

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 3.32 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING PROCUREMENT REQUIREMENTS

WHEREAS, the City often receives state and federal funding for projects undertaken by the City;

WHEREAS, the use of federal and state funding often implicates certain procurement and contract requirements that may preempt the City's adopted procurement and contract requirements; and

WHEREAS, the City desires to include a reference to these state and federal funding requirements in the City Code to clarify that the City shall follow the federal requirements whenever necessary; and

WHEREAS, the City also desires to establish a threshold of \$50,000 above which certain procurement requirements for consulting services are required.

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

Section 1: Sections 3.32.070(A) and (B) of the Manitou Springs Municipal Code are hereby amended to read as follows:

A. No proposals shall be required for consulting services totaling Fifty Thousand Dollars or less. Consulting services totaling Fifty Thousand Dollars or less shall be approved by the city administrator or his designee.

B. For consulting services totaling more than Fifty Thousand Dollars, the city council shall publish at least one notice of requests for proposals for consulting services in a newspaper of general circulation in El Paso County not more than forty-five days, but at least five days, prior to the date set for the submission of proposals, unless the city council determines by motion or resolution that it is not practical or advantageous to do so.

Section 2: Chapter 3.32 of the Manitou Springs Municipal Code is hereby amended by the addition of a new subsection 3.32.120 to read as follows:

3.32.120 – State and Federal Funds.

For purchasing or contracting involving the receipt by the City of state or federal funds, the City shall comply with the funding agency's procurement requirements. When state or federal procurement requirements apply, the most strict shall control and supersede any conflicting provisions of this Chapter.

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

Passed on first reading and ordered published this 20th day of June, 2017.

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

A Public Hearing on this ordinance will be held at the July 18, 2017, 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: June 22, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this 18th day of July, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: Donna Kast
City Clerk, Donna J. Kast

Ordinance Published: July 20, 2017 (in full)
City's Official Website and City Hall