

**RESOLUTION NUMBER 052223-2**

**A RESOLUTION AMENDING THE CITY'S PURCHASING POLICY IN THE CITY OF ABILENE, KANSAS.**

**WHEREAS**, the City's current Purchasing Policy adopted by Resolution 052311-1 and as amended by Resolution 082718-1 does not adequately address specific processes and current best purchasing practices.

**WHEREAS**, the City intends to update the policy to meet current best purchasing practices, specify appropriate purchasing authority for various thresholds and criteria, define the competitive negotiations and appropriate use of soliciting with a Request for Proposal or a Qualification Based Selection process, expand the purchase cards conditions and remove the section relating to employee travel expenses and reimbursements.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Abilene, Kansas:

**SECTION ONE. Purchasing Policy: Amended.** The City of Abilene's Purchasing Policy shall be hereby amended as provided in **Exhibit A**.

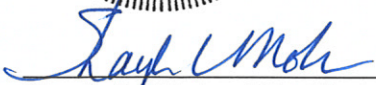
**SECTION TWO. Implementation.** The City Manager is hereby authorized to implement changes to the City's Purchasing Policy as provided in the approved Purchasing Policy as amended by this Resolution.

**SECTION THREE. Repeal.** Adoption of this Resolution supersedes and repeals all previous Purchasing Policy Resolutions adopted by the City of Abilene, Kansas.

**SECTION FOUR. Effective Date.** This resolution shall be in full force and effect as of May 22, 2023.

Adopted by the Governing Body of the City of Abilene, Kansas, and signed by the Mayor this 22<sup>nd</sup> day of May 2023.



  
Shayla L. Mohr, City Clerk



Trevor D. Witt, Mayor

# **City of Abilene, Kansas**

## **Purchasing Policy**

**Revised**

**May 22, 2023**

**Resolution No. 052223-2**

## Table of Contents

|                                                               |   |
|---------------------------------------------------------------|---|
| SECTION ONE: INTRODUCTION.....                                | 3 |
| SECTION TWO: OBJECTIVES .....                                 | 3 |
| SECTION THREE: PURCHASING.....                                | 3 |
| SECTION FOUR: PUBLIC WORKS BOND .....                         | 4 |
| SECTION FIVE: SOLE SOURCE PURCHASING .....                    | 4 |
| SECTION SIX: LOCAL PREFERENCE .....                           | 5 |
| SECTION SEVEN: COMPETITIVE NEGOTIATIONS .....                 | 5 |
| SECTION EIGHT: ENVIRONMENTAL CONSIDERATIONS .....             | 6 |
| SECTION NINE: LIFE CYCLE COST ANALYSIS (LCCA).....            | 6 |
| SECTION TEN: EMERGENCY PURCHASES .....                        | 6 |
| SECTION ELEVEN: PURCHASE CARDS .....                          | 7 |
| SECTION TWELVE: SALES AND USE TAX .....                       | 7 |
| SECTION THIRTEEN: PURCHASES WITH DONOR-DESIGNATED FUNDS ..... | 8 |
| SECTION FOURTEEN: SERVICE CONTRACTS.....                      | 8 |
| SECTION FIFTEEN: CONFLICT OF INTEREST .....                   | 8 |
| SECTION SIXTEEN: USE OF CONFIDENTIAL INFORMATION.....         | 8 |

## **PURCHASING POLICY**

### **SECTION ONE: INTRODUCTION**

The purpose of the Purchasing Policy is to provide a complete source of purchasing information to assist departments of the City in obtaining supplies, materials and services in an economical and timely manner. The City will use a decentralized purchasing system subject to the control of this Policy and, within that, at the discretion of the Department Director. In order to obtain maximum savings on those purchased items that are used frequently by all departments for normal office operations (office supplies, janitorial supplies, etc.), the departments will order such items in bulk.

### **SECTION TWO: OBJECTIVES**

- To simplify, clarify and modernize the procedures governing purchasing by the City;
- To provide for public confidence in the procedures followed in City purchasing;
- To ensure the fair and equitable treatment of all persons who deal with the purchasing system of this City;
- To provide economy in City purchasing activities and to maximize the purchasing value of City funds;
- To foster effective competition;
- To provide safeguards for the maintenance of a purchasing system of quality and integrity; and
- To provide budgetary control and financial oversight of the procurement process.

### **SECTION THREE: PURCHASING**

Written competitive bids or price quotations are required for the purchase of any capital item as specified in this Policy. All purchases, capital or operational, less than \$25,000 that are approved in the annual budget and where sufficient budgetary authority and capacity exists may be implemented by the City Manager without prior approval by the City Commission. The City Manager may report any purchases within this threshold to the City Commission at their discretion. All purchases greater than \$25,000 shall require prior approval by the City Commission. Department Directors remain responsible for compliance with the annual operating budget for their own department(s). The purchasing authority for various thresholds of purchases is set forth as follows:

#### **SECTION 3-1:**

All purchases under \$2,500 shall meet the following requirements:

1. Shall be based on at least three (3) verbal quotes;
2. A purchase order must be filled out, attached and signed by the Department Director.
3. Be awarded by Department Director based on departmental procedures for such purchasing.

#### **SECTION 3-2:**

All purchases between \$2,500 and \$25,000, shall meet the following requirements:

1. A minimum of three (3) bids will be sought using the standard city bid form;
2. A purchase order must be filled out, attached to the invoice and signed by both the Department Director and City Manager;
3. Bid form or bid tabulation shall be attached to the invoice for payment; and
4. Shall be awarded upon approval of the City Manager and/or City Commission as specified within this Policy.
5. If a minimum of three (3) bids cannot be secured, the city may choose to use alternative methods of securing additional bids.

#### **SECTION 3-3:**

All purchases in excess of \$25,000 shall be formally bid using the following requirements:

1. Notification shall be sent to vendors who have expressed an interest. The City shall also publish notifications at least once in the official newspaper and the City's website and social media platforms. The City Manager shall have the authority to designate other project-specific venues for publication of notification if required by the project (i.e., grant requirements) or the City Manager determines that such notification could be beneficial to the City.
2. Bids shall be submitted to the City Clerk and time-stamped by the City Clerk or other authorized employee.
3. Bids will be publicly opened, with a witness present, by the City Clerk or designee. A tabulation of the bids shall be available for public inspection. The City Engineer will be responsible for verifying the bid tabulation on all public infrastructure projects requiring engineering services.
4. The City Commission shall have the authority to reject all or parts of any bid, and to waive any irregularities or informalities, as long as such waiver does not provide a material and unfair advantage to a specific bidder.
5. The City Clerk shall not accept the bid of a contractor who is in default on the payment of monies due to the City or who is otherwise deemed ineligible by the City Commission,
6. Bids submitted after the bid deadline will not be opened or considered.
7. Construction contracts for capital improvements shall be approved by the City Commission prior to execution and issuance of a Notice to Proceed. The City Manager shall have the authority to administratively approve change orders the lesser of \$50,000 or 3% of the total contracted project costs provided that sufficient funds exist in the project funding sources and the change order does not change the scope of the project. The City Manager shall notify the City Commission of any exercise of this authority within three business days of the payment of the change order. The City Commission shall be required to approve all change orders greater than \$50,000 or 3% of the total contracted project costs. All change orders exceeding the contracted costs, project funding sources, or that change the project scope shall be approved by the City Commission prior to the expenditure of public funds.
8. The City shall require general contractors submitting bids for public projects to include as part of their bid any and all costs associated with subcontractors, outside vendors and/or consultants that will be included as part of the base bid or otherwise considered as part of the project. These costs shall be separated in line-item form at the time the bid is submitted to the City. The City shall have the ability to verify any and all line items submitted as part of the bid to ensure accuracy. General contractors not conforming to this provision shall be disqualified from the bid process and may be ineligible to participate in future bid solicitations of the City.
9. The applicable Department Director will advise all bidders of all bids received.

#### **SECTION FOUR: PUBLIC WORKS BOND**

Whenever the City enters into a contract in any sum exceeding \$100,000 with any person or persons for the purpose of making any public improvements, constructing any public building or making repairs on the same, the contracted party will provide a bond to the State of Kansas with good and sufficient sureties in a sum not less than the sum total in the contract, conditioned that such contractor or the subcontractor of such contractor shall pay all indebtedness incurred for labor furnished, materials, equipment or supplies, used or consumed in connection with or in or about the construction of such public building or in making such public improvements. (K.S.A. 60-1111)

#### **SECTION FIVE: SOLE SOURCE PURCHASING**

In an effort to demonstrate excellent stewardship of public funds, the procurement shall be conducted competitively to the maximum extent possible. Sole source purchasing shall require written justification to the City Manager from the Department Director and shall be approved prior to finalizing any purchase transaction. The City Manager shall have the authority to request or investigate options that could facilitate competition on any proposed sole-source purchase. The City Manager may also require alternates to be included as part of the bidding process if it is determined that this would allow for more competition in

certain public purchases.

Non-competitive negotiations can be used only when the following criteria are met: 1) the use of competitive negotiations is not feasible; 2) a public emergency has been declared by the City, State, or Federal government; or 3) when donor-designated funds require that a specific product, service or equipment be purchased. Negotiations are conducted with the selected company regarding the scope of work and price. Preparation and signing of a contract formalizing a scope of work and the terms of compensation shall be required prior to the transaction.

#### **SECTION SIX: LOCAL PREFERENCE**

Whenever the City of Abilene lets quotations or bids for goods or services, and the low quotation or bid is submitted by a vendor domiciled outside of Dickinson County, a vendor domiciled inside Dickinson County may be deemed the preferred vendor and awarded the purchase order or contract if all of the following conditions are met (domicile shall be defined as being physically located in Dickinson County; a post office box shall not qualify):

- a. The quality, suitability, and usability of the goods or services are equal to or exceed the requirements of the City and fully comply with the minimum quotation/bid specifications, and the vendor has the capability to adequately service the product.
- b. The amount of the quotation/bid of the vendor domiciled within Dickinson County is not more than five percent (5%) greater than the amount of the low quotation/bid.
- c. The quotation/bid does not pertain to: 1) new construction; 2) involve State or Federal funding; or 3) joint government purchases.

#### **SECTION SEVEN: COMPETITIVE NEGOTIATIONS**

Competitive negotiations are initiated by publishing or soliciting a Request for Proposal (RFP) or using a Qualification Based Selection (QBS) process. The RFP is used when price is one of the factors in selection. QBS is used when qualifications are considered before consideration of price and is usually reserved for professional services. QBS is a simple and competitive procurement framework through which firms compete for work based on experience and technical expertise, rather than competing for the lowest cost bid. QBS evaluates a firm's experience, expertise, training, availability, and references. In both instances, the services to be procured are clearly defined, as are the criteria to be used in evaluation and selection. All vendors receiving an RFP or scope of service for QBS will be given a minimum of ten days from the date of request to submit responses.

For RFPs, selection is made on the basis of the most responsible proposal with price and other relevant criteria as stated in the Request for Proposal. Negotiations shall be conducted with respondents who submit proposals determined to have met the criteria specified in the RFP.

For QBS, a written scope of services will be sent to one or more professional firms to determine the best solution to meet the city's professional needs. Fees may or may not be involved in the process. Interested respondents will submit a statement of qualifications and documentation supporting how they will satisfy the scope of services. Selection will be made by a committee comprised of a minimum of three city staff members as selected by the City Manager. The City Manager may invite other individuals with specific expertise to sit on the selection committee when appropriate.

In both processes, respondents shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarification with regard to and advise of the deficiencies in both the technical and price aspects of their proposals so as to assure full understanding of and conformance to the solicitation requirements. In no instance shall a respondent be assisted in bringing its proposal up to the level of any other proposal. Respondents shall not

be directed to reduce their proposed prices to a specific amount in order to be considered for award. A common deadline shall be established for receipt of proposal revisions based on negotiations. Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.

## **SECTION EIGHT: ENVIRONMENTAL CONSIDERATIONS**

The City is committed to buying more environmentally sustainable goods and services as long as they meet the City's performance needs and are available within a reasonable period of time and at a reasonable and competitive cost. Nothing in this Policy shall require the City to select a vendor or contractor to procure products or services that do not meet specifications, exclude competition, or are not available at a reasonable price or in a reasonable period of time.

The City of Abilene recognizes that competition exists not only in cost, but also in the technical competency of suppliers, their ability to make timely deliveries, and in the quality and performance, including environmental sustainability, of their products and services. Balancing these sometimes-competing factors means that at times the City will may pay more for higher-performing goods and services, including those with superior environmental sustainability.

The City shall define "environmentally sustainable" goods and services as those goods and services that have a reduced negative effect on human health and the environment when compared with competing products and services serving the same purpose. This comparison considers all phases of the product or service's life cycle, including raw materials, acquisition, production, manufacturing, packaging, distribution, operation, maintenance, and disposal, including the potential for reuse or the ability to be recycled.

## **SECTION NINE: LIFE CYCLE COST ANALYSIS (LCCA)**

Life Cycle Costing begins with the acquisition of the product or service and includes all the associated costs of ownership throughout the supply chain. This includes but is not limited to purchase price, shipping, maintenance and repair, longevity, and disposition costs at the end of life. The initial acquisition price is adjusted with additional cost streams expected to occur over the anticipated life of the product or service. These additional cost streams must be based upon reasonable assumptions. In some cases, cost streams may include negative costs or savings that are expected to result in a particular cost stream.

Life Cycle Cost analysis may be used for purchases of products or equipment under \$100,000, but shall be required of such items that exceed \$100,000 in value. There are a number of established LCCA industry standards for various products or equipment. These can be the basis of an LCCA, or departments may propose their own LCCA with appropriate justification. Award decisions will be as follows:

Invitation to Bid - using Life Cycle Cost methods, the award must be made to the responsible firm whose responsive offer provides the lowest overall cost of ownership in accordance with the Life Cycle Cost evaluation factors listed in the solicitation document.

Request for Proposals - using Life Cycle Cost methods, the award must be made to the responsible firm whose responsive offer, after consideration of Life Cycle Cost factors as a part of the evaluation of all factors listed in the solicitation document, is determined to be the most advantageous or best proposal for the City.

## **SECTION TEN: EMERGENCY PURCHASES**

Should an emergency be declared by the City, State, or Federal government, any purchase necessary for the City to appropriately address such emergency shall be authorized by the City Manager or designee. All emergency purchases shall comply with all applicable laws for such situations. All purchases made during

a declared state of emergency will be documented and tracked for reimbursement reporting purposes. Following the emergency, the City Manager shall provide a report summarizing all purchases made in response to the emergency to the City Commission. The report shall also provide an analysis of the impact on the City's budget.

#### **SECTION ELEVEN: PURCHASE CARDS**

The City of Abilene has implemented a Purchase Card Program. The purchase cards will largely replace the practice of using open charge accounts at local vendors. In addition, the cards may be used for other approved purposes including out of town travel expenses. The program was implemented to limit the City's exposure to unauthorized charges, to streamline procedures when reconciling and paying statements, to provide information for staff to review purchases and to place responsibility on the department for obtaining appropriate documentation. Use of the cards is subject to the following conditions:

- Cards are to be used for authorized City purchases only. Any intentional use of the card for private or personal purchases is strictly prohibited. Any employees found to make personal purchases on city issued purchase cards will be required to reimburse the City for such use. Employees found in violation of any part of the Purchase Cards section may be subject to discipline pursuant to the City's Personnel Policy.
- Cards shall be issued to an individual City of Abilene employees at the discretion of the Department Director. The employee named on a purchasing card shall be responsible for any and all purchases made on the card. No other employee is authorized to make purchases using another employee's card. Unauthorized purchases will be the responsibility of the employee unless it is determined such purchases were made without the employee's knowledge and consent. Unauthorized purchases are to be immediately reported to the Finance Director for investigation.
- The City is exempt from sales tax pursuant to K.S.A. 79-3606(b). An employee named on a card shall be aware and knowledgeable of purchases that are eligible for such tax exemption. It is the responsibility of the cardholder to file a certificate of exemption for vendors where one is not already on file. If a named cardholder continually allows exempted sales tax to be charged, their purchase card privileges may be revoked.
- All transactions must have a detailed receipt with a description of the purchase. The city utilizes an online dashboard for employees to upload receipts and supporting documents. If used, this is the responsibility of the purchase cardholder and must be completed within five days of the purchase.
- Cards are to be forfeited and returned to the City upon resignation or termination of an employee. Department Directors shall promptly notify the Finance Director of a change in employment status requiring the closure of a credit card user account.
- Credit limits are established as below and will apply to all employees authorized for a purchasing card unless written approval of a change to a credit limit is provided by the City Manager. The following credit limits are established:  
City Manager: \$5,000  
Department Directors: \$5,000  
Supervisors: \$2,500
- The City Manager or Finance Director may audit any purchasing card account at any time.
- Availability and use of the purchase card does not invalidate any other provision of this Purchase Policy.

#### **SECTION TWELVE: SALES AND USE TAX**

All departments, as agencies of the City of Abilene, are exempt from paying Kansas sales and use tax per K.S.A. 79-3606(b). Departments are responsible for obtaining the appropriate documentation or certifications for all purchases to ensure that the City is not charged sales or use tax. The Finance Director is responsible for renewing and distributing the new exemption certificate to the Department Directors.

Contractors who have been awarded a contract by the City will be required to purchase all materials using Purchasing Policy

a sales tax certification issued by the City. This certification shall be required as part of the contract documents and will be maintained on file.

**SECTION THIRTEEN: PURCHASES WITH DONOR-DESIGNATED FUNDS**

If a Department receives a donation of funds, the funds shall be considered public funds. The funds will be used as designated by the donor as allowed by local ordinance and state law. Items purchased will be in compliance with existing policy, and consideration will be given to conformity with existing facilities or equipment.

**SECTION FOURTEEN: SERVICE CONTRACTS**

All service contracts with the City shall be for terms not exceeding five years, with a one-time option to renew at market prices if applicable.

**SECTION FIFTEEN: CONFLICT OF INTEREST**

The City will adhere to State statutes and guidelines for potential conflict of interest cases. All employees and elected officials are expected to conduct themselves in an ethical manner and avoid the perception of impropriety.

**SECTION SIXTEEN: USE OF CONFIDENTIAL INFORMATION**

City officers, employees or agents shall not use confidential information for actual or anticipated personal gain.