

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 07-19-16

Sponsored by: Hosmer, Fisk, and Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 182

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, Administration, Article VI, Finances,
2 Division 2, Purchasing, Section 2-401, known as the Purchasing Manual,
3 by amending Subsection 13-3.104.1.(D) to clarify the local preference
4 provision and by deleting Subsections 13-3.105.2 and 13-3.105.3 to
5 remove a conflicting local preference provision. (Plans and Policies
6 Committee recommends approval.)
7
8

9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
10 MISSOURI, as follows, that:

11
12 NOTE: Language being added is underlined and language being deleted is
13 ~~stricken~~.

14
15 Section 1 – The Springfield City Code, Chapter 2, Administration, Article VI,
16 Finances, Division 2, Purchasing, Section 2-401, Subsection 13-3.104.1.(D) is hereby
17 amended as follows:

18
19 **13-3.104 REGULATIONS GOVERNING COMPETITIVE BIDDING**

20
21 1.(D) The City, whenever possible and practical, shall solicit bids and proposals from
22 potential vendors within the Springfield Metropolitan Statistical ~~a~~Area (SMSA).

23
24 (1) Bids or proposals for procurements with federal funds shall comply with federal
25 regulations for procurement, including the Uniform Administrative Requirements,
26 Cost Principles, and Audit Requirements for Federal Awards and shall not be
27 subject to local preference requirements.

28
29 (2) **Commodities** - A commodity shall be defined as a non-specialized, non-
30 customized mass produced good. In the event two or more bids or proposals to
31 supply a commodity are equal in all evaluation criteria, including cost, such bids
32 shall be awarded first to the bidder with offices within Springfield city limits, next to
33 bidders within Greene County, next to bidders located in the adjacent counties,

34 then next to other Missouri bidders. If a tie bid situation still exists after the
35 application of these criteria, then the bid shall be awarded by drawing lots or a flip
36 of a coin. The City may also, unless the terms, conditions and specifications of the
37 Invitation For Bid state to the contrary, elect to divide the contract award between
38 two or more bidders, if it deems such action to be in its best interests, in the
39 exercise of its sole discretion.

40
41 (3) **Non-commodities** - for procurements of non-commodities ~~the~~ the City should take
42 into account factors such as impact on the local economy, time of delivery,
43 maintenance, other pertinent costs, and recommend firms with offices in the
44 Springfield SMSA when their bids and proposals are substantially equal in cost,
45 specifications, conditions and contractors' qualifications. A bid shall be
46 substantially equal in cost if the differential for total cost is two percent or less.
47 When a request for proposal is evaluated, the score given for the criteria of cost
48 for potential vendors within the SMSA shall be increased by 10 percent of the total
49 points possible for cost.

50
51 (4) Nothing in this section shall prohibit the City from evaluating bids and proposals
52 on factors aside from the potential bidder's office location nor from rejecting non-
53 responsive or non-responsible bids.

54
55 Section 2 – The Springfield City Code, Chapter 2, Administration, Article VI,
56 Finances, Division 2, Purchasing, Section 2-401, Subsection 13-3.105 is hereby
57 amended as follows:

58 **13-3.105 MISCELLANEOUS PURCHASING POLICIES**

- 59
60
61 **1. Small or Disadvantaged Businesses** - The City shall, whenever possible or
62 practical, use small or disadvantaged businesses in the procurement process.
63 Small business is defined as a business which is independently owned and
64 which is not dominant in its field of operation or an affiliate or subsidiary of a
65 business dominant in its field of operation. Disadvantaged business is defined as
66 a small business which is owned or controlled by a majority of persons who have
67 been deprived of the opportunity to develop and maintain a competitive position
68 in the economy because of social disadvantages.
69
70 ~~**2. Local Procurement** - The City shall, whenever possible and practical, solicit bids~~
71 ~~from potential vendors within the greater Springfield metropolitan area. After~~
72 ~~consideration of the effects of time of delivery, maintenance and repair services~~
73 ~~and other pertinent costs, it is determined that a bid received from a firm located~~
74 ~~in the greater Springfield area is substantially equal to or better than other bids~~
75 ~~received, award shall be made to the local firm.~~
76
77 ~~**3. Tie Bids** - In the event two or more bids are equal in all evaluation criteria, such~~
78 ~~bids shall be awarded first to the bidder within Springfield city limits, next to~~
79 ~~bidders within Greene County, next to bidders located in the adjacent counties,~~

80 ~~then next to other Missouri bidders. If a tie bid situation still exists after the~~
81 ~~application of these criteria, then the bid shall be awarded by drawing lots or a flip~~
82 ~~of a coin. The City may also, unless the terms, conditions and specifications of the~~
83 ~~Invitation For Bid state to the contrary, elect to divide the contract award between~~
84 ~~two or more bidders, if it deems such action to be in its best interests, in the~~
85 ~~exercise of its sole discretion.~~

86
87 **42. Energy Efficient Purchasing** - Energy efficient purchasing shall be used by the
88 City in procurement of items when it is in the best interest of the City. Energy
89 efficient purchasing uses the principles of life cycle costing. If life cycle costing is to
90 be used, it should be clearly stated on the Invitation to Bid so that bidders are aware
91 of the evaluation process to be used.

92
93 Section 3 – Severability Clause. If any section, subsection, sentence, clause or
94 phrase of this ordinance is for any reason held to be invalid, such decision shall not
95 affect the validity of the remaining portions of this ordinance. The City Council hereby
96 declares that it would have adopted the ordinance and each section, subsection,
97 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
98 sections, sentences, clauses, or phrases be declared invalid.

99
100 Section 4 – Savings Clause. Nothing in this ordinance shall be construed to
101 affect any suit or proceeding now pending in any court or any rights acquired or liability
102 incurred nor any cause or cause of action occurred or existing, under any act or
103 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
104 impaired, or affected by this ordinance.

105
106 Section 5 – This ordinance shall be in full force and effect from and after passage.

107
108 Passed at meeting: _____

109
110
111 _____
112 Mayor

113
114 Attest: _____, City Clerk

115
116 Filed as Ordinance: _____

117
118 Approved as to form: Rhonda Lewsader, Assistant City Attorney

119
120
121 Approved for Council action: [Signature], City Manager
122

EXPLANATION TO COUNCIL BILL NO. 2016 - 182

FILED: 07-19-16

ORIGINATING DEPARTMENT: Law

PURPOSE: To amend the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending subsection 13-3.104(D) to clarify the local preference provision and by deleting subsections 13-3.105(2) and (3) to remove a conflicting local preference provision.

BACKGROUND INFORMATION: The Plans and Policies Committee requested that City staff draft an ordinance to revise the local preference provision in the City's Purchasing Manual.

The revision would clarify that local preference cannot be used for procurements with federal funds due to a prohibition against local preference in federal regulations. The existing use of local preference as a tie-breaker when bids or proposals are equal in all evaluation criteria would continue for the procurement of commodities. "Substantially equal in cost" would be defined as a two percent or less difference in total cost for the purpose of evaluating bids of non-commodities, including construction contracts. The cost score for local vendors would be increased by 10 percent of the total points possible for the cost criteria when evaluating a request for proposal. Finally, a conflicting local preference provision in the Purchasing Manual would be deleted.

Submitted by:



Rhonda Lewsader,
Assistant City Attorney

Recommended by:



Frank Romines, City Attorney

Approved by:


Collin Quigley, Assistant City Manager