

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING SECTIONS 3.32.030 AND 3.32.100 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING BID AND PROCUREMENT REQUIREMENTS

WHEREAS, the Manitou Springs City Council desires to update and clarify the bidding and procurement requirements and dollar amount thresholds for purchases made on behalf of the City; and

WHEREAS, the City Council desires to exempt from bid requirements sole sourcing services and recurring services under master services agreements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 3.32.030 of the Manitou Springs Municipal Code is hereby amended as follows:

3.32.030. Competitive bidding.

- A. All purchasing of supplies or services and contracting for construction of public works projects shall be based on competitive bidding as set forth in Section 3.32.040, except as provided in this section.
- B. Exemption from Competitive Bidding. The following are exempted from competitive bidding:
 - 1. Purchases made cooperatively with other units of government;
 - 2. Purchases from federal, state, or other local government units;
 - 3. Energy fuels, including gasoline and diesel fuel;
 - 4. Consulting services as outlined in Section 3.32.070;
 - 5. Services that involve a matter of specialized skill or knowledge that one person or company is uniquely positioned to provide; and
 - 6. After an initial bid is solicited, repeated services from one provider under a master services agreement.
- C. Purchases Authorized by Budget Line Item and Totalling Less Than Five Thousand Dollars. Any item or service costing less than five thousand dollars does not require a bid, but does require approval by the department head or his designee.

- D. Purchases Authorized by Budget Line Item and Totalling from Five Thousand Dollars to Twenty Thousand Dollars.
 - 1. The department head shall solicit a minimum of three verbal or written bids on such items.
 - 2. Any item or service costing more than five thousand dollars but less than twenty thousand dollars requires approval by the department head or his designee.
- E. Purchases Authorized by Budget Line Item and Totalling from Twenty Thousand Dollars to Fifty Thousand Dollars.
 - 1. The department head shall solicit a minimum of three written bids on such items.
 - 2. Any item or service costing twenty thousand dollars to fifty thousand dollars requires approval by the City Administrator or his designee.
- F. Purchases Authorized by Budget Line Item and Totalling in Excess of Fifty Thousand Dollars.
 - 1. The department head shall solicit a minimum of three written bids on such items.
 - 2. Any item or service costing more than fifty thousand dollars requires approval by the city council.

Section 2: Section 3.32.070 of the Manitou Springs Municipal Code is hereby amended as follows:

3.32.100 - Emergency procedures.

Notwithstanding any of the provisions in this chapter, there may be reason of emergency or immediate public necessity when it is not feasible or practical to follow the bidding procedures set forth in this chapter, and it is necessary to authorize the purchase of items or emergency repair or maintenance work without sealed or other bidding procedures. In such instances, the following procedures shall be followed:

- A. The city administrator shall first notify the mayor, or in his absence or in the event of his inability to act, the mayor pro-tem, of the emergency situation.
- B. The city administrator or his designee shall solicit bids for the emergency purposes and shall insure that, whenever possible, the lowest responsible bid is selected.

C. With the approval of the mayor or mayor pro-tem, the city administrator or his designee may authorize the expenditure of funds for such emergency purposes provided that the funds have been appropriated in the city budget.

D. The expenditure of unappropriated funds for emergency purposes shall require the approval of the city council in a manner consistent with the city charter.

Section 3: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on First Reading and Ordered Published this 17th day of March, 2015.

/s/Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the April 7, 2015 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: March 19, 2015 (in full)
City's Official Website and in City Hall

Passed on Second Reading and Ordered Published this 7th day of April, 2015.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: April 9, 2015 (in full)
City's Official Website and City Hall