

ORDINANCE # 12 - 2021

**AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREA, KENTUCKY, BY REVISING CHAPTER 24, ARTICLE II, SECTIONS 24.100-24.108, TO PROVIDE FOR THE ADOPTION OF A PURCHASING POLICY AND MANUAL.**

**WHEREAS**, Chapter 24, Article II of the Berea City Code provides for certain purchasing procedures; and

**WHEREAS**, the City Council desires to adopt a Purchasing Policy and Manual to guide City officers and employees in the procurement process; and

**WHEREAS**, Consequently, it is necessary to revise Chapter 24, Article II, Sections 24.100-24.108 of the City Code so that such sections are consistent with the Purchasing policy and Manual;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Berea, Kentucky, that the Code of Ordinances of the City of Berea be revised as follows:

SECTION I

That the Code of Ordinances is hereby amended to revise Chapter 24, Article II, Sections 24.100-24.108, so that such sections shall read as follows:

**ARTICLE II. PURCHASING PROCEDURES**

**§ 24.100 PURCHASE BY THE ADMINISTRATOR PURCHASING POLICY AND MANUAL**

~~The city administrator shall maintain a centralized purchasing system for all budgeted purchases up to twenty thousand dollars (\$20,000.00) pursuant to § 24.102, and may purchase such budgeted items without specific approval. An itemized list of all such purchases and payments shall be provided by the administrator to the council at its first regularly scheduled meeting each month, for the previous month's purchases and payments.~~ The City of Berea hereby adopts and establishes a **Purchasing Policy and Manual**, by reference herein, and a copy of such Purchasing Policy and Manual shall be maintained in the Office of the City Clerk. The terms and provisions of the Purchasing Policy and Manual shall govern the procurement of materials, supplies,

equipment, and services, except as may be otherwise specified in the following purchasing procedures.

#### **§ 24.101 PURCHASES REQUIRING FORMAL BIDDING PROCEDURE**

Formal bidding procedures shall be utilized for purchases and contracts in amounts equal to or in excess of the sum specified in KRS 424.260, as it may be amended.

#### **§ 24.102 REQUESTS FOR PROPOSALS**

Purchases not requiring formal advertised bids may be made, if practicable, utilizing a formal "request for proposal" procedure, rather than advertising for bids. ~~The city council will be informed of all major purchases made by this method prior to the purchase, if practical.~~

#### **§ 24.103 USE OF STATE PRICING CONTRACTS**

Whenever state pricing contracts are determined to provide acquisitions at a lower price, such contracts shall may be utilized.

#### **§ 24.104 SELECTION OF VENDORS**

Vendors will be selected on the basis of product availability, price, delivery, reputation and quality; purchases shall be made with local vendor preference whenever possible.

#### **§ 24.105 LIMITATION OF PURCHASING AUTHORITY**

No person other than the administrator or Mayor shall commit the city to any purchase, vendor or product excepting ~~emergency purchases made by department heads pursuant to § [24.106](#).~~ as provided in the Purchasing Policy and Manual.

#### **§ 24.106 PURCHASE BY DEPARTMENT HEAD**

The department head for each department of city government is hereby authorized to make purchases for his or her department, ~~upon his or her own determination, up to the total amount of fifty dollars (\$50.00).~~ as provided in the Purchasing Policy and Manual.

#### **§ 24.107 CERTAIN GRATUITOUS TRANSFERS PROHIBITED**

All city employees are expressly prohibited from soliciting or accepting any gift or gratuity from any person who is engaged in or soliciting to engage in business with the city, and all City officers and employees shall comply with the provisions of the Ethics Code, Chapter 27 of this Code of Ordinances.

#### **§ 24.108 BIDS AND REQUEST FOR PROPOSALS**

Whenever any purchase of goods or services is made by competitive bids pursuant to § [24.101](#), or by a request for proposal pursuant to § [24.102](#), or in the event that a

request for proposal or bid under any other provision of law or policy is made, any and all bids or requests for proposals received by the city shall be in a sealed form and shall be opened and read on the date and time set for receiving the bids in public and in the presence of the mayor or such public officer as may be his duly authorized representative.

SECTION II

All ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published according to law.

FIRST READING: \_\_\_\_\_ May 4 \_\_\_\_\_, 2021.

SECOND READING AND ENACTMENT: \_\_\_\_\_, 2021.

APPROVED BY:

\_\_\_\_\_  
Bruce Fraley, Mayor

ATTEST:

\_\_\_\_\_  
Clerk of the City Council

Published this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

PREPARED BY:

\_\_\_\_\_  
Corporate Counsel