

ORDINANCE NO. 49-816

AN ORDINANCE AMENDING SECTIONS 2.04.060, 2.04.090, 2.64.010, 2.64.020, 2.64.040, AND 10.12.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO AUTHORIZED CONTRACTING AUTHORITY OF STAFF AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 2.04.060 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

Sec. 2.04.060. Employment of professional services.

Employment of professional services, such as furnished by appraisers, accountants, architects, lawyers, realtors, engineers and others of similar professions, shall be authorized by appropriate action of the majority of the city council members, or by the city manager when the contract for services is equal to or less than fifty thousand dollars (\$50,000). Selection by the city council for employment shall be made from responses of qualified persons or firms interested in employment by the city. All selections by the city council members shall be by majority vote after recommendation by the city manager with respect to demonstrated competence and qualification for the type of services required at fair and reasonable prices, with a strong emphasis on qualifications, skills, expertise, and experience, provided, that the city council may designate itself to serve as the selection committee on projects of wide public interest.

Section 2. Section 2.04.090 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

Sec. 2.04.090. – Approval of expenditures.

- (a) The city council shall approve all contracts for public improvements and purchases in excess of fifty thousand dollars and all transfers of funds in excess of fifty thousand dollars, in addition to such regular budget approvals as may be required by law; provided, however, that the approval of a majority of the council shall be required to overrule a recommendation of the city manager or to exercise approval in those cases where action by city ordinances is required.

- (b) No individual council member shall incur any expense by travel or otherwise for the city except at the direction of a majority of a quorum of the council. Such approval shall be obtained prior to incurring the expense, except for the following circumstance: expenses totaling five hundred dollars or less which may be incurred if (1) funds for such expenditure are available in the adopted budget and (2) such council member notifies the council prior to the expenditure of the intended expense.

Section 3. Section 2.64.010 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

Sec. 2.64.010. – Purchasing manager’s duties and authority to contract.

The city purchasing manager shall purchase all supplies, equipment and materials for the city and every department thereof, and shall keep a true and accurate account of all purchases so made. Further, the purchasing manager shall have the authority to enter into contracts and agreements for supplies, services, materials and equipment where the contract sum does not exceed fifty thousand dollars. The purchasing manager shall have the additional authority to enter into contracts and agreements as shall be specifically granted by the governing body.

Section 4. Section 2.64.020 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

Sec. 2.64.020. – Public bidding required.

The city purchasing manager shall advertise for bids in the official city newspaper for all purchases which exceed the sum of fifty thousand dollars. The fifty thousand dollar bidding limitation shall apply to all except the following purchases which may be negotiated by the city purchasing manager:

- (a) Emergencies. Sanitary or storm sewer stoppages or breaks, water line breaks, gas line breaks, street repairs resulting from such stoppages or breaks, and other emergencies as designated and approved by the city manager;
- (b) Sole Source of Supply. When material, supplies or services to be purchased are available from only one person, firm, original manufacturer or local franchised dealer. This includes major equipment repairs or other existing equipment where parts are only available from the original manufacturer or local franchised dealer;
- (c) Public Exigency. In those instances when public exigency will not permit the delay incident to advertising as determined and approval by the city manager;

- (d) No Bids Received. In those instances when no bids have been received after formal advertising, the purchasing manager is authorized to negotiate those purchases subject to ratification and approval by the governing body;
- (e) Price Established by Law. The purchasing manager is authorized to enter into contracts for material, supplies or services where the prices are established by law;
- (f) Resale Items. The purchasing manager is authorized to negotiate purchases for material, supplies or services for resale to the public;
- (g) High Technology Items. The purchasing manager is authorized to negotiate purchases of high technology items subject to ratification and approval by the governing body;
- (h) Insurance. The purchasing manager is authorized to negotiate the purchase of all insurance coverages subject to ratification and approval by the governing body;
- (i) Service Agreements for Major Equipment. The purchasing manager is authorized to negotiate service agreements for major equipment maintenance with the manufacturer or an authorized service agency;
- (j) Intergovernmental Cooperative Contracts and Agreements. The purchasing manager is authorized to purchase supplies, services and equipment from contracts and agreements of other governmental entities which have been awarded, subject to public bidding and approved by the proper governmental entities authority;
- (k) Security Matters. The purchasing manager is authorized to enter into contracts for material, supplies or services related to the security of city-owned facilities, city personnel, city-owned property or the general public.
- (l) Kansas State Use Catalog. The Purchasing Manager is authorized to purchase supplies, services and equipment from the Kansas State Use Catalog and will determine when products meets City requirements, are comparable in quality, and are offered at a fair and reasonable price.
- (m) Extensions from Competitive Bids. The purchasing manager is authorized to purchase additional construction services at agreed unit cost prices using unexpended funds from within the appropriate departmental budget, to the extent that such unit pricing was previously established by competitive bidding. Such extensions may be done either during or a reasonable time after the administration of the contract establishing the

applicable unit cost prices, and in either case shall be considered new contracts, and not change orders.

Section 5. Section 2.64.040 is hereby created to read as follows:

Sec. 2.64.040. – Pre-qualification of vendors.

For any or all projects, the purchasing manager may implement a requirement for pre-bid qualification of bidders, setting standards that bidders must meet and maintain to be eligible to bid on City public improvement projects. In lieu of adopting an independent pre-bid qualification policy, the purchasing manager may utilize the pre-bid qualification standards and list of pre-qualified bidders used by any federal or state of Kansas agency or any other Kansas municipality. If a pre-bid qualification requirement is established, then the City shall not accept bids from bidders who do not meet the pre-bid qualification standards designated in the bid documents.

Section 6. Section 10.12.180 is hereby amended to read as follows:

Sec. 10.12.180. Same—Failure of owner to construct after notice; estimate of cost to be made; work to be let by contract; costs.

If the sidewalk is not constructed as required by the preceding section, within thirty days, unless a longer time is granted by the city council, then the city council shall order such sidewalk to be constructed as hereinafter prescribed. An estimate of the cost thereof shall first be made under oath by the city engineer and submitted to the purchasing manager, who shall proceed with letting the contracts as provided in City Code Chapter 2.64.

The cost of constructing such sidewalk shall be assessed against the owner of the abutting property and the assessment levied against such property as provided by law.

SECTION 2. The original Sections 2.64.060, 2.04.090, 2.64.010, 2.64.020, 2.64.040, and 10.12.180 of the Code of the City of Wichita, Kansas shall be repealed in their entirety.

SECTION 3. This ordinance shall take effect upon its passage and publication twice in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 26th day of August,
2014.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Sharon L. Dickgrafe
Interim Director of Law and City Attorney