

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 10-11-16

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 234

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 Subsections 13-3.401 and 13-3.402, relating to procedures
4 to suspend and/or debar bidders.
5
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
8 MISSOURI, as follows, that:

9
10 NOTE: Language being added is underlined and language being removed is
11 ~~stricken~~.

12
13 Section 1 – the Springfield City Code, Chapter 2, Administration, Article VI,
14 Finances, Division 2, Purchasing, Section 2-401, Subsection 13-3.401 is hereby
15 amended as follows:

16
17 13-3.401 RESOLUTION OF PROTEST

18
19 Whenever the City Purchasing Agent requests, the City ~~Purchasing~~Review
20 Committee shall meet and resolve contested solicitation or awards. The City
21 ~~Purchasing~~Review Committee shall be comprised of the following, or authorized
22 representatives from their respective Departments: (1) the City Manager; (2) the
23 Director of Finance; (3) the City Attorney; (4) and the City Purchasing Agent, or their
24 authorized representatives; and (5) the Director of the Department for which the
25 solicitation or award was made. The City ~~Purchasing~~Review Committee shall have
26 no authority to overturn bid awards, but may advise the City Purchasing Agent, ~~or~~
27 the Director of the Department for which the solicitation or award was made, and/or
28 the appropriate Administrative contracting department or boardBoard of changes or
29 guidelines to follow in the future.
30

31 Section 2 – the Springfield City Code, Chapter 2, Administration, Article VI,
32 Finances, Division 2, Purchasing, Section 2-401, Subsection 13-3.402 is hereby
33 amended as follows:

34
35 13-3.402 AUTHORITY TO SUSPEND OR DEBAR
36

37 The ~~City Purchasing Review~~ Committee shall have authority to suspend or debar a
38 person or company from consideration from bid awards. A suspension may be for
39 up to six months. A debarment may be from six (6) months up to two (2) five (5)
40 years in length.
41

42 Section 3 – Severability Clause. If any section, subsection, sentence, clause or
43 phrase of this ordinance is for any reason held to be invalid, such decision shall not
44 affect the validity of the remaining portions of this ordinance. The City Council hereby
45 declares that it would have adopted the ordinance and each section, subsection,
46 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
47 sections, sentences, clauses, or phrases be declared invalid.
48

49 Section 4 – Savings Clause. Nothing in this ordinance shall be construed to
50 affect any suit or proceeding now pending in any court or any rights acquired or liability
51 incurred nor any cause or cause of action occurred or existing, under any act or
52 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
53 impaired, or affected by this ordinance.
54

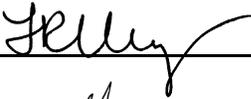
55 Section 5 – This Ordinance shall be in full force and effect from and after
56 passage.
57

58 Passed at meeting: _____
59

60
61 _____
62 Mayor
63

64
65 Attest: _____, City Clerk
66

67 Filed as Ordinance: _____
68

69
70 Approved as to form: , Assistant City Attorney
71

72
73 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 234

FILED: 10-11-16

ORIGINATING DEPARTMENT: Finance

PURPOSE: To amend the Springfield City Code, the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsections 13-3.401 and 13-3.402, relating to procedures to suspend and/or debar bidders.

BACKGROUND: This Ordinance will update the title of the City Review Committee (previously known as the City Purchasing Committee), involved with the resolution of protests involving prospective bidders, offerors or contractors, and for the handling of suspension and/or debarment from consideration for bid awards, and to reflect the Committee's purpose and membership makeup. It will add an additional member to the Committee for the Department involved with the solicitation or award, and allows for alternate representatives for each committee member. Additionally, it will increase the potential time of debarment. Currently, a bidder may be suspended for up to six months and debarred for six months to two years. The period of suspension is not being changed, but the potential debarment is being increased to a new maximum of five years – i.e., a debarment will be possible from six months up to five years with the passage of this Ordinance. This increased duration will better reflect the severity of conduct that results in being debarred from City bids, projects and contracting.

REMARKS: Since the Purchasing Manual is available and applicable for all City contracts, regardless of the department that issued the bid or contract, Chapter 98, Sections 98-224, Authority to suspend or debar bidders; 98-225, Procedure for suspension or debarment of bidders; and 98-226, Grounds for suspension or debarment of bidders; are not needed and are duplicative to the Purchasing Manual provisions referenced above. Therefore, in conjunction with the immediate Ordinance, these duplicative sections of the City Code are being repealed and reserved for future use by a separate ordinance. The Purchasing Division will continue to be responsible for monitoring compliance with all of the Purchasing Manual requirements.

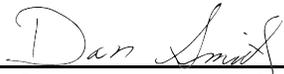
RECOMMENDATION: The Departments of Finance, Public Works, and Environmental Services recommend approval of the proposed amendments.

Submitted by:



Interim Director of Finance

Recommended by:

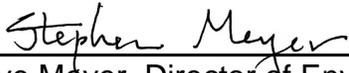


Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager



Steve Meyer, Director of Environmental Services