

AGENDA
CITY COUNCIL MEETING
Monday, July 16, 2012
7:30 P.M.

1. Call to Order

2. Minutes of July 2, 2012 meeting

Old Business

New Business

3. Visitors (All visitors wishing to address the Council must complete an information card and submit it to the City Clerk before the meeting begins)

4. Bill No. 12-1211: Utility Rate Increase

5. Bill No. 12-1212: Purchasing Policy

6. City Administrator's Report

CLOSED SESSION, if requested, relative to:

- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
 - B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration there for (RSMo 610.021.2)
 - C. Hiring, firing, disciplining or promoting or particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
 - D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
 - E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
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7. Additional items, if requested

BILL NO: 12-1211

ORDINANCE NO: _____

AN ORDINANCE AMENDING ORDINANCE NUMBER 1183 RELATING TO CHARGES FOR CITY ELECTRICITY, WATER, AND SEWER SERVICES TO CUSTOMERS OF THE CITY OF NEW MADRID, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI, AS FOLLOWS: ORDINANCE NUMBER 1183 IS HEREBY AMENDED WITH THE FOLLOWING IN COMPUTING THE CHARGES TO BE BILLED CUSTOMERS OF THE CITY FOR ELECTRICITY, WATER, AND SEWER SERVICES FOR EACH BILLING PERIOD.

SECTION 1: RATE SCHEDULES (ATTACHED)

SECTION 2: SEVERABILITY OF CLAUSES

It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

BE IT FURTHER ORDAINED THAT THIS ORDINANCE SHALL BE IN EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL AND ANY ORDINANCE IN CONFLICT HEREWITH IS HEREBY REPEALED.

READ TWO TIMES, PASSED AND APPROVED THIS _____ DAY OF JULY, 2012.

Donnie Brown, Mayor

ATTEST:

City Clerk

Approved as to Form:

City Attorney

CITY OF NEW MADRID
Residential Rate Increase 3%
Commercial, Large Power, Industrial, and NMCC Rate Increase 4%

RESIDENTIAL-CURRENT			
ELECTRIC			
SUMMER RATES			
	Tiers		Rates
Monthly Minimum	0	\$	8.24
Energy Charge: (Per kwh)	0	\$	-
0-20	20	\$	-
21-100	80	\$	0.10747
101-200	100	\$	0.08063
201-500	300	\$	0.06047
501 & Greater (Summer)	1353	\$	0.06047
Monthly-Summer			
7 Month Total Usage May-Nov			
Billing Period Jun-Dec			

RESIDENTIAL-WITH 3% INCREASE			
ELECTRIC			
SUMMER RATES			
	Tiers		Rates
Monthly Minimum	0	\$	8.49
Energy Charge: (Per kwh)	0	\$	-
0-20	20	\$	-
21-100	80	\$	0.11069
101-200	100	\$	0.08305
201-500	300	\$	0.06228
501 & Greater (Summer)	1353	\$	0.06228
Monthly-Summer			
7 Month Total Usage May-Nov			
Billing Period Jun-Dec			

WINTER RATES			
	Tiers		Rates
Base Monthly Minimum	0	\$	8.24
Energy Charge: (Per kwh)	0	\$	-
1st Tier 0-20	20	\$	-
2nd Tier 21-100	80	\$	0.10747
3rd Tier 101-200	100	\$	0.08063
4th Tier 201-500	300	\$	0.06047
5th Tier 501 & Greater (Winter)	1353	\$	0.04530
Monthly- Winter			
5 Month Total Usage Dec-April			
Billing Period Jan-May			

WINTER RATES			
	Tiers		Rates
Base Monthly Minimum	0	\$	8.49
Energy Charge: (Per kwh)	0	\$	-
1st Tier 0-20	20	\$	-
2nd Tier 21-100	80	\$	0.11069
3rd Tier 101-200	100	\$	0.08305
4th Tier 201-500	300	\$	0.06228
5th Tier 501 & Greater (Winter)	1353	\$	0.04666
Monthly- Winter			
5 Month Total Usage Dec-April			
Billing Period Jan-May			

WATER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	11.33
1001-Greater	5488	\$	0.00185

WATER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	11.67
1001-Greater	5488	\$	0.00191

SEWER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	10.30
1001-Greater	5670	\$	0.00260

SEWER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	10.61
1001-Greater	5670	\$	0.00268

TRASH SERVICE (1ST POLYCAR)			
		\$	14.75
EACH ADDITIONAL POLYCAR		\$	6.00

TRASH SERVICE (1ST POLYCAR)			
		\$	14.75
EACH ADDITIONAL POLYCAR		\$	6.00

COMMERCIAL-CURRENT			
ELECTRIC			
		\$	
Base	0	\$	8.50
1st Tier 0-20	20	\$	-
2nd Tier 21-140	120	\$	0.16389
3rd Tier 141-340	200	\$	0.10712
4th Tier 341-Over	48893	\$	0.07134
WATER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	11.33
1001-Greater	1000	\$	0.00348
SEWER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	10.30
1001-Greater	1000	\$	0.00262
TRASH SERVICE (1ST POLYCAR)			
		\$	15.25
EACH ADDITIONAL POLYCAR		\$	15.25

COMMERCIAL-WITH 4% INCREASE			
ELECTRIC			
		\$	
Base	0	\$	8.84
1st Tier 0-20	20	\$	-
2nd Tier 21-140	120	\$	0.17045
3rd Tier 141-340	200	\$	0.11140
4th Tier 341-Over	48893	\$	0.07419
WATER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	11.78
1001-Greater	1000	\$	0.00362
SEWER RATES			
	Gallons		Rates
Base 0-1000	1000	\$	10.71
1001-Greater	1000	\$	0.00272
TRASH SERVICE (1ST POLYCAR)			
		\$	15.25
EACH ADDITIONAL POLYCAR		\$	15.25

CITY OF NEW MADRID
Residential Rate Increase 3%
Commercial, Large Power, Industrial, and NMCC Rate Increase 4%

LARGE POWER-CURRENT		
ELECTRIC		
Base	0	\$ 8.50
1st Tier 0-500	500	\$ 0.02689
2nd Tier 501-1000	340	\$ 0.09330
3rd Tier 1001 & Over	21947	\$ 0.05902
WATER RATES (Based on Commercial Rates)		
	Gallons	Rates
Base 0-1000	1000	\$ 11.33
1001-Greater	8550	\$ 0.00348
SEWER RATES		
	Gallons	Rates
Base 0-1000	1000	\$ 10.30
1001-Greater	8550	\$ 0.00262
TRASH SERVICE (SAME AS COMMERCIAL)		
	\$	15.25
Additional Cart	\$	15.25

LARGE POWER-WITH 4% INCREASE		
ELECTRIC		
Base	0	\$ 8.84
1st Tier 0-500	500	\$ 0.02797
2nd Tier 501-1000	340	\$ 0.09703
3rd Tier 1001 & Over	21947	\$ 0.06138
WATER RATES (Based on Commercial Rates)		
	Gallons	Rates
Base 0-1000	1000	\$ 11.78
1001-Greater	8550	\$ 0.00362
SEWER RATES		
	Gallons	Rates
Base 0-1000	1000	\$ 10.71
1001-Greater	8550	\$ 0.00272
TRASH SERVICE (SAME AS COMMERCIAL)		
	\$	15.25
Additional Cart	\$	15.25

INDUSTRIAL-CURRENT		
NAME	Industrial Power(E17,21,22,23,24)	49233
ELECTRIC		
Base	First 100 KW	100 \$ 416.70
	Per KW	0 \$ 4.16
	Energy Per kwh	49133 \$ 0.02710
		49133
Usage-Gallons		
	Gallons	Rates
Base 0-1000	1000	\$ 11.33
1001-Greater	446942	\$ 0.00355
SEWER RATES		
	Gallons	Rates
Base 0-1000	1000	\$ 10.30
1001-Greater	446942	\$ 0.00262
TRASH SERVICE (SAME AS COMMERCIAL)		
	\$	15.25

INDUSTRIAL-WITH 4% INCREASE		
NAME	Industrial Power(E17,21,22,23,24)	49233
ELECTRIC		
Base	First 100 KW	100 \$ 433.37
	Per KW	0 \$ 4.33
	Energy Per kwh	49133 \$ 0.02818
		49133
Usage-Gallons		
	Gallons	Rates
Base 0-1000	1000	\$ 11.78
1001-Greater	446942	\$ 0.00369
SEWER RATES		
	Gallons	Rates
Base 0-1000	1000	\$ 10.71
1001-Greater	446942	\$ 0.00272
TRASH SERVICE (SAME AS COMMERCIAL)		
	\$	15.25

NMCC-CURRENT		
NAME	Industrial Power(E23,23D)	49233
ELECTRIC		
Base	First 100 KW	100 \$ 520.60
	Per KW	\$ 5.21
	Energy Per kwh	49133 \$ 0.04970
Usage-Gallons		
	Gallons	Rates
Base 0-1000	1000	\$ 10.30
1001-Greater	8550	\$ 0.00262
SEWER RATES		
	Gallons	Rates
0-1000	1000	\$ 10.30
1001-Greater	8550	\$ 0.00262
Monthly		
Annual Sewer Total		

NMCC-WITH 4% INCREASE		
NAME	Industrial Power(E23,23D)	49233
ELECTRIC		
Base	First 100 KW	100 \$ 541.42
	Per KW	0 \$ 5.41
	Energy Per kwh	49133 \$ 0.05169
Usage-Gallons		
	Gallons	Rates
Base 0-1000	1000	\$ 10.71
1001-Greater	8550	\$ 0.00272
Monthly		
Annual Sewer Total		

VAPOR LIGHTS-CURRENT		
ELECTRIC		
Small	\$	5.50
Large	\$	12.35

VAPOR LIGHTS WITH 3% INCREASE		
ELECTRIC		
Small	\$	5.67
Large	\$	12.72

CITY OF NEW MADRID
 Residential Rate Increase 3%
 Commercial, Large Power, Industrial, and NMCC Rate Increase 4%

WD #1-CURRENT

Usage-Gallons	447942		
WATER RATES	Gallons		Rates
0-1000	1000	\$	11.00
1001-Greater	446942	\$	0.00325
Monthly			
Annual Water Total			

WD #1-WITH 4% INCREASE

Usage-Gallons	447942		
WATER RATES	Gallons		Rates
0-1000	1000	\$	11.44
1001-Greater	446942	\$	0.00338
Monthly			
Annual Water Total			

4444

WD #2-CURRENT

Usage-Gallons	447942		
WATER RATES	Gallons		Rates
0-1000	1000	\$	11.33
1001-Greater	446942	\$	0.00348
Monthly			
Annual Water Total			

WD #1-WITH 4% INCREASE

Usage-Gallons	447942		
WATER RATES	Gallons		Rates
0-1000	1000	\$	11.78
1001-Greater	446942	\$	0.00362
Monthly			
Annual Water Total			

WHEREAS, the Mayor and other administrative officials of the City of New Madrid have developed and utilized over a period of time purchasing procedures designed to comply with the Ordinances of the City and relevant state and federal laws; and

WHEREAS, it is the desire and intent of the Board of Aldermen to ratify and codify such rules and procedures to emphasize their importance and assure compliance with good purchasing practices;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID, MISSOURI, AS FOLLOWS:

SECTION I. PURCHASING

POWERS AND DUTIES OF DIRECTOR OF PURCHASING

(a) The Director of Purchasing shall be the City Administrator who shall be responsible for the procurement and acquisition of all materials, supplies, equipment, contractual services, and insurance (acquisition of real estate and certain professional services including, but not limited to, accountants, architects, attorneys, physicians or other services requiring expert or specialized knowledge or skill, planning consultants, insurance advisors and brokers, landscape architects and designers are outside the scope of these regulations). Questions of interpretation of these regulations or questions on procedures in purchasing not specifically stated herein shall be referred to the City Attorney.

(b) A purchase order or contract shall be valid only when signed by the Director of Purchasing and verified by the relevant Department Head, both of whom shall have determined that there are sufficient funds appropriated to cover such purchases.

(c) No purchase or contract for services of any kind or description, payment for which is to be made from funds of the City, shall be made by the Director of Purchasing, or any officer, employee or agent of the City, except in the manner hereinafter set forth.

- (1) Items estimated to cost \$10,001.00 or more can be purchased only after obtaining formal written and sealed bids or by special Board action on sole source, specialized and non-standard items.
- (2) Items estimated to cost between \$5,001.00 and \$10,000.00 may be purchased by the Director of Purchasing after obtaining three (3) or more price quotations on company stationery.
- (3) Items estimated to cost between \$501.00 and \$5,000.00 may be purchased by obtaining three (3) or more written price quotations.
- (4) Items estimated to cost less than \$500.00 may be purchased without quotes. However, it is encouraged that cursory solicitations are conducted on occasion to ensure that the City is receiving various items at a competitive market price.
- (5) The City recognizes that there are certain expenses which occur monthly and are part of an established contract or service. These type of expenses include, but are not limited, natural gas, electricity, water, sewer, health insurance, dental insurance, life insurance, retirement fund, refuse collection, facility maintenance, issuing or replacement of uniforms, issuing or replacement of essential department gear, and maintenance supplies or materials. These expenditures require the approval of the Director of Purchasing and relevant Department Head. An "Accounts Payable" form or stamp may be used in lieu of a "Purchase Order" on those items where the contract or service is part of the current budget.
- (6) The City may from time to time hold charge cards and business charge accounts from a limited number of vendors. These vendors are primarily used for small day-to-day purchases. A listing of any business charge/credit card accounts shall be maintained at City Hall. This list shall identify those employees who are authorized to use those accounts. Authorization of purchases that utilize these accounts shall follow the procedures as outlined above in items (a) through (d) of this Section
- (7) All capital expenditures of \$5000.00 or more are required to be recorded as a fixed asset of the City. Department Heads are directed

to maintain an up-to-date fixed asset report, which should be submitted to the Director of Purchasing on an annual basis.

- (8) No contract or purchase shall be subdivided to avoid the dollar limitations specified in this Section.
 - (9) All purchase orders will be validated by the office of the Director of Purchasing after receipt of a complete purchase order in manner specified below. The Director of Purchasing shall examine all purchase orders and shall have the authority to revise purchase orders as to quantity or established cost after consulting with the head of the using department.
- (d) The Director of Purchasing and Department Heads shall take into consideration the following criteria when expending funds for the City:
- (1) Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
 - (2) Encourage competition and endeavor to obtain as full and open competition as possible on all purchases and sales.
 - (3) Exploit the possibilities of buying in bulk so as to take full advantage of discounts.
 - (4) Keep informed of current developments in the fields of purchasing, prices, market conditions and new products, and secures for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and private businesses and organizations. All contracts awarded by the federal, state, county or local governmental consortiums for the purchase of supplies, materials or contracted services may be used in lieu of the procedures set out in this policy when the best interest of the City would be served.
 - (5) Act so as to procure for the City all Federal and State tax exemptions to which it is entitled.
 - (6) Disqualify vendors who default on their quotations and restrict them from receiving any business from the City for a certain period of time.

- (7) The City purchases many items which have a warranty or guarantee for a certain length of time. Before these items are repaired or replaced, a specific check should be made as to the warranty or guarantee coverage. Each department shall maintain an active up-to-date file on such warranties or guarantees with complete information.

SECTION II. DEPARTMENT RESPONSIBILITY

(a) While the final responsibility for purchasing rests with the Director of Purchasing, all departments will be required to participate in the development and procurement of open, competitive bidding on the procurement of all items purchased by the City.

(b) All departments are responsible to ensure that goods and services purchased by the City shall be purchased from merchants and businesses located in the City, unless such goods or services are not available in the City or such goods or services may be purchased outside the City at a savings of 5% or more. In addition, the Department Head shall also be responsible to ensure goods purchased by the City shall be American made, unless such goods are not available as American made goods or foreign goods may be purchased at a savings of 5% or more.

(c) For purchases anticipated to cost in excess of \$10,001.00 the Director of Purchasing or his designee shall prepare the documentation necessary in the advertising for bids, consideration and award of the contract and the development of the contract for the purchase. The departments shall be responsible for development of specifications as instructed by the Director of Purchasing, and for assisting in the development of a list of potential bidders.

(d) For purchases anticipated to cost \$10,000.00 or less, the department shall be responsible for the solicitation of informal bids. Whenever possible, at least three (3) and preferably more, sources shall be contacted. In every case, all interested vendors are to be given an opportunity to submit a quote. The purchase order (see below) is to be completed in detail. All sources contacted for quotations shall be noted. The Director of Purchasing will when deemed necessary, solicit additional quotations, spot check prices noted on the purchase order, and take such measures as are necessary to assure that fair and equal opportunity is offered to all vendors interested in supplying the City.

(e) It is hereby declared to be the policy of City of New Madrid that a wage of no less than the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed as determined by the Missouri Department of Labor shall be paid to all contractors employed by or on behalf of the City engaged in public works exclusive of maintenance work. All invitations to bid on construction projects for the City of New Madrid must include this requirement.

SECTION III: SPECIFICATIONS

(a) It shall be the duty of the operating department to provide written specifications for open, competitive bidding. Such specifications shall be approved by the Director of Purchasing or by such knowledgeable person as the Director of Purchasing may appoint to review the specifications.

(b) The Director of Purchasing or his designee shall have the authority to interview such salesmen or representatives of manufacturing concerns as he or she may wish in the development of specifications as long as such interviewing does not result in a cost to the City.

SECTION IV: BUDGET TRANSFERS OF SUPPLEMENTS

(a) If a purchase is requested and there are not sufficient funds within the department account appropriation, the Director of Purchasing will so notify the Department Head who may:

- (1) Drop the request
- (2) Request an additional appropriation

(b) If option 2 is selected the request for an additional appropriation must be fully explained in a memo that will set forth the need and justification for the purchase. If after review of the request, the Director of Purchasing agrees the request is justified, it shall be submitted to the Board who must approve the appropriation.

SECTION V. PURCHASE ORDER

(a) The purchase order will be the basic form of concern to the Department Head since it will serve as the means by which the department will inform the Director of Purchasing of the needs of the department.

(b) Purchase orders should be prepared far enough in advance so as not to create an emergency. This will permit the procurement of competitive prices and the best materials at the right price in time to meet the anticipated need. Request for bids for items of more than \$10,001.00 should be submitted at least six weeks in advance (if time permits) of the time the materials or services will be needed. Delivery of many goods will demand advance planning and early ordering.

(c) The purchase order is to be completed with the name and address of the suggested vendor, the cost from the vendor, the quantity, description of the material, the account to be charged, other prices obtained, and the address to which the material is to be delivered.

(d) The completed purchase order is then given to the Accounts Payable Specialist who reviews the purchase order as submitted, checking the account number and verifying that monies are available in the budget under the account number as shown.

(e) The purchase order shall be prepared in triplicate so as to serve all purposes for which it is intended, and shall be distributed by the finance office as follows:

- (1) The third copy retained by the issuing department
- (2) The original is sent to the vendor.
- (3) The second copy is to be retained by the Accounts Payable Specialist.

(f) A description of equipment to be used as trade-in shall accompany a purchase order when a trade-in is to be included in the acquisition.

SECTION VI. EMERGENCY ORDERS

(a) Emergency purchases will happen and must be handled. Emergency purchases are defined as those purchases, which must be made in order to prevent the loss of life, damage to public property, or to protect a service that simply cannot be stopped or delayed. Emergency purchases do not include items that are discovered to be needed at once simply because a Department Head forgot to order an item in advance.

(b) When it is necessary to make an emergency purchase, the procedure will be to call the Director of Purchasing for oral approval, then proceed with the purchase. A purchase order complete with all the details of the purchase and

marked “confirming emergency order of (date)” will then be submitted. An emergency purchase order cannot exceed \$10,000.00 without Board of Aldermen approval.

(c) If, for some reason, it is impossible to reach the Director of Purchasing, for example, on a weekend or in the evening, the Mayor shall be contacted and in the event of his absence, the Mayor Pro Tem shall order the purchase. In this case, the purchase and rationale must be reported to the Director of Purchasing immediately on the first working day after the purchase. A purchase order complete as to details of the purchase must be submitted.

SECTION VII. APPROVING RECEIPT OF MATERIAL

(a) When an order is received, each item will be examined by the Department Head, and the quantity and quality noted. Reasons for change in price should be noted on the invoice or packing slip and forwarded to the Accounts Payable Specialist.

(b) If a partial shipment is received, the department shall approve the items received for payment, noting shipping is incomplete on the invoice.

SECTION VIII. PURCHASING PROCEDURES ON ITEMS OVER \$10,001.00

(a) Supplies, materials, equipment and contractual services shall be procured only after obtaining formal sealed written bids, when the value of the proposed procurement is in excess of \$10,001.00 or when directed by the Board of Aldermen or when required by the laws of the State of Missouri. The procurement of several items of the same type at substantially the same time is a single purchase for the purpose of this regulation and the total cost of all such items will determine whether formal competitive bidding procedure must be followed. No contract of purchase shall be subdivided to avoid competitive bidding procedures.

(b) Invitations, notice: Such bids may be invited through a notice to be published in at least one newspaper at least one time, the first publication to be at least ten (10) days prior to the date specified for submission of bids. Such notice may include: a general description of the items to be purchased; the conditions of such purchase; the place specifications and bid forms may be secured; the time and place for submitting such bids; and the time and place for

acceptance of bids. The director may also solicit bids by mailing copies of the specifications and bidding documents to prospective vendors by mail.

(c) The Director of Purchasing may advertise for sealed bids (1) for any item for which an appropriation has been made in the annual budget for the City, or (2) upon consent of a majority of the members of the Board of Aldermen.

(d) Requirements on Sealed Bids. All bids shall be sealed, shall be identified as bids on the envelope, and shall be submitted within the time and at the time stated in the public notice inviting bids. Any person delivering a bid shall be directed to hand it to the City Clerk or such person designated for receipt of bids. Any mail identified as a bid shall be segregated promptly from all other mail and delivered to the person designated for the receipt of bids. The time of receipt of each bid shall be entered by that person on the envelope containing such bid. The City Clerk, or person designated shall promptly place all bids in a safe place, designated to be retained until opened.

(e) The Director of Purchasing or his designee shall open all bids as soon as practical after the time to submit bids has expired, and shall, in conjunction with the head of the using agency, prior to the next regular meeting of the Board after the bid time expires, prepare a summary of all bids, including a review of the facts. All bids received shall be made available for inspection as a public record.

(f) Presentation to the Board of Bids for Award. After presentation of the available data, the Board of Aldermen at a regular or special meeting, may award the contract in the best interest of the City for the goods or services to be procured; however, the Board of Aldermen shall have the authority to reject all bids.

(g) Contract Required for Award. Subsequent to the award by the Board of Aldermen the Director of Purchasing shall, by purchase order and/or formal contract, enter into an agreement with the bidder selected by Board for procurement of the goods and services to be procured.

(h) Requirements for Bid Deposits. When deemed necessary by the Director, bid deposits may be required. Said deposits may be required to be in the form of a certified check or a bid bond to be stated in the bid specs. When so requested, all bids not accompanied by such deposit shall be rejected. Such bid deposit shall be returned to all bidders upon execution of a contract with, or issuance of, a

purchase order to the successful bidder. A successful bidder shall forfeit their deposit if they fail to enter into a contract within thirty (30) days after the award.

(i) Requirement of Performance Bond. The successful bidder may be required to post a performance bond whenever the same is deemed appropriate by the Director of Purchasing; provided, however, such requirement must be set forth in the conditions of bidding. Said Performance Bond may be in the form of a specified amount or a percentage of the value of the proposed purchase. The Director of Purchasing shall establish, in the conditions of bidding, such terms as may be deemed appropriate to protect the interest of the City of New Madrid.

(j) Absence or Rejection of Bids. The Board of Aldermen may, by resolution, approve negotiated procurement of goods or services of a value in excess of \$10,001.00 if there have been no responsive bids to an advertisement for bids, or there is no prospect of receiving bids and/or if the Board Aldermen has rejected all bids.

SECTION IX. SOLE SOURCE, SPECIALIZED & NON-STANDARD ITEMS

(a) The Board of Aldermen may, by resolution, approve negotiated procurement of goods of a value in excess of \$10,001.00 without requiring formal competitive bids if the Board determines from all information submitted to it by the Director of Purchasing that the item would reasonably satisfy the City's requirements or meets a specific quality or appearance.

(b) The Director of Purchasing may approve goods in value of less than \$10,001.00 from a sole source, provided the department acquiring the goods or service writes an inter-office memorandum stating reasons why only one company can supply the goods or services requested.

SECTION X. PROFESSIONAL SERVICES

When professional services in addition to those provided by the City's officers and employees are required by the City in an amount greater than \$10,001.00 investigation shall be made in the manner directed or approved by the Board of Aldermen concerning persons or companies who perform the required service. On the basis of such investigation, the Board shall then designate or approve one (1) or more of such persons or companies for negotiation. The Board of Aldermen may then, by resolution, approve a contract for the required professional service.

SECTION XI. AWARD OF CONTRACT OR PURCHASE ORDERS

It is the responsibility of the Director of Purchasing to review and investigate all bids and to make a recommendation thereon to the Board of Aldermen regarding award of a particular contract or purchase order. The following criteria may be utilized in making this evaluation:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the services required.
- (2) Determine whether the bidder can perform the contract to provide the services promptly or within the required time periods without delay or interference.
- (3) The quality of performance of previous contracts or services.
- (4) The previous and existing compliance by the bidder with laws and ordinances of the City.
- (5) The financial resources and the ability of the bidder to perform the contract or provide the services.
- (6) The quality, availability and adaptability of the supplies or services.

SECTION XII. PURCHASE ORDERS OR CONTRACTS MUST BE FOR CURRENT FISCAL YEAR

All purchase orders or contracts must be for goods or services covered by a category in the budget for the current fiscal year as approved by the Board of Aldermen. Any purchaser of an item not provided for in the current fiscal year budget must receive the prior approval of the Board of Aldermen. The Director of Purchasing is authorized to approve all purchases after complying with the competitive purchasing requirements as specified above.

SECTION XIII.

It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been

unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION XIV.

The chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of re-codifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION XV.

This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

READ TWO TIMES AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW MADRID THIS _____ DAY OF JULY, 2012.

Donnie Brown, Mayor

ATTEST:

Marian Bock, City Clerk

Approved as to Form:

Lynn Bock, City Attorney