



CITY OF WENTZVILLE

Procurement Policy

Approved by Board of Aldermen
Resolution 23-1988 dated December 13, 2023

CHAPTER 142: PROCUREMENT POLICY

ARTICLE 1. GENERAL PROVISIONS

SECTION 142.010 PROCUREMENT POLICY PURPOSE

Pursuant to Chapter 142, Section 142.010 of the Municipal Code, the City of Wentzville (hereinafter the "City") institutes, adopts and will maintain this policy to be known as the Procurement Policy of the City of Wentzville (the "Policy"), governing procurement of supplies, services, equipment and projects. For reference, the Section numbers in this Policy are consistent with the cited section of the Municipal Code.

SECTION 142.010.1 APPLICABILITY

This Policy shall apply to:

- A. Every expenditure of public funds for procurements irrespective of their funding source and dollar amount. When the procurement involves the expenditure of federal funds, state or other stipulated funds, the procurement shall be conducted in accordance with all mandatory applicable federal, state and local laws, regulations and requirements. Nothing in this Policy shall prevent the City from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
- B. Disposal of property; and
- C. Contracts where there is no expenditure of public monies or where the City is offering something of value to the business community when the City determines source selection and award of contract.

SECTION 142.010.2 REQUIREMENT OF GOOD FAITH

This Policy requires all parties in the procurement, negotiation, performance and administration of the City's Agreements and purchases to act in good faith and cooperate and collaborate within the Policy.

SECTION 142.010.3 PURCHASE ORDERS WHEN REQUIRED

The City shall obligate funds through the use of Purchase Orders for the procurement of services, materials and supplies of any dollar amount. Requisitions are required before the issuance of a Purchase Order.

SECTION 142.010.4 REVISION

This Policy shall be subject to revision(s) adopted by the Board of Aldermen at any time by Resolution in accordance with City requirements.

SECTION 142.010.5 VIOLATION OF POLICY

Any employee violating any of the provisions of the Policy may be subject to disciplinary action, up to and including suspension and/or dismissal.

SECTION 142.010.6 EXCEPTIONS

The Board of Aldermen in its sole discretion may waive any of the requirements as stated in this Policy, except where mandated by state or federal law.

SECTION 142.010.7 DEFINITIONS

- A. Procurements: Each method by which the City obtains and contracts for supplies, materials, equipment, commodities, capital outlays, construction, services and professional services, and subsequent agreements.
- B. Supplies: Goods; tangible items purchased or consumed by the City.
- C. Requisition: An internal document by which a City department details the supplies, services, professional services or a material required and also encumbers the funds. The requisition is converted into a purchase order by the Procurement Division after applicable approvals.
- D. Purchase Order: The City's document used to authorize a purchase transaction with a vendor/contractor/consultant. Purchase Orders are issued through the Procurement Division via the purchasing component of the City financial system, and signed by the Director of Finance.
- E. Independent Contractor: Individuals with which the City contracts to provide entertainment, sports and fitness training and instruction at City camps.

ARTICLE 2. DELEGATION OF AUTHORITY

SECTION 142.010.8 AUTHORITY, GENERALLY, CITY ADMINISTRATOR

Pursuant to Wentzville/Title 1, Government Code, Chapter 142, agreement and procurement authority is granted by the Board of Aldermen to the City Administrator as follows:

- A. Signature authority on agreements under \$35,000;
- B. Signature authority on project change orders that are within the Project Contingency Funding Cap as approved by the Board of Aldermen.
- C. Determine in writing that noncompliance with any provision of this policy is non-substantial and may allow for correction or may waive minor informalities or irregularities. The basis of this decision shall be included in the written determination.
- D. The City Administrator may delegate signature authority to a designee as necessary.

SECTION 142.010.9 DELEGATION OF AUTHORITY

- A. The Mayor is delegated signature authorization as approved by the Board of Aldermen for agreements of \$35,000 or greater. The President of the Board of Aldermen is authorized to sign as the Mayor's designee.

SECTION 142.010.10 RESOLUTIONS OR ORDINANCES ARE REQUIRED

Resolutions are required for all agreements to be approved by the Board of Aldermen. Approval of intergovernmental agreements requires an ordinance to be approved by the Board of Aldermen, MO Statute 70.220, and 70.230.

SECTION 142.010.11 AGREEMENTS REQUIRING BOARD OF ALDERMEN APPROVAL

- A. Agreements, Work Authorizations, and Purchases of \$35,000 or greater;
- B. All Multi-year Agreements of \$35,000 or greater annually;
- C. Grant Awards which include a future monetary commitment of City funding over-\$35,000;

- D. Project change orders when the dollar value will exceed the Project Contingency Funding Cap as previously approved by the Board of Aldermen;
- E. Work Authorizations when the dollar value will exceed the amount previously approved by the Board of Aldermen;
- F. Surplus assets and trade-ins with an estimated current value of \$15,000 or greater;
- G. Any proposed procurement action deemed necessary by the City Administrator.

ARTICLE 3. PROCUREMENT ORGANIZATION

SECTION 142.010.12 The Procurement Division has the responsibility of providing goods and services, either by providing the services for such procurement or by providing functional direction to others delegated with the authority to perform such functions. Except as otherwise specifically provided in this Policy, the Procurement Superintendent is authorized and directed to do the following:

1. Procure or supervise the procurement of all materials, services, professional services and construction following the correct methods of solicitation.
2. Coordinate purchasing within the framework of any statutes, regulations and/or procedures as applicable.
3. Use a variety of Procurement methods for the purpose of obtaining pricing, proposals, qualifications, or information.
4. Through cooperation from all employees and directors of the City, review, prepare and adopt written specifications that permit competition.
5. Conduct administrative review of solicitation responses. Evaluate responses as needed.
6. Ensure an atmosphere that is fair and ethical for all who do business with the City. Discourage collusive or restrictive bidding and attempt to obtain as full and open competition.
7. Develop and track contracts and perform associated actions such as time extensions, amendments, change orders, liquidated damages, non-renewals, terminations within contracts, and route and approve for execution; and obtain all necessary signature approvals from the Director of Finance, City Administrator or designee, and Mayor.
8. Electronically post bids on the City's website and other media as needed or appropriate.
9. Keep a file of bids and proposals received and forward contract documents to the City Clerk for document retention.
10. Ensure compliance with this Policy by implementing procedures to review and monitor purchases and contracts through contract administration.
11. Obtain all necessary forms and documentation from suppliers and issue Notice of Award letters and inform department Directors of the next procurement step.
12. Evaluate and mitigate risks in procurement agreements.
13. Provide formal or informal training to all departments on this Policy, related procedures, Procard and other Policy provisions. Provide training for Procurement staff from private and professional procurement organizations and other organizations to remain current in the field.
14. Sell, trade or otherwise dispose of surplus materials belonging to the City.

15. Manage the City's procurement credit card (Procard) program.
16. Prepare and maintain procedures and forms as are reasonably necessary for the operation of this Policy.
17. Oversee and maintain the City's supplier database.
18. Report immediately to the City Administrator any suppliers who default in their qualifications and any irresponsible proposers, and make recommendations to the City Administrator for the disqualification of any suppliers and proposers from receiving any business from the City for a stated period of time.
19. Keep informed of current developments in the field of Procurement, prices, market conditions and new products. Secure for the City the research done in the field of Procurement by other governmental jurisdictions, national organizations and by private businesses and organizations.
20. Explore the possibility of buying collectively so as to take full advantage of prices and discounts whether for the City alone or with cooperating agencies.
21. Recommend to the Director of Finance and the City Administrator, with the consent of the Board of Aldermen, revisions or amendments to this Policy.

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ARTICLE 4. SOURCE SELECTION AND CONTRACT FORMATION

SECTION 142.010.13 BID THRESHOLDS:

All processes in all bid thresholds shall be followed except for additional processes as required by law and in those instances; the Procurement Division will lead those procurements and those legal requirements will be followed. Additional processes may include prevailing wage, E-Verify, insurance, etc.

Type / Category	Process Required and Definition of Category
No Bid Purchase \$0 - \$4,999.99:	<p>For services, contact Procurement.</p> <p>For purchases of supplies, materials, equipment, and commodities not covered by a written contract, competitive quotes or bids are not required.</p>
Small Purchase \$5,000.00 - \$9,999.99:	<p>For services, contact Procurement.</p> <p>For purchases of supplies, materials, equipment, and commodities requires that competitive quotes are obtained by the Using Department or the Procurement Division. Strive for 3 quotes. Does not require a sealed bid or public bid opening.</p>
Informal Method \$10,000.00 - \$19,999.99:	<p>Requires competitive quotes or proposals be solicited by the Procurement Division.</p> <p>For purchases for supplies, materials, equipment, commodities, services, and construction that do not require a sealed bid or public bid opening, however, may require additional documents and a written contract.</p>
Formal Method \$20,000.00 and greater:	<p>Requires competitive sealed bids, proposals or requests for qualifications be publicly advertised and solicited by the Procurement Division.</p> <p>For purchases for supplies, materials, equipment, commodities, services, and construction, that does require a publicly advertised sealed bid process.</p>

SECTION 142.010.14 EXEMPTIONS FROM THE COMPETITIVE BID PROCESS

The following purchases are exempt from the competitive bid requirements:

- A. Travel – commercial transportation, mileage, meals and lodging
- B. Utilities
- C. Postage
- D. Advertising - hard copy, electronic, or other media.
- E. Publications – hard copy, electronic, or other media
- F. Organization memberships and other individual professional development
- G. Single Feasible Source Purchases
- H. Honoraria, such as for speakers
- I. Insurance Claim Estimates
- J. Repair Services for City equipment and vehicles
- K. Purchases \$4,999.99 and less
- L. Purchase of real property, land.
- M. Intergovernmental Payments
- N. Artwork (See Art Acquisitions and Donations Policy)
- O. Entertainers; Bands; Instructors of sports, fitness, camps; and similar Independent Contractors

SECTION 142.010.15 METHODS OF PROCUREMENT

Orders may not be intentionally divided into smaller transactions in an attempt to by-pass the Procurement Policy bid thresholds.

No Bid Purchase: A no bid purchase is for purchases up to \$4,999.99 of supplies, materials, equipment, and/or commodities not covered by a written contract. Competitive quotations are not required; however, employees are encouraged to obtain quotes. For services, contact the Procurement Division.

Small Purchase: A small purchase is for purchases from \$5,000.00 - \$9,999.99 of supplies, materials, equipment, and/or commodities and requires competitive quotes either by the using Departments or the Procurement Division. Strive for 3 quotes. For services, contact the Procurement Division.

Informal Method: An informal competitive process that does not require sealed bids and has an estimated value of \$10,000.00 - \$19,999.99 of supplies, materials, equipment, commodities, services and/or construction. Requires competitive quotes or proposals be solicited by the Procurement Division. For RFP's, see Section B on page 8.

- A. Public notice/posting of bid is not required.
- B. Responses may be submitted by the method(s) specified in the solicitation and are requested by the date specified in the solicitation.
- C. Bidders must be given a reasonable time to respond prior to the due date.
- D. The City is to award to the lowest, responsive, responsible bidder, or to the bidder determined to be in the best interest of the City. However, when the procurement involves the expenditure of Federal, State or other non-city funds, the procurement shall be conducted in accordance with funding source requirements and all applicable Federal and State laws and regulations.

- E. The City reserves the right, in its sole discretion, to reject any or all quotations, and to waive technicalities or deficiencies in any or all of the bids.

Formal: Purchases valued at \$20,000.00 and greater of supplies, materials, equipment, commodities, services and/or construction shall require solicitation by the Procurement Division using procurement instruments such as Invitation for Bids, Request for Proposals, and Request for Qualifications, unless otherwise expressly provided in this Policy. The following is a list of requirements:

A. Competitive Sealed Bids (Invitation for Bid (IFB))

1. **Invitation for Bid Requirements.** Invitation for Bids in this category shall require that a public notice be given and the solicitation shall allow reasonable time for responses prior to the due date. Invitation for Bids shall also comply with any legal requirements.
2. **Distribution of Invitations for Bids.** The Procurement Division will use method(s) of distribution to interested parties, which are reasonably available. Such notice may include electronic posting of bids, electronic mailing lists, web sites designated and maintained for such notification and newspapers of general circulation if required.
3. **Bid Addenda.** Written addenda to formal solicitations shall be issued by the Procurement Division and posted electronically or made publicly available in the same manner as the initial solicitation.
4. **Communication Related to Formal Bids.** Authorized communication during formal solicitations will be described in the bid document. All City communications will be in writing. Any discussion during the bid process must be documented and forwarded to the Procurement Division in time for analysis and release of addenda, if applicable.
5. **Bid Rejections.** The City reserves the right, in its sole discretion, to reject any or all bids, or portions thereof, and to waive technicalities or deficiencies in any or all of the bids.
6. **Bid Specifications.** Specifications shall not restrict competition, nor be biased or advantageous to one bidder. If Suppliers' specifications are utilized during the development of specifications, this information shall be disclosed to the Procurement Division. The solicitation document will disclose all Suppliers whose specifications were used in development of the specifications.
7. **Public Opening.** There shall be a public bid opening for all Invitation for Bids in the formal bid process. The method of public bid opening will be specified in the Invitation for Bids document.
8. **Bid Evaluation & Acceptance.** Bids shall be evaluated based on the criteria and requirements set forth in the Invitation for Bids. The City is to award to the lowest, responsive, responsible bidder, or to the bidder determined to be in the best interest of the City. However, when the procurement involves the expenditure of Federal, State or other non-city funds, the procurement shall be conducted in accordance with funding source requirements and all applicable Federal and State laws and regulations.
9. **Contract Formation.** Contracts related to this process shall be awarded through an appropriate approval process and shall include written notice in the form of a Notice of Award issued by the Procurement Division.

- B. Competitive Sealed Proposals (Request for Proposal (RFP)).** When competitive sealed bidding is either not practical or not advantageous to the City, the City may use the RFP method.
1. **Request for Proposal Requirements.** When using a Request for Proposal, it shall require that a public notice be given and the solicitation period shall allow reasonable time for responses prior to the due date. Request for Proposals shall also comply with any legal requirements.
 2. **Distribution of Requests for Proposals.** The Procurement Division will use method(s) of distribution to interested parties, which are reasonably available. Such notice may include electronic posting of bids, electronic mailing lists, web sites designated and maintained for such notification and newspapers of general circulation if required.
 3. **Addenda to Proposals.** Written addenda to formal solicitations shall be issued by the Procurement Division and posted electronically or made publicly available in the same manner as the initial solicitation.
 4. **Communication Related to Proposals.** Authorized communication during formal solicitations will be described in the bid document. All City communications will be in writing. Any discussion during the bid process must be documented and forwarded to the Procurement Division in time for review and release of addenda, if applicable.
 5. **Receipt of Proposals.** Proposals shall be received and opened so as to avoid disclosure of the contents of any proposal to competing proposers.
 6. **Proposal Evaluation.** The Request for Proposals will clearly state the evaluation factors, including the relative importance of performance, cost and other factors.
 7. **Evaluation Committee:** The Evaluation Committee shall consist of City employees including the using department director or designee, one representative from the Procurement Division, and additional employees as mutually determined between the department director and the Procurement Division. The focus of the evaluation committee is to evaluate proposals based on the criteria in paragraph 6 above.
 8. **Negotiation of Scope and Fees.** Negotiations concerning compensation and scope of services may be conducted as prescribed in the solicitation document.
 9. **Proposal Award.** Award shall be made to the proposer whose proposal is determined to be the most advantageous to the City, taking into consideration price, the evaluation criteria set forth in the RFP, and that which is in the best interest of the City. The procurement file shall contain the basis on which the award is made.
 10. **Debriefings.** Debriefings may be conducted to furnish the basis for the source selection decision and contract award, if requested by proposers.
- C. Cancellation of Invitations for Bids or Requests for Proposals.** An Invitation for Bids, a Request for Proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified by the solicitation, when it is in the best interest of the City.

SECTION 142.010.16 OTHER PROCUREMENT METHODS

A. Single Feasible Source Purchases

1. Purchases for supplies, equipment, and services with a dollar value up to \$35,000 may be made when the Procurement Division determines, in writing, that there is only one source for the required supplies, equipment, or services. Single Feasible Source Purchases may exist when:
 - a. Proprietary situation exists with a single manufacturer, service provider, or distributor;
 - b. Based on past procurement experience it is determined that a single distributor or service provider exists within the City's regional market;
 - c. Warranties may be voided;
 - d. Unique situation exists when matching equipment and systems are required by, or in the best interests of, the City;
2. The requesting Department must provide the Procurement Division with supportive documentation justifying the single source determination with each purchase requisition.
3. The Procurement Division will seek the City Administrator's authorization based on determination for purchases with a value less than \$35,000 with appropriate documentation.
4. Single Feasible Source Purchases with a value of \$35,000 or greater require Board of Aldermen Approval.
5. Single Feasible Source Determinations will be reviewed annually or by contract term.

B. Emergency Procurement, Waiver of Competitive bids or proposal

The City Administrator may waive the requirement of competitive bids or proposals for supplies or services when the City Administrator or designee has determined that there exists a threat to life, property, public health, or public safety or when immediate expenditure is necessary for repairs to City property in order to protect against further loss of, or damage to, City property, to prevent or minimize serious disruption in City services. The City Administrator or designee is empowered to authorize the Procurement Superintendent or designee, to secure an open market procedure at the lowest attainable price, for any supplies, equipment, or contractual service regardless of the amount of expenditure. The Procurement Superintendent will work with the Director of Finance for funding the emergency purchase.

Emergency procurements shall be made with as much competition as is practicable under the circumstances.

A written determination of the basis of the emergency and for the selection of the particular contractor shall be included in the contract file by the Procurement Division and be given to the City Administrator. The City Administrator shall report the emergency purchase if over \$35,000 to the Board of Aldermen at the next scheduled Board of Aldermen meeting for informational purposes only.

C. Cooperative Contracts

The City may join with other units of government or other governmental agencies or authorities or national or local cooperative organization in cooperative purchasing when it serves the best interest of the City.

D. Procurement Card (Procard)

The Procurement Card is a procurement instrument that has restrictions and controls and is used by authorized City personnel mainly for low dollar purchases or supplies. Refer to the Procard Manual for details.

ARTICLE 5 SPECIFICATIONS

SECTION 142.010.17 DEFINITIONS:

Specification: Means any description of the physical, functional, or performance characteristics, or the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.

SECTION 142.010.18 SPECIFICATIONS

- A. **Use of Functional or Performance Descriptions.** Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design and other detailed physical descriptions to those necessary to meet the needs of the City. To facilitate the use of such criteria, the City shall endeavor to include as part of the specifications the principal functional or performance needs to be met.
- B. **Maximum Practicable Competition.** All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the City's needs, and shall not be unduly restrictive.
- C. **Authority to Review.** The Procurement Superintendent or designee has the authority to prepare specifications, review, and make recommendations for changes to specifications received from the using department.
- D. **Scope of Services (SOS)**
 - 1. The SOS is to outline the services to be received. The SOS is to include the purpose of the agreement and the intended services that are expected to be accomplished within any established time frame.
 - 2. Specifications and SOS prepared by other than City personnel:
The requirements of this Article regarding the purposes and non-restrictiveness shall apply to all specifications and SOS prepared other than by the City personnel, including but not limited to, those prepared by architects, engineers, and designers.

SECTION 142.010.19 PROCUREMENT OF PROFESSIONAL SERVICES

- A. **Architectural, engineering, land surveying services.** Pursuant to RSMo 8.285 to 8.291, the City shall negotiate contracts for architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices.
- B. **Construction Management Services.** Pursuant to RSMo 8.675- 8.687, Construction Management Services shall be advertised and solicited when the City determines that a Public Work project should be performed with a negotiated contract for Construction Management Services.

C. Evaluation Committee.

The Evaluation Committee shall consist of City employees including the using department Director or designee, one representative from the Procurement Division, and additional employees as mutually determined between the department Director and the Procurement Division. The focus of the evaluation committee is to evaluate statements of qualifications based on the criteria in 142.010.19.D.

D. Evaluation Criteria. As detailed in RSMo Section 8. 285 to 8.291, in evaluating the qualifications of each firm, the City shall use the following criteria:

1. The specialized experience and technical competence of the firm with respect to the type of services required;
2. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
3. The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules;
4. The firm's proximity to and familiarity with the area in which the project is located.

SECTION 142.010.20 SPECIAL CONTRACTUAL REQUIREMENTS

A. General

If a solicitation or resulting contract has special contractual requirements, those requirements will be detailed in the solicitation document.

B. Performance/Payment Bonds

A vendor awarded a contract may be required to furnish a performance security deposit in the form of an original bond issued by a surety company authorized to do business in the State of Missouri (no copy or facsimile is acceptable), bank draft or irrevocable letter of credit prior to fully implementing services. If required, this information is published in the solicitation document. Performance/Payment Bonds are required for public works contracts when the project dollar value is \$50,000 or greater, per RSMo 107.170.

C. Bid Security Bond

The bid security bond is required for construction or non-professional services when the purchase level is \$50,000 or greater. The bid security bond shall be 5% of the bid amount.

D. Insurance

All contracts between the City and a Contractor shall state that Contractor shall include the City as "additional insured" during the term of the contract. Workers Compensation amount and type shall be in full compliance with applicable statutory requirements, and Employer Liability Coverage limits are to be provided consistent with any applicable legal requirements. Commercial General Liability and Comprehensive Automobile Liability coverage are to be in the amount equal to the sovereign immunity limits for Missouri public entities as calculated and published in Section 537.610 RSMo.

E. Prevailing Wage Requirements

Subject to prevailing wage requirements, only for those projects required by State law, the vendor must comply with Section 290.250 RSMo by paying to all personnel employed for applicable services actually provided under the contract not less than the prevailing wage hourly rate of wages as determined by the Department of Labor and Industrial Relations, Division of Labor Standards, specified in the current wage order for St. Charles County. If a project qualifies for prevailing wage, pertinent information will be in the solicitation document.

F. Non-Collusion Confirmation of Prime Vendor

The bidder, by submitting a solicitation response, confirms that the submitted bid is genuine and is not collusive or a sham bid; and that all statements made and facts set out in the submission are true and correct.

G. E-Verify, Federal Work Authorization

Pursuant to RSMo 285.530, if the Vendor meets the definition of RSMo 285.525 of a "Business Entity", the Vendor must affirm its enrollment and participation in the E-Verify federal work authorization program with respect to its employees hired after enrollment in the program who are proposed to work in connection with the services the City is bidding / contracting. The document is required for services when the awarded dollar value is equal or greater than \$5,000.00.

H. OSHA Training Program

Contractors on public works projects shall comply with all requirements of Section 292.675 RSMo., regarding completion of a construction safety program by all employees on the project.

I. Americans with Disabilities Act (ADA)

All solicitations related to construction, renovations and public accessible areas require compliance with the applicable requirements and provisions of the ADA.

J. Other Laws and State Statutes

Procurements shall be conducted in accordance with all applicable federal, state, and local laws, and regulations enacted now and in the future.

K. Invoicing and Payments.

Each solicitation's terms will describe the invoicing and payment method. The City's invoicing term is net 30.

**SECTION 142.010.21 LOCAL PREFERENCE & APPRENTICESHIP PROGRAM
PREFERENCE**

A. Definitions:

1. Major Construction Project: for the purposes of this Local Preference and Apprenticeship Preference Policy, major construction project is defined as any construction project funded solely with City Transportation, Parks, Capital or General tax revenues or St. Charles County Road Board funds, for which the lowest, responsive, responsible base bid is \$1,000,000 or greater. Projects may include but are not limited to construction, reconstruction, improvement, paving, roofing and major repair of buildings and infrastructure. This section 142.010.21 applies to prime contractors and not subcontractors; as used in this section, the terms business or contractor shall mean prime contractor.
2. Local Business: For the purposes of this Local Preference policy, local businesses and contractors shall mean a business or contractor which meets all of the following:
 - a. has a regular and established place of business within (i) St. Charles County, (ii) Warren, Lincoln, Franklin or St. Louis County, or the City of St. Louis, or (iii) the State of Missouri, for at least 12 months prior to the solicitation due date. Post office boxes cannot be used for the purpose of establishing the place of business.

- b. is licensed, or will be licensed prior to award, in accordance with the provisions of Chapter 605 of the Wentzville Municipal Code;
- c. is registered with the Missouri Secretary of State to do business in the State of Missouri.

For purposes of this policy, a business located in Warren, Lincoln, Franklin or St. Louis County, or the City of St. Louis is deemed to be less local than a business located in St. Charles County and a business that is located in the State of Missouri, but is not located in St. Charles, Warren, Lincoln, Franklin or St. Louis County, or the City of St. Louis is deemed to be less local than a business located in St. Charles, Warren, Lincoln, Franklin or St. Louis County, or the City of St. Louis.

- 3. Apprenticeship Program: In awarding contracts on Major Construction Projects funded with City Transportation, Parks, Capital or General Fund tax revenues or St. Charles County Road Board funds, for which the lowest, responsive, responsible base bid is one million dollars (\$1,000,000) or greater, to the extent legally and practically possible, the City may grant a preference to contractors who certify to the City that, on the proposed contract, the contractor has established and utilizes a registered apprenticeship program developed and operated in accordance with 29 CFR, Part 29 for workers working in the skilled trades.

B. Summary:

In awarding contracts on Major Construction Projects funded with City Transportation, Parks, Capital or General Fund tax revenues or St. Charles County Road Board funds, for which the lowest, responsive, responsible base bid is one million dollars (\$1,000,000) or greater, to the extent legally and practically possible, the City may grant a preference to local contractors (as defined herein) who are registered with the Missouri Secretary of State to do business in the State of Missouri, and have maintained an office for the regular conducting of business in (i) St. Charles County, (ii) Warren, Lincoln, Franklin or St. Louis County, or the City of St. Louis, or (iii) the State of Missouri, for at least twelve (12) months prior to bid due date, when the quality of performance promised is equal or better and the price quoted is within the financial parameters set forth below of a non-local or less-local contractor. Such a contract may be awarded to such a local responsive, responsible contractor where the bid by such bidder is, in all material respects, comparable to the lowest, responsive and responsible bid submitted by a non-local or less-local contractor if the amount bid for labor, materials, and other services by such bidder does not exceed the lowest bid by a non-local or less-local contractor as set forth below.

Points will be assigned for a bidder's location as set forth below, and points will be assigned for a contractor that maintains and utilizes an approved apprenticeship program, as set forth below. The location points and apprenticeship program points will be added together for one total score. These scores will be used as follows: If the contractor with the lowest bid has the highest total points, the contract would be awarded to such contractor. If not, then the City will determine whether the bidder with the highest points is within 1.0% (subject to a \$100,000 max cap) of the bid price of the lowest, responsive, responsible bidder. If yes, then the contract will be awarded to such contractor. If not, then the City will determine whether the bidder with the 2nd highest points is within 1.0%

(subject to a \$100,000 max cap) of bid price of the lowest, responsive, responsible bidder. If yes, then award the contract to that contractor. And so on. For a Major Construction Project:

1. Location Points:

- a. Ten (10) points will be given to any contractor who has maintained an office for the regular conducting of business within St. Charles County for at least twelve (12) months prior to bid due date if said contractor's bid is within both one percent (1%) and \$100,000 of the lowest, responsive, responsible bid.
- b. Seven (7) points will be given to any contractor who has maintained an office for the regular conducting of business within Warren, Lincoln, Franklin or St. Louis County, or the City of St. Louis for at least twelve (12) months prior to bid due date if said contractor's bid is within both one percent (1%) and \$100,000 of the lowest, responsive, responsible bid.
- c. Four (4) points will be given to any contractor who has maintained an office for the regular conducting of business within the State of Missouri, but not within St. Charles County, Warren, Lincoln, Franklin or St. Louis County, or the City of St. Louis, for at least twelve (12) months prior to bid due date if said contractor's bid is within both one percent (1%) and \$100,000 of the lowest, responsive, responsible bid.
- d. Zero (0) points will be given to any contractor whose office for the regular conducting of business is not located in the State of Missouri.
- e. Where a less-local business or contractor, as opposed to a non-local business or contractor, is the lowest, responsive, responsible bidder, the local preference points stated above of 10, 7, and 4 shall be applied to all local bids to make a determination as to whether the local preference warrants the award of a contract to the more-local business or contractor based on the percentages and dollar limits stated above.

2. Apprenticeship Program Points

- a. Five (5) points will be given to any bidder who is deemed a Compliant Contractor as detailed above if said contractor's bid is within both one percent (1%) and \$100,000 of the lowest, responsive, responsible bid.
- b. Zero (0) points will be given to any bidder deemed non-compliant as detailed above.

C. No such preference for location or apprenticeship program will be given where to do so would conflict with Federal, State, or other non-city funding source's procurement and contracting guidelines, requirements, or regulations on projects funded in whole or in part with Federal, State or other non-city funding revenue.

D. Penalty for Misrepresentations:

1. A bidder which submits a bid containing misrepresentations of any fact intended to demonstrate that it is a local business shall be disqualified from consideration as being a local business for a period of two (2) years.

2. A bidder which submits a bid containing misrepresentations of any fact intended to demonstrate that it has an apprenticeship program in accordance with 29 CFR, Part 29 shall be disqualified from consideration as having an approved apprenticeship program for a period of two (2) years.

E. Exemptions from this Local Preference Policy:

The following are exempt from this local preference and apprenticeship program policy:

1. Emergency Procurements as defined in the City of Wentzville Procurement Policy.
2. Purchases made utilizing cooperative purchasing agreements.
3. Purchases made for goods or services that have been deemed as a single feasible source per the current City of Wentzville Procurement Policy.
4. All exemptions from competitive bidding as listed in the City of Wentzville Procurement Policy.
5. Architect/Engineering Professional Services are exempt from City of Wentzville Local Preference because procurement of these services must follow RSMo 8.285 to 8.291.
6. Construction Management Services are exempt from City of Wentzville Local Preference because procurement of these services must follow RSMo 8.675 to 8.687.
7. Where to do so would conflict with Federal, State, or other funding source procurement and contracting guidelines or regulations on projects funded in whole or in part with Federal, State or other funding source revenue.

F. City Discretion: Enaction of the provisions under this Section is at the discretion of the Board of Aldermen of the City of Wentzville, and the City is not obligated to award any contract based upon local preference or apprenticeship program. Further, the local preference and the preference provided to those bidders maintaining an approved apprenticeship program does not bar the City from awarding a contract based on a determination that such award is in the best interest of the City. No bidder shall interpret the provisions of this Section as a guarantee or suggestion of any business expectancy.

G. Goods: For the purchase of goods valued at or above \$25,000, where a responsive, responsible local proposer meets all specifications and submits a bid that is within 5% of the lowest, responsive, responsible proposer, the local proposer will be provided an opportunity to match the same price, terms and conditions of the lowest, responsive, responsible proposer, and if it does match such bid, then the award will go to the local proposer, as such is determined to be in the best interest of the City, unless otherwise prohibited by law. A local proposer is defined as having a City Business license as required by Section 605.040 of the Wentzville Municipal Code.

ARTICLE 6 SURPLUS AND DISPOSAL

SECTION 142.010.23 PROPERTY DISPOSAL

A. Definitions in this Section.

1. Excess Supplies means any supplies other than expendable supplies having a remaining useful life but which are no longer needed by the City.
2. Surplus Assets means any assets no longer having any use to the City which have completed their useful life, including scrap materials.

B. General

The City is required to maximize the use of all assets and when assets have reached their operational life cycle; the City is to maximize returns via the sale of those assets. The Director of Finance and the Procurement Superintendent are to ensure the excess property generated by the City will be handled in a method that both maximizes the return to the City and meets the disposal requirements of the City, State, and Federal regulations. The property will be redistributed to other departments if usable. The Department Director, Director of Finance and City Administrator must sign all surplus documents.

1. All assets that have become obsolete or unusable with an estimated current value of less than \$15,000 as surplus property or scrap materials should be disposed of and arranged for auction, transfer, disposal, or the competitive sale of the surplus by the Procurement Division.
2. The assets that have become obsolete or unusable with a dollar value of \$15,000 or greater require the Board of Aldermen approval to declare the property as surplus property and authorize the sale of the property.
3. Methods of Disposal.
 - a) Selling the property via online auction or other auction services.
 - b) Selling the property via the sealed bid process.
 - c) Offering the property to other political subdivisions and their departments.
 - d) Selling the property as scrap.
 - e) Disposal through regulated disposal.
 - f) Trade-in for other equipment or supplies
4. The Procurement Division is responsible for the sale and disposal of all property.
5. The Procurement Division will notify the Finance Department of any transfer, sale, or disposal of surplus assets.

ARTICLE 7 MISCELLANEOUS

SECTION 142.010.24 RECORDS

All bids, specifications, reports, contracts and all records of purchases and disposals made by the Procurement Division shall be maintained by the Procurement Division and shall be open to inspections by the public as prescribed in Missouri State Statutes, Chapter 610.

SECTION 142.010.25 COMPLIANCE AUDITS

Procurement documents such as contracts and purchase orders will be audited to ensure compliance with the Procurement Policy and agreements.

SECTION 142.010.26 ETHICS

The Procurement Division shall endeavor to be fair and ethical in all dealings with vendors. Refer to the Chapter 125 City's Code of Ethics as it pertains to procurement.

A. Conflict of Interest

No employee, elected or appointed official, or their immediate families may participate in a procurement award selection process when the employee, elected or appointed official, or immediate family has a financial interest in the firm supplying the goods and services. No elected or appointed official or employee, shall sell, rent, or lease any property to the City for consideration in excess of \$500.00 per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

B. Disclosure

Personnel involved in the procurement evaluation and award process of a contract or purchase are not permitted to participate in the procurement process if a proposer and the staff member have a private business and/or family relationship, and shall disclose this information to the City Administrator and the Procurement Division.

C. Gratuities or Gifts

It is expressly prohibited for an employee to accept anything with a value of over \$25.00, or multiple items having an aggregate value over \$25.00 per quarter, from a contractor, vendor, or person providing or seeking to provide services/materials to the City, or person with a pending matter before the City, including not only tangible items and money, but also discounts that are not available to the general public. Refer to 125.080 of the City's Code of Ethics.