

Resolution Number XXXX

A resolution establishing certain purchasing policies and authorizing the mayor to approve agreements with no fiscal impact or that convey budgeted revenue to the city, and/or purchases of certain budgeted supplies, materials, services, vehicles, machinery, equipment, appliances, apparatus, construction, repair, and maintenance, and accept easements of benefit to the City.

WHEREAS, the City of Missoula wishes to provide for fair and equitable treatment of all vendors who are interested in and capable of providing supplies, materials, services, vehicles, machinery, equipment, appliances, apparatus, construction, repair, and maintenance to the City for its purchase and use;

WHEREAS, the City of Missoula wishes to maximize the purchasing value of its public funds by establishing sensible procurement policies and procedures;

WHEREAS, the City of Missoula's population continues to grow and the number of purchases of supplies, materials, services, vehicles, machinery, equipment, appliances, apparatus, construction, repair and maintenance required for municipal government operations continue to increase, and it is prudent and desirable for the City to become more efficient by streamlining organizational processes;

WHEREAS, the City wishes to streamline handling and review of purchase contracts, afford the City Council more opportunity and time to address more important public issues, improve the economy and effectiveness of the City's purchasing efforts, and avoid unnecessary delays in purchases of routine supplies, materials, services, vehicles, machinery, equipment, appliances, apparatus, construction, repair, and maintenance necessary to provide public services to its citizens by streamlining its procurement procedures; and

WHEREAS, the City desires to implement a procurement program which encourages recycling, reduces solid waste, conserves energy and natural resources, and protects environmental quality; and

WHEREAS, the State of Montana has established a comprehensive system of laws governing the procurement of real property, personal property, goods and services by municipalities, including the requirement that contracts for the purchase of any automobile, truck, other vehicles, road machinery, other machinery, apparatus, appliance, equipment or materials or supplies for construction, repair, or maintenance in excess of \$80,000 must be given to the lowest responsible bidder; and

WHEREAS, the City wishes to implement a procurement system of quality and integrity by establishing purchasing policies and procedures which contain internal controls and safeguards by which the City may ensure that proposed purchase contract awards to vendors comply with all state and local legal requirements and verify that appropriations are budgeted and sufficient unexpended moneys remain before a commitment of public funds is made; and

WHEREAS, Missoula Municipal Code and Administrative Rules regulate the purchasing activities of city employees in order to establish fair, open, and competitive procedures for selecting vendors of goods and services at various spending thresholds and to identify the contract form required given the circumstances of the purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA, that the City Council approves establishment of the following purchasing policies and procedures:

1. The Mayor is authorized to sign agreements with no fiscal impact or that convey budgeted revenue to the City, and/or purchase contracts or purchase orders less than \$80,000 provided that such supplies, materials, services, vehicles, machinery, equipment, appliances, apparatus, construction, repair and maintenance are contemplated in the final adopted budget or if the final budget has not been adopted, the Mayor's executive budget.
2. The Mayor is further empowered and authorized by this resolution to approve vehicle, machinery, and equipment purchases which have been approved in the current year's budget and community investment program or if the final budget and community investment program has not be adopted, the Mayor's executive budget.
3. The Mayor shall provide a weekly report to City Council under Miscellaneous Communications, Petitions Reports and Announcements on the City Council agenda listing the purchase contracts and purchase orders that have been administratively approved since the last report.
4. When departments submit proposed purchase contracts or purchase orders of \$80,000 or more for council approval, they shall prepare recapitulations of the quotations and bids along with written justification for their recommendations.
5. The Mayor is further empowered and authorized by this resolution to approve change orders to contracts, if the change orders are (1) within the scope and approved budget of the original contract and consistent with the initial public bidding process, (2) the aggregate total of the purchase contract, if administratively approved, and change order(s) are less than \$80,000, (3) the aggregate total of change orders to a purchase contract, having already been approved by the City Council, are less than \$80,000, and (4) sufficient moneys are budgeted and remain unexpended to cover the additional cost. However, the City Council may, upon recommendation of the Mayor, extend the aggregate limits on administrative authority to approve change orders on specific contracts whenever the size of the contract and submitting change orders to the City Council for approval would delay delivery of goods or services pursuant to the contract or cause unnecessary administrative work. For public works contracts, change orders may be approved by the Mayor if the amount of the change order is within the amount of the remaining contract contingency budget in a City Council approved contract.
6. Under very limited circumstances, the Mayor and the Procurement Officer may need the flexibility to make an emergency purchase. Such purchases are typically made outside of the normal purchasing procedures due to the sudden and unexpected situation that requires immediate action. The City Council shall be notified as soon as possible about the need for emergency purchases and/or contracts.
7. Whenever any vendor or citizen shall have a grievance, complaint or concern about any purchasing policy, procedure, practice, purchase or contract, award of purchase or contract, specification used to obtain quotations, bids or proposals, or any other matter related to the City's purchasing activities, such vendor or citizen should communicate such to the Procurement Officer designated by the Mayor of the City. If such vendor or citizen is dissatisfied with the Procurement Officer's decision or action, if any, the vendor or citizen may make an

appeal to the City Council. Such appeal should be made in writing and presented to the City Clerk who will refer it to the Budget & Finance Committee and notify the Mayor, the Procurement Officer, and the department of the City against whom the appeal is being asserted. The Budget & Finance Committee shall review the appeal, consider any information that is provided by the vendor, citizen or City Department, make a determination and recommend action, if any, to the City Council. This procedure is intended only to provide an orderly process by which vendors or citizens may express their grievances, complaints or concerns about administrative purchases so as to ensure Council oversight and does not prevent any vendors or citizens from expressing their grievances, complaints, concerns or opinions about purchases or contracts to be awarded by the City Council or any other matters that such vendors or citizens wish to express directly to a Committee of the City Council or the City Council itself as already provided during the course of their public meetings;

BE IT FURTHER RESOLVED that the Mayor is also authorized, on behalf of the City, to accept easements of benefit to the City without first referring them to the City Council.

BE IT FURTHER RESOLVED that the extent that this Resolution conflicts with City of Missoula City Council Resolution 5677, 5955, 8029 and previous resolutions regarding purchasing, all conflicting provisions in previous resolutions are hereby repealed.

PASSED AND ADOPTED this XX day of XXXX, 2022.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

Jordan Hess
Mayor