

ORDINANCE NO. 02-2017

Amending Chapter 111 of the Codified Ordinances of the City to Establish Procedures for the Purchase of Supplies, Materials and Equipment and the Construction of Public Improvements.

WHEREAS, Chapter 111 of the Codified Ordinances of the City provides for procedures by which the City makes purchases and disposes of equipment; and,

WHEREAS, on November 8, 2016 the electorate of the City voted to amend Section 4.11 of the City Charter that addresses the manner in which certain City purchases must be made; and,

WHEREAS, the single requirement for competitive bidding was amended to allow for purchase by any method authorized for public entities by the Ohio Revised Code, as Council determines by ordinance; and,

WHEREAS, the establishment of rules and regulations for the purchase of City supplies, materials and equipment and the construction of public improvements safeguards the public expenditures for these items and provides a fair and equitable system in the selection of vendors who do business with the City; and,

WHEREAS, it is necessary to modify Chapter 111 to incorporate alternative methods for purchasing, and to establish the procedures and threshold amount relative to such methods.

NOW, THEREFORE BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 111.03 of the Codified Ordinances of the City of Worthington be and hereby is amended to read as follows:

**111.03 PURCHASING THRESHOLD.**

(a) Whenever the probable cost of supplies, materials and equipment or the construction of public improvements for the municipality is equal to or greater than fifty thousand dollars (\$50,000), one of the purchasing methods described in Section 111.04 may be initiated.

(b) Purchases for supplies, materials and equipment or the construction of public improvements below the threshold established in Section 111.03(a) may be made in accordance with rules and regulations determined by the City Manager.

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SECTION 2. That Section 111.04 of the Codified Ordinances of the City of Worthington be and hereby is amended to read as follows:

**111.04 FORMAL PURCHASING METHODS.**

When the purchasing threshold meets or exceeds the amount established in Section 111.03, the City Manager may authorize one of the following formal purchasing methods in accordance with the procedures described herein:

(a) Competitive bidding. Specifications shall be prepared for the supplies, materials, equipment or the construction of a public improvement and the City shall advertise for the solicitation of bids at least two weeks prior to bid opening in one of the following ways:

- (1) By publication in a newspaper of general circulation once a week for two consecutive weeks; or
- (2) By posting notification on the City's website and, to the extent available, in media of trade organizations appropriate for the purpose; or
- (3) By means of an abbreviated publication prescribed in Ohio Revised Code Section 7.16; or
- (4) In the manner exercised by an internet-based bidding information service should the City determine to use such service for the purchase.

When formal competitive bidding is employed, the bids shall be opened and tabulated publicly by the Finance Director, or designee, at the time and place specified in the advertisement for bids. The City Manager shall then award the contract to the lowest and best responsible bidder, unless it is determined that the public interest would be better served by rejecting all bids and either ordering a new advertisement or abandoning the purchase. The City Manager shall be responsible for establishing such other rules and regulations which may be necessary to carry out the purpose of this subsection and which would serve the best interest of the City, including without limitation rules and regulations governing the receipt of bids that exceed the Engineer's estimate and action to be taken by the City when no bids are received.

As an alternative to in-person bid submissions and openings, the City may select an internet based bidding information service as the vehicle for submitting and processing sealed bids managed by the City.

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(b) Design-build. The purchase of supplies, materials and equipment or the construction of public improvements may be obtained through the design-build process in accordance with the procedures established in the Ohio Revised Code, or pursuant to such other procedures as may be established from time to time by the City Manager. The purchase of computer software that is custom-built, in whole or in part, to certain City specifications shall be considered to be an equipment purchase that may be made by means of the design-build process.

(c) Construction Manager or Construction Manager At-Risk. The purchase of supplies, materials and equipment or the construction of public improvements may be obtained through the construction manager or the construction manager at-risk process in accordance with the procedures established in the Ohio Revised Code, or pursuant to such other procedures as may be established from time to time by the City Manager.

(d) Reverse Auction. The City may utilize a reverse auction purchasing process in which offerors submit proposals in competing to sell supplies, materials and equipment or services in an open environment via the internet. The procedures established in Ohio Revised Code Section 9.314 or such procedures established by the City Manager shall be used.

(e) Other State of Ohio Authorized Methods. In addition to any of the methods described in subsections (a) through (d) of this section, the City may obtain supplies, materials and equipment and the construction of public improvements by any other method authorized by the State of Ohio for public entities.

SECTION 3. That Section 111.05 of the Codified Ordinances of the City of Worthington be and hereby is amended to read as follows:

**111.05 EXCEPTIONS TO FORMAL PURCHASING**

Purchases of any amount may be made without going through the formal purchasing process under the following circumstances:

(a) Cooperative Purchasing; Shared Services. The City Manager shall have the authority to purchase supplies, materials or equipment and obtain services for which funds have been appropriated through cooperative purchasing programs, whereby the City shall be eligible, as a member or otherwise, to join a group of governmental entities and share the benefits and advantages of volume purchasing and reduced administrative costs, to include without limitation state contract

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purchasing pursuant to Ohio Revised Code Section 125.04, joint purchasing and shared services provisions of Ohio Revised Code Section 9.48 and any other similar program whether operated by a public or private entity.

(b) Purchases from Other Political Subdivisions. The City Manager shall have the authority to make purchases of supplies, materials and equipment on invitation from another political subdivision that has undertaken a bidding process and whose successful bidder agrees to provide such supplies, materials or equipment upon equivalent terms, conditions and specifications.

(c) Used Equipment. Used supplies, materials and equipment from any source may be but are not required to be purchased pursuant to formal purchasing methods.

(d) Professional Service Selection. The selection of professional services that usually require education, training, skill or expertise of an advanced, specialized or peculiar nature including without limitation, such services as those performed by attorneys, architects, engineers, accountants, physicians, technology specialists, insurance brokers/agents and third-party administrators may be but are not required to be made by formal purchasing methods. The City Manager may prescribe rules and regulations for the selection of professional services.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed January 17, 2017

/s/ Bonnie D. Michael  
President of Council

Attest:

/s/ D. Kay Thress  
Clerk of Council

Introduced January 3, 2017  
P.H. January 17, 2017  
Effective February 8, 2017