passed by Council of said City on the 18<sup>th</sup> day of December, 2017 and as recorded in the Record of Proceedings of said Council.

April L. Beggerow  
April L. Beggerow, Clerk of Council

Filed with Mayor: 12/18/17

Published: \_\_\_\_\_

## Exhibit A

### Chapter 175 PURCHASING AND CONTRACTING PROCEDURES

- (a) The Mayor, City Auditor, or the City Attorney may, without competitive bidding or further legislative authorization by City Council, make any contract, purchase for supplies, materials, equipment, or provide labor for any work under the supervision of their respective departments involving not more than \$25,000 (Twenty-five thousand dollars).
- (b) All contracts in excess of the amount authorized in subsection (a) above, shall be approved by City Council before being executed by any official of the City, even if the appropriation for a contract has been previously approved by City Council.
- (c) All contracts in excess of the amount permitted in subsection (a) above, shall be subject to the competitive bidding requirements as set forth in the City Charter, Codified Ordinances, or State law, unless an exception or alternative is otherwise provided for by Council.
  - 1. When a proposed contract or expenditure exceeds the amount authorized by subsection (a) above, then the Council shall, by motion, authorize the appropriate City official to cause plans and specifications to be prepared and advertise for bids once a week for two consecutive weeks in at least one newspaper of general circulation within the City, and the Council shall appropriate funds for that purpose unless they have been previously appropriated and remain unencumbered.
  - 2. The Mayor and City Auditor, or their designated representatives, shall receive and publicly announce sealed bids in the manner required by the specifications. The Mayor shall recommend to the Council, at its next regular Council meeting or a special Council meeting called for the purpose, the bid or bids the Mayor believes to be the lowest and best bid. At such meeting or its next regular meeting, the Council shall determine which bid or bids are the lowest and best and shall by ordinance direct the Mayor to enter into written contract with the bidder who is determined to be the lowest and best. Any ordinance directing the Mayor to enter into written contract shall appropriate funds for the purpose of the contract unless funds have been previously appropriated and remain unencumbered.
  - 3. The Mayor shall execute a written contract on behalf of the City after such ordinance becomes effective and upon receipt of a certification from the City Auditor that funds for the contract are available.
  - 4. The City Attorney shall approve the contract as to its form.
  - 5. The Council may reject any and all bids by motion. Thereafter, the Council may direct that the proposed contract or expenditure be re-advertised and that new bids be invited and received.
- (d) As an alternative to competitive bidding, contracts for professional services are not subject to competitive bidding requirements and shall not require further legislative authorization where there are adequate unencumbered appropriations for that purpose. Professional services includes, but are not limited to, services of an accountant, appraiser, architect, attorney at law, physician, professional engineer, construction project manager, surveyor, or fiscal and management consultants.
- (e) As an alternative to competitive bidding, the Mayor shall have the authority to obtain goods and/or services for which funds have been previously appropriated through cooperative purchasing programs without further legislative authorization. As part of any cooperative purchasing program, the Mayor may agree that the City will be bound by contract terms and conditions prescribed by the program, including, without limitation, payment of a reasonable fee by the City to cover administrative costs incurred by the program officials as a result of purchases by the City or as a prerequisite to maintaining membership in the program. The

Mayor may also agree that the City will pay the vendor directly for goods or services received by the City.

- (f) As an alternative to competitive bidding, the Mayor may also purchase goods and/or services upon equivalent or better terms and equal or better pricing than a cooperative purchasing program described in section (e) without further legislative authorization where there are adequate unencumbered appropriations for that purpose.
- (g) As an alternative to competitive bidding, the Mayor shall have the authority to purchase goods and/or services from, or with another political subdivision, the Ohio State Government, or the United States Government. All proposed contracts under section (g), must be approved by a majority of Council.
- (h) As an alternative to competitive bidding, the Council may, by ordinance, provide for the purchase, sale or lease of real property, on such terms as the Council, in the exercise of its discretion may deem necessary and in the best interest of the City.
- (i) In any case in which a contract is entered into upon a per unit basis, the Mayor shall make an estimate of the total amount to become due upon such contract. The estimate shall be certified in writing to the City Auditor. Any proposed contract under this section may be executed without further legislative authorization where there are adequate unencumbered appropriations for that purpose and the total amount due upon such contract does not exceed the amount provided for by Council in section (a).
- (j) In the case of a real and present emergency, the Council may, by a vote of at least two-thirds of its members, suspend any provision of this chapter and direct the Mayor to enter into contract, without competitive bidding, the purchase or expenditures for supplies, materials, equipment, provide labor, or any other purpose the Council in its discretion deems necessary and in the best interest of the City.
- (k) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Mayor or Council unless the City Auditor or a duly authorized representative of the Auditor shall first certify that the money required for the contract, agreement, obligation or expenditure is in the City's treasury or in the process of collection and that the money has been appropriated by Council for the purpose and remains unencumbered.
- (l) No contract, agreement or other contractual obligation shall be entered into or authorized by the Mayor or Council unless the City Attorney or a duly authorized representative of the City Attorney shall first approve the contract as to its form. Any clause in any contract or agreement that requires the City to indemnify another party to the contract shall be void and unenforceable against the City.