

ORDINANCE NO. 3-13

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Beals ON THE 18th DAY OF March, 2013.

AN ORDINANCE TO AMEND CHAPTER 210, CONTRACTS AND PURCHASING, OF THE CENTERVILLE MUNICIPAL CODE TO PROVIDE THAT COMPETITIVE BIDS BE TAKEN FOR THE PURCHASE OF SUPPLIES AND MATERIALS WHEN THE COST EXCEEDS \$50,000 AND TO DESIGNATE THE NEWSPAPERS OF GENERAL CIRCULATION.

WHEREAS, chapter 210 of the Centerville Municipal Code establishes competitive bidding procedures for the purchase of supplies, materials, and labor for the City of Centerville; and

WHEREAS, Section 210.01 requires that City Council by Resolution authorize the purchase of supplies, materials and labor in excess of \$30,000 through the competitive bidding procedure; and

WHEREAS, Section 210.02 sets forth the procedures for advertisement; and

WHEREAS, the State of Ohio recently adopted HB 509, which allowed the raising of the minimum bidding allowances for public contracts up to \$50,000.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendment to Section 210.01 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

210.01 AUTHORITY OF MANAGER; COMPETITIVE BIDS.

(a) The Manager is authorized to make any contract, purchase supplies and materials and provide labor for any work for the City involving an

expenditure of not more than *fifty thirty* thousand dollars (\$50,000 ~~30,000~~).

(b) When an expenditure for any purpose mentioned in subsection (a) hereof exceeds *fifty thirty* thousand dollars (\$50,000 ~~30,000~~), the Manager shall take bids and Council shall, by resolution, authorize and direct the Manager to make and execute all necessary contracts and to make such expenditures according to the procedure hereinafter set forth.

(c) The authorization contained in subsections (a) and (b) hereof shall include, but shall not be limited to, contracts involving the joint purchase of supplies, materials and labor with other jurisdictions and regional authorities, provided, however, that with respect to the Manager's authority under subsection (a) hereof requiring no bids, he or she shall not have the authority to bind the City to any contract with another jurisdiction or regional authority if the City's joint or several liability thereunder may exceed *fifty thirty* thousand dollars (\$50,000 ~~30,000~~).

(d) The provisions of Ohio R.C. 153.50 through 153.52 shall have no application to any contracts for work and materials on public improvement projects within the City, and the Manager may, at his or her discretion, determine that such projects may be bid as a whole and not separately.

Section 2. That the following amendment to Section 210.02 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

210.02 ADVERTISEMENT FOR BIDS.

(a) The Manager shall cause the advertisement for bids to be published once each week, for not less than two weeks nor more than four weeks, in a newspaper of general circulation within the City.

(b) ~~The Wednesday edition of the Both the Dayton Daily News or the Centerville-Bellbrook Times~~ *are* is hereby designated as a-newspapers of general circulation for public bidding purposes for the City.

Section 3. That the following amendment to Section 210.08 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

210.08 PURCHASING PROCEDURE.

Whenever the head of a department deems it necessary or desirable that supplies, materials, equipment or contractual services be purchased or secured, said department head shall prepare, sign and submit to the Purchasing Agent a requisition thereof, approved by the Manager, specifying the nature of the purchase desired, the quantity required and the performance requirements to be met. Upon receipt of such requisition, the Purchasing Agent shall inquire of potential suppliers as to the cost of such purchase, in the form of informal offers to supply the items required. If the probable cost thereof will be *fifty thirty* thousand dollars (~~\$50,000 \$30,000~~) or more, he or she shall notify the Manager, who will initiate the formal bidding process as provided in this chapter. If the cost is less than *fifty thirty* thousand dollars (~~\$50,000 30,000~~), he or she shall recommend to the Manager that the Manager purchase from the supplier offering the lowest and best bid among the informal bidders. In the event multiple bids are not available, the Manager shall bring before Council, for approval, any purchase greater than *fifty twenty-five* thousand dollars (~~\$50,000 25,000~~). All contracts shall have attached a certificate of availability of funds signed by the Director of Finance.

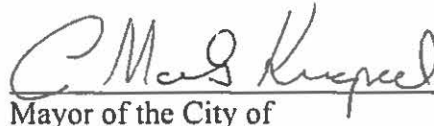
Section 4. That the following amendment to Section 210.16 of the Centerville Municipal Code is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

210.16 CONSTRUCTION MANAGEMENT CONTRACTS AND PROFESSIONAL DESIGN SERVICES.

All contracts for construction management and contracts for professional design services, in the amount of *fifty twenty-five* thousand dollars (~~\$50,000 25,000~~), or more, shall be awarded on the basis of the qualifications of a potential contractor and the price, as determined by the City Manager or his or her designee. Prospective contractors shall submit proposals in accordance with the instructions and specifications of the City. The City may reject any and all proposals. The City Manager shall recommend to Council the lowest and best proposal, based on the qualifications of the contractor, the price and other relevant factors. These procedures are not intended to be formal bidding requirements, but, rather, are intended to be an informal procedure to determine the best contractor to whom a contract should be awarded.

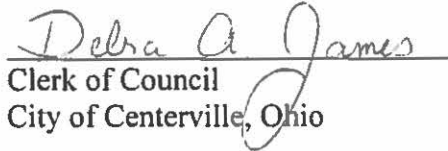
Section 5. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 18th day of March, 2013.



Mayor of the City of
Centerville, Ohio

ATTEST:


Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 3-13, passed by the Council of the City of Centerville, Ohio on the 18th day of March, 2013.


Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.
Department of Law
Scott A. Liberman
Municipal Attorney