



PURCHASING POLICY

November 2018

Introduction

The Purchasing Policy shall provide full information concerning the purchasing rules and regulations applicable to the City of Crestwood. The Policy insures standardized procedures that provide fiscal control and allow the City to obtain quality goods and services at the lowest possible costs.

It is the responsibility of each department head (authorizing officer) to ensure that all purchases are made in a cost effective manner, and for a legitimate public purpose. No funds should be expended above appropriated amounts without authorized approval.

This ordinance has been designed to ensure that the policies set by the Board of Aldermen with regard to the expenditure of public funds are met by all City departments.

Definitions

Words used in this ordinance in the present tense include the future as well as the present, the singular includes the plural, and the plural includes the singular. The following words have the significance attached to them in this section, unless otherwise apparent from the context of the section in which they appear. Various sections of the manual shall include definitions where words must be defined for understanding and application to that particular section.

- A. **Authorizing Purchasers**– Department Heads, City Administrator, and approved staff.
- B. **Board of Aldermen** – Elected governing body of the City of Crestwood.
- C. **Budgetary Category** – Personnel Services, Commodities, Contractual Services, or Capital Outlay.
- D. **City** – City of Crestwood, Missouri.
- E. **City Administrator** – Chief Administrative Officer of the City of Crestwood.
- F. **Comparable** – Includes more than the initial price; items such as availability, maintenance, life cycle costing, quality, and flexibility are to be considered when comparing purchases.
- G. **Department Heads** – Recognized Department Heads of the City of Crestwood are: the Chief of Police; the Chief of Fire Services; and the Director of Public Works.
- H. **Department** – A department of the City. Recognized City Departments are: General Government; Fire; Police; and Public Services.
- I. **Division** – A division within one of the City’s Departments.
- J. **Finance Officer** – Finance Officer of the City of Crestwood.
- K. **IT Administrator** – The City Administrator or his/her designee.
- L. **Mayor** – Chief Executive Officer of the City of Crestwood.
- M. **Shall** – Mandatory.
- N. **Should** - Encouraged

Goals

The goals of the City's purchasing ordinance are to:

1. Coordinate purchasing activities between the departments and City Administration,
2. Ensure consistent use of purchasing procedures,
3. Comply with legal requirements of public purchasing,
4. Procure the highest quality of goods and services at the least expense to the City,
5. Exploit the possibilities of buying in bulk so as to take full advantage of discount,
6. Procure all Federal exemptions to which the City is entitled,

If these public purchasing goals are accomplished, public monies can be better managed and utilized.

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General Guidelines

These general guidelines shall be considered administrative rules and regulations and shall be adhered to as closely as possible by all departments in the procurement of goods and services.

- A. **American Products.** It is the policy of the City to encourage the purchase of products manufactured, assembled, or produced in the United States, if the quality and price are comparable with other goods, in accordance with Missouri State Statutes (RSMo 34.353).

Every contract for construction, alteration, repair, or maintenance of public works in excess of \$5,000.00 shall contain a provision requesting that the contractor use American products in the performance of the contract whenever the quality and price are comparable with other goods.

- B. **Crestwood Products and Services.** It is the policy of the City to encourage the purchase of materials, services, products, supplies, provisions, and other needed articles produced, manufactured, compounded, made or available within the City of Crestwood when the quality of performance promised is equal to or better than and the price is the same as or less than that of the other responsive providers.
- C. **Recycled Paper Products.** It is the policy of the City to encourage the purchase of recycled paper products when recycled paper can be obtained that is comparable to the quality presently used by the City and if the price is competitive.
- D. **Planning.** Planning for purchases shall be done on both a short-term and long-term basis. Small orders and last minute purchases shall be kept to a minimum, thereby increasing the ability of each department to purchase its goods and services in larger quantities in order to obtain the maximum discounts available. Planning will also save on the number of trips required to obtain materials and minimize the amount of clerical and supervisory time spent on documenting purchases.
- E. **Overdrafts Prohibited.** No purchases shall be authorized which would overdraft an operational division. Authorizing Purchasers who anticipate a purchase exceeding the maximum appropriation for an operational division shall notify the Finance Officer to ensure that the necessary funds are available within the operational department budget. Authorizing Purchasers must identify the source of overdraft protection identified within the operational budget department prior to initiating a purchase that would exceed that account.
- F. **Quality Buying.** It is the duty of each department to secure the proper quality and service. These items are just as important as price. Quality buying is the buying of goods or services that will meet but not exceed the requirements for which the goods are intended. Different factors, such as durability, availability, ease of installation, frequency of repair, or efficiency of operation, may be of primary consideration depending upon the item purchased. It is the responsibility of each Authorizing Officer to become familiar enough with the available equipment to determine the appropriate quality required to develop specifications.

- G. **Gratuity.** Gratuity in any form creates the perception of favoritism. While money by vendors to secure favorable consideration is seldom attempted, vendors may attempt to secure favoritism by offering gifts or providing entertainment to City officials. The City hereby adopts a policy requiring the disclosure of gifts and/or favors having a face or market value at or above \$100. This disclosure shall be in written form, prepared and delivered by the individual employee to the City Administrator who shall maintain the permanent record of such disclosures. The written disclosure shall include the following information with respect to the gift or favor: the employee receiving; the company (and representative) offering; the face or market value; the nature of the gift or favor; and the disposition.

- H. **Sales Tax.** The City is exempt from paying all local and state sales taxes or Federal excise taxes. Every reasonable effort should be made to avoid the additional expense of sales tax. The Finance Division can provide vendors a copy of the exemption documentation, as requested. The use of the exemption documentation for personal purchases is strictly prohibited and shall subject an employee to immediate discharge.

- I. **Public Access.** All specifications, bid documents, purchase orders, and supporting documentation are public records which shall be made available for public inspection upon request pursuant to the Missouri Sunshine Law, Chapter 610, RSMo.

- J. **Endorsements.** No endorsements of products or services shall be permitted using an employee's name, position, or the City's name where it might be construed as evidence of favoritism relative to any supplier or vendor.

- K. **Personal Purchases.** Personal purchases for employees by the City are prohibited. City employees are also prohibited from using the City's name or the employee's position to obtain special consideration in personal purchases or to avoid the payment of sales tax.

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Ethics

Authorizing Purchasers shall endeavor to be fair and ethical in all dealings with vendors. Refer to Section 2-66 Ethics policy in general as it pertains to procurement.

- A. **Conflict of Interest.** Transactions with City employees, elected or appointed officials, their immediate families, or firms in which any City employee, elected or appointed official, or their immediate family members have a financial interest shall be conducted in accordance with state law, the City Charter, and the City's Ethics Policy. See §§ 105.452, 105.454, 104.458, 105.458, RSMo. No City employee or elected or appointed official may participate in a procurement award selection process when the employee, elected or appointed official, or their immediate family member has a financial interest in the firm transacting with the City.

Purchasing Procedures

The Board of Aldermen has established policies listed below regarding the method to be used in the purchasing of goods and services, depending upon the cost of the item to be purchased. Subdividing purchases to avoid these requirements is strictly prohibited. The Board of Aldermen in its sole and absolute discretion may waive any and all procedural requirements set forth below.

Any purchase exceeding \$5,000 will require a signature from the City Administrator.

Purchasing Requirements

- A. **Budgeted Purchases less than \$2,000** – Authorizing Purchasers are authorized to purchase from vendors directly without a purchase order for any budgeted category purchase in the amount of \$2,000 or less. The Authorizing Purchasers need not secure the approval of the Finance Officer or the City Administrator in order to make purchases in this price range. The purchasing department is encouraged to competitively shop to ensure that vendors with which the City deals are maintaining competitive pricing and appropriate quality.
- B. **Budgeted Purchases from \$2,000 - \$9,999.99** – Authorizing Purchasers are required to obtain three competitive quotes and submit a purchase order. The quotes should be attached to a purchase order and must be submitted for approval by the Finance Officer **prior** to placing an order with a vendor. The Finance Officer shall review the requested item with the current budget, as well as the timeliness of the purchase.
- C. **Budgeted Purchases from \$10,000 - \$19,999.99** – Authorizing Purchasers are required to obtain a minimum of three written quotes and submit a purchase order. The written quotes should be attached to the purchase order and submitted by the Authorizing Purchasers for approval by the Finance Officer and City Administrator.

If Authorizing Purchasers are unable to secure three written quotations, a memorandum explaining why less than three qualified vendors were available should be attached to the purchase order and forwarded to the Finance Officer for review or an explanation should be made under the "Quotes" section of the purchase order itself.

A written quote is minimally defined as a written statement detailing goods or services that will be provided to the City at a particular price and (signed/submitted) by an authorized individual of the vendor/company. Facsimile or e-mail quotations from the vendor may be acceptable.

- D. **Budgeted Purchases exceeding \$20,000** – Requires a formal bid or request for proposal to be solicited, which must be awarded by the Board of Aldermen at a public meeting, and submission of a purchase order. The ordinance should be attached to a purchase order and must be submitted for approval by the Finance Officer and City Administrator. The award shall normally be made to the lowest responsible bidder meeting specifications. When an exception is sought, it is incumbent upon the individual Authorizing Purchaser to thoroughly document the reasons why the low bidder should not be accepted. For all purchases requiring a formal bid, request for proposal, or request for qualifications, the Board of Aldermen reserves the right to reject any and all bids, to waive any technicalities, and to select the bid deemed by the Board of Aldermen to be in the best interest of the City. All bid notices, requests for proposals, and requests for qualifications shall contain language to that effect. See formal competitive bid requirements.

Purchase Orders

Purchase orders will be secured prior to purchasing all goods and services where the amount exceeds \$2,000. The City's purchase order form shall be completed and signed by the Authorizing Purchasers under the procedures established in this manual. In order to ensure expeditious processing of purchase orders, it is important that the appropriate account number and available funds (or otherwise authorized funds) are completed accurately by the requesting department.

A purchase order is a contract between the City and a vendor. The contract is not binding until it is accepted by the vendor and it has been approved by the Finance Officer, and, for purchase orders for budgeted expenses from \$10,000.000 to \$19,999.99, the City Administrator. The issuance of purchase orders by unauthorized individuals shall not be recognized by the City and payment of these obligations shall not be approved. Unauthorized purchases are classified as personal expenses of the person making the purchase.

Purchase orders will be completed on a designated form as determined by the Finance Officer, and should include the following information:

- Date
- Vendor (including address)
- Complete description of the goods or services requisitioned including quantities, item/model numbers, and prices.
- Account Number
- Signature of Authorizing Officer

The completed purchase order form shall be submitted with the three quotes and any other supporting documentation such as contract copy, etc. to the Finance Officer for approval. The purchase order shall be forwarded by the Finance Division to the City Administrator, if necessary, for final approval. The purchase order **is not valid** until it is signed by all appropriate individuals.

Changes to purchase orders and contracts shall be approved by the Finance Officer. The Finance Division shall execute all modifications to purchase orders and contracts upon request by the Authorizing Purchasers and approval by the Finance Officer. This will include changes in quantity, alteration of specifications on the purchase order, correction of errors in price, and changes in delivery. The City Administrator is authorized to approve changes to purchase order amounts up to \$10,000. This includes purchases in excess of \$20,000.

The procedure and documentation required for purchases will be governed by the amount of the purchase.

A. Exemptions from Purchase Order Requirements

The following purchases may be exempt from purchase order requirements:

- a. Travel – commercial transportation, mileage, meals, and lodging
- b. Utilities
- c. Postage
- d. Organization memberships and other individual professional development
- e. Purchases of \$2,000 or less
- f. Parks and Recreation Instructors
- g. Legal Services
- h. Periodicals
- i. Training
- j. Maintenance Specific – Subscription maintenance or contract maintenance

Special Procurement Procedures

Occasionally, the City may need to purchase goods or services under circumstances which do not clearly fit the patterns of normal public procurement and for which normal competitive shopping procedures do not apply. The following guidelines are provided with regard to making such purchases.

A. Exemptions from the Bid Process.

The following purchases may be exempt from the typical purchasing procedures:

- a. Travel – commercial transportation, mileage, meals, and lodging
- b. Utilities
- c. Postage
- d. Organization memberships and other individual professional development
- e. Purchases of \$2,000 or less
- f. Periodicals
- g. Training

B. **Sole Source Purchases**

In the event that there is only one firm or company or individual capable of providing a particular service or commodity and said services or commodities cannot be secured from other persons or companies, then the competitive bidding procedures outlined in this manual may be waived.

If an Authorizing Officer determines that goods or services must be purchased from a "sole source vendor," documentation must be provided to the Finance Officer. The documentation should be attached to the purchase order. Exclusive service purchases for amounts exceeding \$5,000 must be pre-approved by the City Administrator.

C. **Cooperative Procurement Programs**

Cooperative purchasing programs at the national, state, or local level, should be used whenever the desired products or services are comparable. Purchases made through these programs have met the requirements of competitive shopping and will not require further documentation. The cooperative program contract number should be noted on the purchase order. Authorizing Purchasers are encouraged to check with the State and other jurisdictions regarding cooperative procurement contracts in effect prior to making any large purchases.

D. **Professional Services**

Professional services include services such as attorneys, engineers, certified public accountants, planners, and other professionals who, in keeping with the standards of their discipline, will not enter a competitive bidding process. A **Request for Proposal (RFP) or a Request for Qualifications (RFQ)** can be prepared in much the same way as specifications, including requirements and minimum standards for the services to be provided. An RFQ should request information regarding the background and experience of the submitting party for the specialty task to allow the City to determine which party is best qualified to provide the services requested. Requests for Proposals or Qualifications should be submitted to the City Administrator for review and approval prior to distribution. When an RFP or RFQ for professional services is approved, a limited number of qualified professionals known to the City shall be invited to submit a proposal setting forth their interest, qualifications, and how they can meet the City's needs. In securing professional services, it is the primary goal of the City to obtain the services of a professional who has a proven record of providing, those services required. A contract will be negotiated with the professional deemed to best meet the City's needs. Architectural, engineering, and land surveying services are governed separately under this Policy.

E. **Open Purchase Orders**

Open purchase orders are for long-term contracts for goods or services awarded after receiving competitive bids. The purchase order remains open for a period of up to 24 months, or for the length of the contract, to purchase the goods or services specified on an "as needed" basis. Examples of open purchase orders include construction materials such as rock, concrete, and asphalt, trees and other landscaping materials, automotive supplies such as tires and batteries, hardware, and office supplies frequently or routinely utilized by the City and for which the initiation of competitive shopping each time for the goods or services required would become cumbersome and inefficient.

F. Emergency Purchases

The bid procedures outlined in this manual may be waived under emergency conditions when a delay may threaten the basic mission of a department. True emergency conditions are rare. Occasionally, equipment will require emergency repairs, or other circumstances will necessitate emergency purchasing which cannot await compliance with these regulations. Authorizing Purchasers faced with an emergency shall notify the Finance Officer or City Administrator as quickly as possible for approval to proceed. A full report in writing of the circumstances requiring an emergency purchase shall be filed by the Finance Officer with the City Administrator within two working days after the emergency. The City Administrator shall pass this report on to the Board of Aldermen without unnecessary delay.

G. City Issued Credit Cards

The City maintains corporate credit cards in the name of each Department Head or other Authorized Agent. These cards are retained by the Finance Officer and may be obtained for official use as required. Typically, official use can be defined as authorized travel and purchases requiring the use of a credit card. Authorizing Purchasers are encouraged to use this method of payment for smaller purchases under \$2,000.

H. Personal Credit Cards

The use of personal credit cards for official purchases is discouraged. Authorization for reimbursement on a personal credit card must be pre-approved by the City Administrator and will not include the reimbursement of sales tax.

I. Petty Cash Accounts

Very often, there is a need for immediate availability of funds. Petty cash funds should be used to avoid the time and expense of issuing checks (not purchase orders) for items totaling fifty dollars or less (\$50.00). Petty cash receipts shall be completed by the person responsible for the fund in each department; these should include the amount, description of item, budget account number, and signatures of the persons receiving the funds, and the person issuing the funds. Each individual receipt shall be summarized on the Petty Cash Reimbursement Request Form. A check shall then be prepared, made payable to the individual responsible for the particular Department's petty cash, and it shall be that person's responsibility to cash the check and assure that the funds are placed into the departmental petty cash fund. The Finance Division shall conduct unannounced audits of petty cash funds to assure that monies are being accounted for properly.

J. Purchase of Used Equipment

New equipment is to be preferred to used equipment. However, there are situations where the purchase of used equipment may be considered. These include:

1. Where equipment will be used infrequently, for a limited time, for training or auxiliary operations.
2. When quick delivery is essential.

3. It can be determined that the used equipment is comparable to new equipment.

The purchase of used equipment requires careful shopping and the requisitioning Department should make every effort to secure a minimum warranty or guarantee that the equipment will perform as needed and that service or replacement parts are reasonably available.

K. Purchase of Technology Items

Due to the nature of compatibility with networked computer systems, it is imperative that all purchases related to computer hardware, software (to include upgrades) and peripheral devices receive review and authorization by the City's IT Administrator prior to the acquisition of the software or equipment.

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Formal Competitive Bidding

When goods or services are bought under the formal competitive bidding process, specifications must be prepared. Specifications, regardless of the type, should do four things:

1. Identify minimum requirements;
2. Allow for a competitive bid;
3. Be capable of objective review; and
4. Provide for an equitable award at the lowest possible cost.

Each Authorizing Purchaser should prepare the necessary bid package, public notices, and advertisements to meet the City's Code, and send invitations to bid to qualified vendors for all items. It is advised that all specification packages shall be submitted to the Finance Officer for prior approval to proceed before any notice or advertisement is initiated.

Competitive Bidding

- A. Write specifications as simple as possible while maintaining the accuracy required to keep bidders from utilizing a loophole to avoid providing the quality goods or services required or in another fashion to take advantage of their competitors.
- B. Whenever possible, identify the equipment or material required with some name brand or known standard specification already on the market. All specifications that utilize a name brand must include the term "or equivalent" to avoid being restrictive and eliminating fair competition from the bidding process.
- C. Specifications should promote competition. Specifications so drafted will normally allow several bidders to provide the City with alternatives and ensure that the City obtains the lowest possible price for the goods or services required.
- D. Flexibility in the specifications is desirable in instances where new technologies are being sought. Specifications should be specific enough to guarantee the quality required but sufficiently flexible to allow vendors to be creative in their proposals. If a proposal does not meet the City's needs, it can be rejected and the bid which closely follows the specifications accepted. The procedures should be used sparingly and Authorizing Purchasers contemplating flexible specifications should contact the City Administrator to discuss the format and degree of flexibility anticipated prior to the completion of a final draft.
- E. Specifications should be reasonable in tolerances stated. Unnecessary precision is expensive.
- F. Specifications should be written with clear, simple language, free of vague terms or those subject to variation in interpretation.

Types of Specifications

- A. **Qualified Products or Acceptable Brands List.** These lists are developed only where it is not possible to write specifications adequate to identify the quality and performance required of the goods or services to be purchased. Acceptable brands lists are also used when tests necessary to determine compliance with technical specifications are lengthy, costly or require complicated technical equipment.

- B. **Specification by Brand or Trade Name.** Brand or trade names should be used where brand name products have been found to be superior to others for the purpose intended, or when their composition is secret, unknown or patented. The use of brand names establishes a quality standard, but is not intended to limit or eliminate competition. Whenever this method of establishing specifications is used, the specifications should specifically provide for bidding of competitive or equal grades. It is incumbent on a vendor who bids on goods of supposed equal quality to those specified to document that the goods or services that he is bidding are, in fact, of equal quality.
- C. **Specifications by Blueprint or Dimension Sheet.** Specifications of construction projects for everything from buildings and streets to custom built cabinets, furniture, machines, or other equipment should be written to reference the blueprints or dimension sheets prepared by the engineer or architect. Such specifications provide an appropriate method of evaluating all bids, and later of verifying the quality of the construction work or the equipment or fixture delivered.
- D. **Specifications by Chemical Analysis or Physical Properties.** Specifications which include the chemical analysis or physical properties of the goods requested clearly place responsibility on the supplier to provide exactly those items requested. Again, care must be taken in preparing specifications utilizing this method to ensure that competition remains a part of the bidding process. If the specifications are drawn too narrowly and only one bidder is qualified to meet the technical specifications, the cost of obtaining these items may be higher than necessary due to the lack of competition.
- E. **Specifications by Performance, Purpose, or Use.** Specifications which include a set of performance criteria for the goods or services required will provide flexibility for vendors to design products or programs specifically aimed at meeting the purpose or performance standards the City has established. Generally, specifications which center on performance standards generate a great deal of competition since they allow vendors to exercise some creativity in the types of services or goods included in their bids. Authorizing Purchasers are cautioned to exercise care by including some specific technical specifications which shall provide a floor or bottom line quality determination. The use of performance specifications without minimum standards could result in items being installed, paid for, and later determined not to meet City expectations. It can then be very difficult to go back to a vendor and argue that the item bid did not meet the performance criteria established. At that point, the determination of satisfactory performance can become extremely subjective with the vendor insisting that his item is acceptable even though actual experience indicates otherwise.
- F. **Specifications by Identification with Industry Standards.** Specifications will often refer to industry-wide standards or to standards set by other public jurisdictions. Some examples of these would be lumber grading, standards set by the asphalt or concrete industries or by referencing standard specifications of the Missouri Department of Transportation or other state or federal agencies.
- G. **Specifications by Samples.** Whenever appropriate, a sample is always a good way to make your requirements perfectly clear. A good example would be printing bids for which art work or an existing form would be attached. Whenever samples are utilized, Authorizing Purchasers should provide an adequate supply so that originals can be sent with all bid invitations and some maintained in the file for vendors who request bidding documents.

Request for Bid

Formal bids shall be publicly advertised for at least ten (10) business days prior to bid opening in no less than one regional publication of general circulation and posted on the City's Website. The bids must be publicly opened at the time, location and date specified. The Authorizing Purchasers must submit a recommendation to the Finance Officer who shall in turn confirm the recommendation or request additional information. Once the recommendation has been reviewed and approved by the Finance Officer, it shall be forwarded to the City Administrator for submission to the Board of Aldermen.

In determining the "lowest responsible bidder," in addition to price, the Board of Aldermen or other Authorizing Officer shall consider the following:

- A. The ability, capacity or skill of the bidder to perform the contract or provide the service required,
- B. whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
- C. the quality of performance of previous contracts or services;
- D. the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- E. the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;
- F. the quality, availability and adaptability of the supplies or contractual services to the particular use required;
- G. the ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- H. the number and scope of conditions attached to the bid.

Request for Proposal

A **Request for Proposal (RFP)** can be prepared in much the same way as specifications, including requirements and minimum standards for the services to be provided. RFPs should be submitted to the City Administrator for review and approval prior to distribution. When an RFP for professional services is approved, a limited number of qualified professionals known to the City shall be invited to submit a proposal setting forth their interest, qualifications, and how they can meet the City's needs. In securing professional services, it is the primary goal of the City to obtain the services of a professional who has a proven record of providing, those services required. A contract will be negotiated with the professional deemed to best meet the City's needs.

Architectural, Engineering, and Land Surveying Services

The following shall be the policy and procedures for selecting architectural, engineering and land surveying services for the City.

A. Definitions.

- a. **Firm.** The term "firm" shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law, to practice the profession of architecture, engineering, or land surveying or other professional services and provide said services.
- b. **Architectural Services.** The term "architectural services" shall mean those services within the scope of practice of architecture as defined by the laws of the State of Missouri, Section 327.091 RSMo., and shall include landscape architects.
- c. **Engineering Services.** The term "engineering services" shall mean those services within the scope of practice of engineering as defined by the laws of the State of Missouri, Section 327.181 RSMo.
- d. **Land Surveying Services.** The term "land surveying services" shall mean those services as defined by the laws of the State of Missouri, Section 327.272 RSMo.
- e. **Selection Committee.** The term "Selection Committee" shall mean the City Administrator, Director of Public Works, the department head of the using department, and at the Mayor's discretion, a member of the Board of Aldermen.

B. Roster of Consultants.

- a. The City Administrator or designated staff shall maintain a roster of qualified firms interested in performing professional services for the City. Names of firms will be placed on the roster upon their request, at the request of members of the Board, or when recommended by City departments.
- b. Each firm satisfying the following minimum qualifications shall be deemed to be a qualified firm and as meeting the qualifications of the City:
 - i. Duly authorized to conduct business in the State of Missouri in their particular profession.
 - ii. Professional registration by the State of Missouri.
At least one staff professional assigned to each project. Adequacy of personnel shall be determined on a contract-by-contract basis against the City's estimate of manpower required to perform the work in the desired time frame.
- c. Resumes and data. Each person or firm listed on the roster shall be responsible for maintaining with the City Administrator or designated staff a current resume describing his, her or its qualifications and experience. Data which shall be included is as follows:
 - i. Firm name, address, and telephone numbers.
 - ii. Year established and former firm names.
 - iii. Types of services for which it is qualified.
 - iv. Names of principals of the firm and states in which they are registered.
 - v. Names of key personnel with experience of each and length of time in the organization.
 - vi. Number of staff available for assignment.

C. General Procedures and Responsibilities.

- a. **Project Initiation.** When a Department of the City identifies a project for which architectural, engineering, or land surveying services will be necessary, the Department will draft a scope of services for the specific project. This scope of services shall be submitted to the City Administrator for authorization to initiate the project. The Department shall include in the scope of services the following:
 - i. A description of the work required and its objectives.
 - ii. The nature of specific tasks and services to be accomplished.
 - iii. The type and amount of assistance to be given by the Department involved.
 - iv. Required time frame.
 - v. Financial conditions or limitations; any grant program involved.
- b. **Expressions of Interest.** The using Department shall contact those firms on the roster for an expression of interest in the specific project. The request should invite the firm's comments as to the special experience in the project being considered; description of previous experience with similar projects, and the availability of the firm to provide required service within any time limitations.
- c. **Initial Screening and Requests for Proposals.** The expressions of interest shall then be presented to the Department requesting the services for initial screening. Factors to be determined in the initial screening will include:
 - i. Specialized experience in the type of work required.
 - ii. Record of the firm in accomplishing work on other projects in the required time.
 - iii. Quality of work previously performed by the firm for the City.
 - iv. Recent experience showing accuracy of cost estimates.
 - v. Community relations including evidence of sensitivity to citizen concerns.

After the screening, detailed proposals shall be requested from at least three (3) firms. Selection will then be made according to subsection (E) "Selection."

D. Detailed Proposals.

Firms submitting detailed proposals shall provide the following information:

- a. Name of firm principal.
- b. Name of project supervisor (licensed engineer, architect, or land surveyor).
- c. Ability of firm to meet time schedules.
- d. Description of how project will be conducted.
- e. Cost of services.
- f. For various levels of the disciplines offered, the position, hourly rate, salary cost multiplier, overhead and profit multiplier.
- g. Outside consultants and associates usually retained.
- h. List of completed projects on which the firm was principal engineer.
- i. Current projects underway and estimated cost of each.
- j. Data-gathering methods (if appropriate).
- k. Evaluation techniques (if appropriate).

E. Selection.

- a. **Three (3) written proposals** should be secured when possible. Proposals may be solicited by mail or telephone. The Selection Committee shall review the proposals, interview the prospective consultant, if desirable, and make a recommendation or selection in accordance with subsection (vi) "Class of Service" below.
- b. **Class of Service.** Projects will be divided into two (2) classes as follows:
 - i. **Class A.** Services for projects where fees will exceed twenty thousand dollars (\$20,000.00). The Selection Committee's recommendation shall be presented to the Board of Aldermen for approval or rejection. The Board has the right to approve or reject any and all proposals, to waive technicalities, and to select the bid deemed by the Board of Aldermen to be in the best interest of the City.
 - ii. **Class B.** Services for projects which are provided for in the approved City budget and where fees will be less than twenty thousand dollars (\$20,000.00). The Selection Committee shall have full authority to select the consultant.

F. Prohibition against Contingent Fees.

- a. Each contract entered into by the Board of Aldermen for professional services shall contain a prohibition against contingent fees as follows:

"The architect, engineer, or land surveyor (as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer, or land surveyor, to solicit or secure any fees, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement."

- b. For the breach or violation of the foregoing provision, the Board of Aldermen shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration

Legal Compliance

In addition to the requirements of this Policy, the City will comply with all laws with respect to acquiring products and services including, but not limited to, the following:

- A. Bid specifications and contracts for construction projects will include all elements required by law including, but not limited to, prevailing wage, mandatory safety training, excessive unemployment restrictions, mandatory affidavits regarding the employment of authorized labor, and bonding requirements, when applicable. See §§ 107.170, 285.530, 290.210-.340, 290.550-.580, 292.675, RSMo.
- B. Construction management services must be advertised and selected in accordance with this Policy and law. See §§ 8.675 - .687, RSMo.

- C. Health and life insurance contracts will be competitively bid at least every three (3) years. See § 67.150, RSMo.
- D. General liability and other forms of insurance contracts will be competitively bid as required by state law. See §§ 376.696, 537.620, RSMo.
- E. As a condition for the award of a contract to provide the City services in excess of \$5,000, the provider must submit a sworn affidavit and documentation affirming enrollment in a Federal Work Authorization Program ("FWAP") as required by law and this Policy. See § 285.530, RSMo.
- F. The City will comply with all purchasing preference requirements in accordance with law. See §§ 34.073, 34.074, 34.080.

Disposal of Surplus Goods

Goods become obsolete or they wear out. Occasionally, it turns out they are over-stocked. Changing technology, accumulation of "waste," and fulfillment of the "useful" life of goods make the activity of handling surplus inevitable. The City is interested in full realization of the value of goods it purchases. The City policy is aimed at making sure all surpluses are disposed of to the economic advantage of the City.

All Departments shall submit to the City Administrator, at such time and in such form as the City Administrator shall prescribe, reports showing stocks of goods which are no longer used or which have become obsolete, worn out, or scrapped. The City Administrator is authorized to transfer the surplus stock to other Departments.

The City Administrator is authorized to sell all goods having an estimated value of less than \$10,000.00 which have become unsuitable for public use, or to exchange the same for, or trade in the same, on new goods. Sales shall be made to the highest possible bidder.

The disposal of all goods having a current value estimated to be in excess of \$10,000.00 requires the approval of the Board of Aldermen. Unless determined otherwise by the City Administrator, competitive bidding on surplus, obsolete, or unusable goods having this value is required. This may be achieved through sealed bids, auction, or open market sales. Bidders shall be required to submit a 10% cash bond or a minimum of \$100, whichever is greater, in the form of a cashier's check or money order payable to the City of Crestwood in order for their bid to be considered.

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