

NOTICE OF ADOPTION

I, Teri Davis, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;
and
2. That on the 11th day of September, 2023,
Ordinance No. 12-23 was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. 12-23 was published in the
posting locations prescribed by the City of Centerville Council.



Clerk of Council

ORDINANCE NO. 12-23
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Duke Lunsford ON THE 11th DAY
OF September, 2023.

**AN ORDINANCE TO AMEND SECTION 210.01,
AUTHORITY OF MANAGER; COMPETITIVE BIDS, AND
SECTION 210.08, PURCHASING PROCEDURE, AND
SECTION 210.16, CONSTRUCTION MANAGEMENT
CONTRACTS AND PROFESSIONAL DESIGN SERVICES,
OF THE CENTERVILLE MUNICIPAL CODE TO
INCREASE THE THRESHOLD FOR COMPETITIVE
BIDDING IN THE CITY.**

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, Sections 210.01, 210.08, and 210.16 of the Centerville Municipal Code require that City Council by Resolution authorize the purchase of supplies, materials, and labor in excess of \$50,000 through the competitive bidding procedure; and

WHEREAS, the State of Ohio recently adopted HB 33, the Operating Appropriations for Fiscal Years 2024-2025, which allowed the increase of the minimum bidding threshold for public contracts up to \$75,000 for the remainder of 2023 and year 2024 with an annual increase of 3% yearly thereafter; and

WHEREAS, the City has determined it to be in the best interests of the City to increase its bidding threshold.

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~~ *fifty-seventy-five* thousand dollars (~~\$50,000~~*75,000*) *for the remainder of calendar year 2023 and for calendar year 2024. For each calendar year thereafter, the amount for the previous calendar year shall be increased by three percent (3%).*
- (b) When an expenditure for any purpose mentioned in subsection (a) hereof exceeds ~~fifty~~ *fifty-seventy-five* thousand dollars (~~\$50,000~~*75,000*) *through calendar year 2024 and then increased by three percent (3%) yearly*, 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. Bidding may be conducted electronically.
- (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~~ *fifty-seventy-five* thousand dollars (~~\$50,000~~*75,000*) *through calendar year 2024 and then increased by three percent (3%) yearly.*
- (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.
- (e) The Manager is authorized to designate any one or more employees for the limited purpose of signing any contract or agreement or groups of contracts or agreements allowed pursuant to Section 210.01(a) above, on behalf of the City, as long as such designation is in writing and such written authority is on file with the Clerk of Council.

Section 2. 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~~ *fifty seventy-five* thousand dollars (~~\$50,000~~*75,000*) or more *through calendar year 2024 and then increased by three percent (3%) yearly*, 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~~ *fifty seventy-five* thousand dollars (~~\$50,000~~*75,000*) *through calendar year 2024 and then increased by three percent (3%) yearly*, 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~~ *fifty seventy-five* thousand dollars (~~\$50,000~~*75,000*) *through calendar year 2024 and then increased by three percent (3%) yearly*. All contracts shall have attached a certificate of availability of funds signed by the Director of Finance.

Section 3. 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:

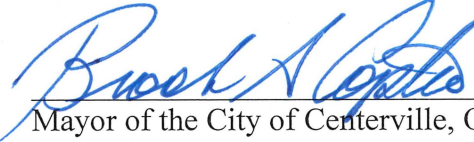
210.16 CONSTRUCTION MANAGEMENT CONTRACTS AND PROFESSIONAL DESIGN SERVICES.

All contracts for construction management and contracts for professional design services, in the amount of ~~fifty~~ *fifty seventy-five* thousand dollars (~~\$50,000~~*75,000*) *through calendar year 2024 and then increased by three percent (3%) yearly* 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.

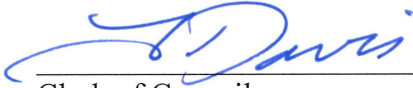
Section 4. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 11th day of September, 2023.



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. 12-23, passed by the Council of the City of Centerville, Ohio on the 11th day of September, 2023.



Clerk of the Council

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