

ORDINANCE

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

WHEREAS, the Manitou Springs City Council desires to update the bidding and procurement requirements and to clarify that the formal process set forth in Section 3.32.040 only applies to purchases anticipated to exceed fifty thousand dollars (\$50,000.00).

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. Exemption from Competitive Bidding. The following are exempted from competitive bidding, regardless of the amount of the purchase:
 - 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 goods 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.
- B. 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 or an estimate, but does require approval by the department head or his designee.
- C. 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 written bids or estimates 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.

D. 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 or estimates 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.

E. 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, pursuant to the procedures set forth in Section 3.32.040.

2. Any item or service costing more than fifty thousand dollars requires approval by the city council.

Section 2: 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 3: 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 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

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

Passed on first reading and ordered published this 2nd day of August, 2016.

/s/ Donna Kast
City Clerk, Donna J. Kast

A Public Hearing on this ordinance will be held at the August 16, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: August 4, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this 16th day of August, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna J. Kast

Published: August 18, 2016 (in full)
City's Official Website and City Hall