

PROCUREMENT POLICY-CITY OF EL DORADO, KANSAS

Any purchases made are subject to detailed scrutiny by the Director of Finance and the City Manager. Materials and services purchased by the City are intended to provide services to the Public. Materials or services purchased by the City used for personal reasons is considered misuse and will be prosecuted to the fullest extent possible.

1.1 Competitive Bidding-For purchases under \$1,000, the Department Head is asked to use his/her best judgment to make the best purchase possible.

For purchases between \$1,000-\$10,000, informal bids can be accepted. Bid responses can be accepted in written form, presented via fax or email, or over the telephone. Bids taken over the phone must be documented on the attached Telephone Bid Form. After receiving the bids/quotations, the Department Head will make a recommendation to the City Manager on the basis of the lowest or best bid. If the City Manager approves the recommendation, the purchase can be made. If either the Department Head or City Manager decides no acceptable bid is received, the good/material will be re-bid.

For purchases of \$10,000 and higher, a formal bidding process will take place with prospective vendors. Department Heads will provide specifications and/or plans for the proposed procurement to prospective vendors. Bids must come in a sealed envelope and describe in detail goods/materials offered by the vendor and cost of the goods/materials. All bids will be publicly opened and read by the City Clerk at a time and place specified by the City of El Dorado. The Department Head will make a recommendation to the City Manager on the basis of the lowest or best bid. If the City Manager approves the recommendation, the purchase can be made. If either the Department Head or the City Manager decides no acceptable bid is received, the good/material will be re-bid.

- 1.2 Requests for Proposals**-A Request for Proposals (RFP) will be issued for professional services provided to the City of El Dorado. RFP's will invite organizations to submit qualifications to perform services for the City. Specifications for type of service required, bidder qualifications to perform service, and time/date of RFP opening will be available in the RFP. Vendors will be called upon by City of El Dorado representatives for a formal interview to further discuss services rendered to the City. Recommendations by Department Head to the City Manager will be made on factors such as experience, qualifications, and price. If no acceptable proposal is received, the RFP will be re-issued.
- 1.3 State/Regional/Federal Contract**-Department Heads may purchase materials from competitive contracts at the State, Regional, or Federal level if the price and/or quality is in the best interests of the City.
- 1.4 Evaluation of Criteria**-Proposal evaluation criteria should be developed to measure how well each vendor meets the desired performance requirements established before proposals are received. Final consideration should be given on the basis of price, quantity and/or quality offered, and capacity to fulfill all requirements of the contract.

- 1.5 **Operational Purchases**-A blanket requisition form will be provided to vendors in competition for small, miscellaneous purchases of supplies and equipment in the routine course of work.
- 1.6 **Emergency Purchases**-“Emergency Purchase” is defined as the following: the purchase of goods/materials when services provided by the City of El Dorado will be interrupted and the interruption will be costly to the citizens of El Dorado. These purchases are unforeseen and cannot be planned for. The City Manager must authorize emergency purchases before they are made.
- 1.7 **Sole Source Provider**-A sole source provider is the only acceptable provider of a good/material or service. Purchases made from a sole source provider must be accompanied by a written explanation detailing why the good/material or service can be purchased from only one vendor.
- 1.8 **Joint Governmental Purchases**-The City may join with and cooperate with other city, school district, county, state, and/or federal agencies for the purchase of materials and/or services which the City deems to be in the best interest of the City.
- 1.9 **Repair of Equipment**-Parts or labor required to repair equipment may be approved by the City Maintenance Shop Superintendent if total parts cost shall not exceed \$500. When costs are between \$500-\$1,000, approval must be given by the Department Head. Items with a cost over \$1,000 must be approved by the Director of Finance or the City Manager.
- 2.0 **Equal Opportunity in Public Contracts**-Kansas statutes governing public contracts can be found in the Kansas Act Against Discrimination at K.S.A. 44-1030 to 44-1033. The State of Kansas requires that every contract for or on behalf of the State or any political subdivision of the State, or any agency of our authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that it shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, sex, disability, national origin or ancestry. Contracts and vendors subject to these statutes are those:
 - A) that employ four (4) or more employees during the term of such contract; and
 - B) whose contracts with the City of El Dorado cumulatively total more than five thousand dollars (\$5,000) during the City’s fiscal year.

Currently, the City of El Dorado abides by all requirements in these provisions.

Federal Provisions-Various federal laws, executive orders, and rules and regulations of governmental entities exist that govern equal employment opportunity and affirmative action in public contracts as well as equal opportunity and affirmative action in the award

of public contracts. The intent of these laws, executive orders, and rules and regulations are similar to those found in the Kansas Act Against Discrimination. The Equal Opportunity Division may be contacted for explanations, interpretations and information on these laws.

Failure to Comply-Failure to comply with any of the terms of the provisions of the Kansas Act Against Discrimination shall be a material breach of contract. In addition, unless otherwise noted, failure to comply with State and/or Federal provisions shall be a breach of the present contract which may be cancelled, terminated or suspended, in whole or in part, by the City of El Dorado.

Procurement Policy Administrative Interpretation:

In some instances, pricing is time sensitive and does not allow for mailed bidding. In these instances, fax or email bids will be accepted at the request of the vendor. Bids must be sent to the City Clerk.