

ORDINANCE 856

AN ORDINANCE ESTABLISHING A POLICY FOR COMPETITIVE BIDDING, TO BE APPLICABLE TO ALL CITY OF BURLINGTON DEPARTMENTS; AND AMENDING CHAPTER I, ADMINISTRATION; ARTICLE 9, FINANCIAL AFFAIRS; SECTION 1-904 of CODE OF CITY OF BURLINGTON, KANSAS (EDITION 1-2017).

SECTION I NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON, KANSAS:

SECTION 2 Chapter I, 1-904: Code of City of Burlington, Chapter I, Administration; Article 9, Financial Affairs; Section 1-904 shall be changed to read as follows:

1-904 POLICY FOR COMPETITIVE BIDDING and PURCHASING POLICY

I. FORMAL BID PROCEDURES / PURCHASING POLICY:

- A. PURPOSE: To properly implement the provisions of Code of City of Burlington, Chapter I-904, Bid Policy for Awarding Contracts for Equipment, Materials and Services. If a Kansas law should require otherwise, the Kansas Law shall control over the provisions of this Section.
 - 1. Upon adoption by Ordinance, City Code I-904 shall be renamed Policy for Competitive Bidding; and this Policy in its entirety shall replace the current text, which is hereby incorporated into this policy.
- B. APPROVAL OF THE GOVERNING BODY IS REQUIRED:
 - 1. Department Head shall request approval to begin soliciting bids.
- C. BID or REQUEST OPTIONS:
 - 1. City of Burlington gets informal bids or quotes to purchase equipment, materials, and services to operate the city departments, which shall be written and will be annotated on the purchase order by the Department Head.
 - a. The City shall award to the lowest and/or best bidder from within the city when the amount of such bid does not exceed the amount of the bid of the lowest and/or best bidder from outside city limits of Burlington, Kansas by more than five percent (5%) of the amount thereof.
 - 2. City of Burlington has formal invitations to bid on Community Improvement Projects which must not exceed the Engineer's, Contractor's, or Architect's estimate for the project bid to be accepted.
 - 3. City of Burlington has formal invitations to bid on vehicles and larger pieces of equipment, which must conform to the specifications, terms of delivery and other conditions/requirements outlined in the Invitation to Bid.

II. INVITATION TO BID FOR PROJECTS

- A. Must include Department Head's name, title, address, and contact information; Date and time the bid is due, format in which bids will be accepted (paper, electronic), and the date and time of the bid opening.
- B. INSTRUCTIONS TO BIDDERS FOR PROJECTS
 - 1. Contractor shall clear all questions prior to submittal of bid.
 - 2. Contractor agrees to:
 - a. Furnish a 100% Performance Bond (Surety Bond);
 - b. Carry a minimum \$500,000 Workman's Compensation; and
 - c. Carry a minimum of \$1,000,000 Liability Insurance.
 - 3. Contractor agrees to provide all labor, equipment and materials needed to complete the work, as required by the contract.
 - 4. Contractor will state date work will begin and expected date of completion.

5. Contractor agrees and understands that the bid price includes all taxes and a tax exempt form will be provided at your request.
6. Contractor agrees that in the event of a lawsuit in which the judgment is for the City, Contractor will be liable for any and all Attorney fees, including Attorney fees incurred by the City of Burlington.
7. City Of Burlington reserves the right to reject any or all bids and further reserves the right to waive any irregularities in said bids; and to accept the bid most beneficial to the city, not necessarily the lowest bid.

C. SPECIFICATION

1. Shall include: Scope of Project, Work Will Consist of; and other pertinent information as needed.
2. Estimated Project Start and Completion Dates.

III. BID SUBMISSION:

A. ALL BIDS MUST BE RECEIVED NO LATER THAN THE DESIGNATED TIME; if late, rejected.

B. PAPER BIDS

1. Paper bids should be sealed when received, and remain so until the designated time of bid opening.
 - a. When received, the date and time should be marked on the outside of the envelope.

C. ELECTRONIC BIDS

1. Electronic Bids shall be placed in an envelope, labeled with the Bidder's Name/Company, and marked with the date and time of receipt.
2. When opened, it should be verbally stated that it was received by electronic means and confirmed by phone.

IV. BID OPENING:

- A. Bids will not be opened until the stated time on the Invitation to Bid.
- B. Bids must be acknowledged verbally, and recorded on a Bid Tabulation Sheet.
- C. Bids will be carefully reviewed by the Department Head and the Committee for that Department.

V. SUBMISSION FOR COUNCIL ACTION:

- A. Bid will be added to the Council agenda, and presented to the City Council for action.
 1. A summary of each bid shall be provided, as well as a statement as to why each bid is or is not in the best interest of the city.
 2. A recommendation shall be made for awarding the bid.
 3. Council's motion shall include the Project Name, the Successful Bidder, and the verbiage 'not to exceed \$ _____'. Also included shall be the verbiage 'as being in the best interest of the city'.
- B. If NO BID IS DEEMED ACCEPTABLE for whatever reason, written notification shall be provided to the bidders, the Invitation to Bid shall be reviewed, and the bid process shall be started completely over.

VI. APPROVED - NOTIFICATION

- A. Notification of Award letter shall be mailed to the Successful Bidder, with Bid Tabulation Sheet attached.
 1. When required, a contract document shall be executed by the parties.

B. Notification shall be mailed to each non-successful bidder, with Bid Tabulation Sheet attached.

VII. EXCEPTION

A. This procedure shall not apply to single source purchases regardless of magnitude. Such purchases are made on a negotiated basis through appropriately prepared legal documentation (Code of City of Burlington, Chapter I Article 9-401, Bid Policy for Awarding Contracts for Equipment, Materials and Services).

SECTION 3

This Ordinance 856 shall replace Chapter 1, Article 9, Section 1-904 of the Code of City of City of Burlington, Kansas.

SECTION 4

This ordinance shall become effective and be in full force and effect after its adoption and publication once in the official newspaper.

ADOPTED by the Governing Body of the City of Burlington, Kansas and approved by the Mayor, this 20th day of June 2018.

(S E A L)

ATTEST:

Regina R. Kewley, City Clerk



Robert S. Luke, Mayor

Approved as to Form:

Thomas F. Robrahn, City Attorney



ORDINANCE NO. 856 SUMMARY

June 20, 2018 City of Burlington adopted Ordinance 856, establishing a Policy for Competitive Bidding to be applicable to all city departments; and amending the Code of City of Burlington Chapter I, Administration; Article 9, Financial Affairs, Section 1-904. Ordinance available at burlingtonkansas.gov and City Hall, 301 Neosho, Burlington, Kansas This Summary is certified by:



Thomas F. Robrahn, City Attorney of Burlington, Kansas