A RESOLUTION

ADOPTING a revised Purchasing Policy for the City of Winfield procurement process.

WHEREAS, In 1991, the Governing Body of the City of Winfield established a Purchasing Procedures Manual, formalizing the process for procurement of materials, equipment and services for the operation of municipal government; and

WHEREAS, on May 5, 2014, the Governing Body of the City of Winfield adopted Resolution No. 2614 revising the Purchasing Procedures Manual; and

WHEREAS, The Governing Body believes it is in the best interest of the City of Winfield to implement a revised Purchasing Policy in order to update the City’s procurement process.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF CITY OF WINFIELD, KANSAS THAT:

Section 1. The Purchasing Policy adopted by Resolution No. 2614 is hereby repealed in its entirety. In place thereof, the Purchasing Policy for the City of Winfield procurements, attached as Exhibit A hereto, is adopted.

Section 2. The effective date of the policy hereby adopted shall be immediate upon passage and adoption.

ADOPTED this 5th day of September, 2017

Brenda K. Butters, Mayor

Brenda Peters, City Clerk

Approved as to form: William E. Muret, City Attorney

Approved for Commission action: Jeremy Willmoth, City Manager
Presentations by staff:
1. Proposed Purchasing Policy.
2. Revised Building Codes.
5. Young Professionals of Cowley County application for an Outdoor Community Event and Temporary Entertainment District.
6. Review City Commission agenda for Monday.

Future projects:
2. Water Rate Discussion.
3. Debt Management Policy.
5. Phase I of the public safety facility plan.

Calendar of upcoming community events:
1. April 1 - October 30 Neighborhood Clean Up program. Each Saturday (excluding weekend holidays) from 8am until the container is full (or 11 am whichever is first).
2. Beginning April 1st the City compost site opens every Tue/Thur 12-6, Saturday 9-3.
3. Walnut Valley Farmer's Market - Every Sat. 7:30-11:30 am at Island Park parking lot until Sept. 23rd.
4. September 1-30 Magna Carta Traveling Exibit at Winfield Public Library.
5. September 2 Cowley County Kids Day Car and Bike Show 9-4 at Island Park.
6. September 2-4 Atlanta Labor Day Celebration.
7. September 9 Burden Dayz.
9. September 11 Pickin' Parlor 6:30-8:30 pm at the Winfield Public Library.
10. September 12 Hamburger Feed and Music Crawl 5:30-8:30 pm Downtown.
11. September 13-17 46th Annual Walnut Valley Festival at the Fairgrounds.
12. Next Study Session is September 14, 2017 at 4:00 pm.

For more information on these events and more events not listed, please visit our community calendar at www.winfieldks.org.
SECTION 1: GENERAL PROVISIONS

1.1 Introduction

This Purchasing Manual shall provide one complete source of purchasing policy, authority, and procedures. All contracts for the purchase or lease of supplies, materials, equipment, or services, shall be accomplished through this Policy. It shall be the intent of this policy that, whenever practicable, contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition. Employees of the City of Winfield shall be required to familiarize themselves with the requirements set forth and shall adhere to these rules, regulations and procedures under all normal circumstances. However, it is recognized that exceptions appear from time to time, and organizational needs change; thus, the City Manager is prepared to offer clarifications, assistance, special handling, and amendments within proper authority.

1.2 Purpose

The purpose of this Purchasing Manual is to provide for the fair and equitable treatment of all persons involved in public purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity. The budget is a plan for certain purchases. It is not implicit authority to make said purchases. This policy shall apply to all purchases by any Department within the City. When any procurement is involves expenditure of federal or State funds, the procurement will be conducted in accordance with any mandatory applicable federal and state laws or regulations - where they deviate from this policy.

1.3 Initial Delegation of Authority by City Commission

In addition to any powers and duties conferred by this policy or by law, the City Manager shall have the following powers and duties:

- The City Manager shall promulgate such rules and regulations as are necessary to insure the proper operation and accounting of City departmental petty cash funds, procurement cards, and travel regulations;

- The City Manager may recommend that the City Commission declare, as irresponsible bidders, those vendors who default on their quotations, and to disqualify them from receiving any business from the City for a stated period of time;

- The City Manager, or their designee shall maintain a bidders' and suppliers' list which shall list all persons, firms and corporations which have applied for that listing by annually requesting that information from the various departments within the City;
1.4 **Purchases Contrary to this Policy**

Except as provided in the policy, no City officer or employee shall have the authority to make any purchase, lease, or contract within the purview of this policy other than through the City Manager. The City shall not be bound by any purchase, lease, or contract made contrary to the provisions of this policy.

1.5 **Taxes and Fees Clearance Required**

No person, firm, or corporation, resident in Winfield, or otherwise legally within the taxing (or utility district) jurisdiction of the City, shall be eligible to provide any goods, contractual services, or anything covered by this policy, unless that person, firm, or corporation is properly licensed by the City and is duly listed and assessed on the County tax rolls and is in no way delinquent on any taxes payable to the City, nor any other fees or charges (including utilities) being owed to the City.

1.6 **City Manager to Determine Eligibility**

Where any individual, firm, or corporation is a resident of Winfield, or where it otherwise appears that the firm is legally within the taxing jurisdiction of the City, and has made an offer, bid, or quotation for any City purchase, the City Manager, or their designee shall cause a search to be made of the County tax rolls, and the City’s delinquent fees and charges listings to determine the eligibility of that person, firm, or corporation.

1.7 **Lowest Bidder Ineligible, Procedure**

When the apparent lowest and best bidder for a given purchase order is ineligible under this policy, the City Manager or their designee may, when time is not of the essence to the City, notify the bidder and allow three (3) days for the bidder to correct the deficiency or pay any delinquency involved. If the bidder fails, after the notice to comply within three (3) days after such notice, or, if the City Manager deems time to be of the essence, they shall proceed as though the lowest and best bidder who is eligible under this section had entered the lowest and best bid.

1.8 **Conflict of Interest, Affidavits, Required of Vendors**

No contract shall be let to any person, firm, or corporation unless it has submitted an affidavit to the City stating that no officer or employee of the City, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, or service for the City.

1.9 **Vendor Drafting Bid Specifications, Disqualification**

No contract shall be awarded to any person, firm, or corporation, which has, for any valuable consideration, provided any services in connection with the development of the contract's bid specifications, unless upon recommendation of the City Manager and a finding by the City Commission that such award is in the City's best interests.
SECTION 2: COMPETITIVE BID PROCESS, EXCEPTIONS

2.1 Competitive Bids Not Required, Circumstances

Staff may accomplish the following purchases without competitive bidding, and without prior Board approval except as specifically provided in this section. In accomplishing such purchases, they shall be guided to the extent practicable by the policies set out in this policy:

- Individuals, with the approval of their department head may procure items or services $1,000 or less by seeking a source of supply and issuing a purchase order or using a procurement card within approved budgeted limits and in accordance with the provisions of this policy or applicable State law. Purchases shall not be artificially divided to circumvent the dollar limitations to any provision of this policy;

- Cumulative purchases of the same or similar products or services from one vendor in an amount in excess of three thousand dollars ($3,000) in any one-year period shall utilize the informal competitive bid procedure set out in section 3 of this policy;

- Competitive bidding shall not be required when the items to be purchased can be obtained from only one source. Before a purchase is made pursuant to this exception that has a purchase price of over twenty-five thousand dollars ($25,000), the City Manager shall submit said purchase to the City Commission for approval and the purchase shall only be effective upon Board approval. In the recommendation to the Board, the director of the department requesting the sole-source exception shall set out the reason for the decision not to seek competitive bids;

- Competitive bidding shall not be required when the items to be purchased can be obtained from another government, at a price below that quoted by a private vendor. Before a purchase is made pursuant to this exception that has a purchase price of over twenty-five thousand dollars ($25,000), the City Manager shall submit said purchase to the City Commission for approval and the purchase shall only be effective upon Board approval. In the recommendation to the Commissioners, the director of the department requesting the intergovernmental exception shall set out the reason for the decision not to seek competitive bids. Further rules and regulations can be found in section 7 of this policy;

- Competitive bidding shall not be required when the City Manager has declared, in writing, the purchase to be an emergency. Purchases in excess of twenty-five thousand dollars ($25,000) made under the provisions of this exception shall be reported to the City Commission at its next regularly scheduled meeting. Further rules and regulations can be found in section 6 of this policy;

- Competitive bidding shall not be required when the items purchased are the subject of existing and current federal, state, or local government fixed price contractual documents, if the prices quoted in those documents are more advantageous to the City than local market prices for like items. Before a purchase is made pursuant to this exception that has a purchase price in excess of twenty-five thousand dollars ($25,000), the City Manager shall submit the purchase to the City Commission for approval and the purchase shall only be effective upon Board approval. In the recommendation to the Commission, the director of the department requesting the exception shall set out the reason for decision not to seek competitive bids;
• Competitive bidding shall not be required when the items to be purchased are proprietary goods not available in a competitive market, provided that such goods are purchased for resale in a facility or service operated by the City. Proprietary goods are defined as goods manufactured under an exclusive individual/corporate right to make and sell them. Before a purchase is made pursuant to this exception that has a purchase price of over twenty-five thousand dollars ($25,000), the City Manager shall submit the purchase to the City Commission for approval and the purchase shall only be effective upon Board approval;

• Competitive bidding shall not be required when funds are appropriated and a contract for services is or will be awarded by the City Commission to an organization or agency that is exempt from federal income taxation;

• Outside legal services need not be bid, but must be approved by the City Commission if in excess of $25,000 with any one firm within any budgeted year.

2.2 Competitive Bids Required, Circumstances

Staff may accomplish the following purchases with competitive bidding. In accomplishing such purchases, they shall be guided to the extent practicable by the policies set out in this policy:

• Department Heads, or their designee may at their discretion choose to either procure items or services $3,000 or less by seeking a source of supply and issuing a purchase order or using a procurement card within approved budgeted limits and in accordance with the provisions of this policy or applicable State law, or as outlined in section 3 of this policy;

• Department Heads, or their designee shall solicit three telephone bids, or utilize an existing governmental contract, or submit in writing a sole-source justification to the City Manager for any procurement request for items or services greater than $3,000 and up to $10,000 as outlined in section 3 of this policy;

• The Purchasing Coordinator, or their designee may purchase any item for the central store in an amount not to exceed $25,000 by either telephone or written bid, or sole-source justification;

• Department Heads, or their designee shall solicit three written bids, or utilize an existing governmental contract, or submit in writing a sole-source justification to the City Manager for any procurement request for items or services greater than $10,000 and up to $25,000 as outlined in section 3 of this policy.

2.3 Listing of Payments Authorized Without Following this Policy

Upon acceptance of this Manual, the following exceptions and delegations of authority are to be implemented. The City Manager shall be authorized to approve payments for the following:

• Payment in any amount of funds collected for other entities/other individuals, such as, but not limited to the IRS, Kansas Department of Revenue, and Court Fees;

• Utilities (gas, electric including streetlights, water, wastewater treatment, cell phones, and other utilities) in any amount;
• Payment of Dues or Memberships, travel arrangements or periodical subscriptions;
• Payments or reimbursements to City employees;
• Refunds of overpayment in any amount;
• Payments to outside organizations approved in the annual budget;
• Health, Dental and Life Insurance bills or any other employee benefit related payment;
• Restitution or other Court related pass through payments.
SECTION 3: INFORMAL COMPETITIVE BID

3.1 Informal Competitive Bid Procedure

The City Manager or their designee may use the informal competitive bid procedure described in this section for purchases of more than three thousand dollars ($3,000) but not more than ten thousand dollars ($10,000), in lieu of the procedures described in section 4 for award of formal contracts. The department must have a written informal bid for any purchase in excess of ten thousand dollars ($10,000) but less than twenty-five thousand dollars ($25,000) and must have the City Manager's prior approval.

3.2 Solicitation of Bids

The Purchasing Coordinator or their designee shall solicit bids from prospective vendors by means at their discretion, including but not limited to: telephone, internet, media, and public notice posted on the bulletin board of City Hall.

3.3 Competitive Bids Required

The department requesting the bid shall obtain at least three (3) competitive bids, if there are not three viable vendors, they shall note that on their Purchase Order.

3.4 Lowest and Best Bidder

Purchases shall be awarded to the bidder providing the best products and/or services that are available for the lowest price consistent with the standards set in section 4 of this policy.

3.5 Records

The Purchasing Coordinator shall keep a written or electronic record of all purchases accomplished under this section and all bids submitted in competition for those purchases, and those records shall be open to public inspection. Each such record shall describe the means by which the bid was received and any specific considerations or conditions attached to the bid and/or product or service.
SECTION 4: FORMAL COMPETITIVE BID

4.1 **Formal Competitive Bid Procedure**

The Purchasing Coordinator or their designee must use the formal competitive bid procedure described in this section for purchases of more than twenty-five thousand dollars ($25,000) for award of formal contracts.

4.2 **Formal Competitive Bids, Notice Inviting**

Notice inviting bids shall be provided in the manner and utilizing such media as the Purchasing Coordinator or their designee deems most appropriate to the subject matter of the bid and the applicable time line available with the objective of encouraging fair and unbiased competition. The notice shall be designed to secure a reasonable distribution and a competitive bidding process and may include direct mail, electronic mail, on line listing services, newspaper advertisements, and/or such other means, as the Coordinator may deem appropriate. In addition to any other solicitation, notices posted on public bulletin boards in City Hall shall also advertise all purchases, leases, or sales.

4.2.1 **Notice of Solicitation, Content, Timing**

The notice inviting competitive bids shall be distributed and/or posted at least ten (10) business days preceding the last day for receipt of bids or proposals and shall include a general description of the products or services to be leased or purchased and state where bid forms and specifications may be obtained and the time and place for submission and opening of bids.

4.3 **Bid Security Deposits or Surety Bid Bonds**

When deemed necessary by the Purchasing Coordinator, bid security deposits or surety bid bonds, or both, shall be prescribed in the notice of invitation for bids.

4.3.1 **Returned Bid Security Deposit**

An unsuccessful bidder who stands ready to perform according to the terms of its bid shall be entitled to the return of its bid surety deposit.

4.3.2 **Enforcement of Surety Bid Bond**

The City shall seek enforcement of a surety bid bond according to its terms.

4.3.3 **Surety Bid Bonds, Listed in Federal Register**

All surety bid bonds must be with companies listed in the Department of the Treasury, Federal Register as surety companies acceptable on federal bonds.

4.4 **Performance, Labor, and Material Payment Bonds**

Where the nature of the contract is such that the Purchasing Coordinator deems a performance bond necessary, or where the contract is for public works and requires compliance with State Law, the notice of invitation for bids shall specify the amount of bond that is required. The notice
shall also specify that any bid submitted pursuant to said solicitation would be presumed to include the cost of the required bond.

4.4.1 **Surety Performance Bond, Listing in Federal Register**

All surety performance bonds and surety labor and material bonds must be with companies listed in the Department of the Treasury, Federal Register, as surety companies acceptable on federal bonds.

4.5 **Procedure for Receiving and Opening Bids**

The following applies to bids submitted under the formal competitive bid procedure:

4.5.1 **Sealed and Identified**

All bids shall be submitted in a sealed envelope to the City Clerk and shall be identified as bids on the envelope.

4.5.2 **Bid Opening**

Bids shall be opened and read aloud publicly by the Purchasing Coordinator or their duly authorized representative in the presence of the Clerk of the City or the duly authorized representative of the clerk at City Hall, in the particular room and on the day and at the time stated in the public notices, except that bids for construction projects undertaken pursuant to this policy may, upon proper notice, be opened in the office of the City Engineer, or their designee.

4.5.3 **Bids Recorded**

The Clerk of the City, or their duly authorized representative, shall record in writing the bids opened and read by the Purchasing Coordinator, or their duly authorized representative.

4.5.4 **Bid Evaluation and Recommendations**

The Purchasing Coordinator, or their duly authorized representative shall evaluate the bids submitted and refer their recommendations to the appropriate department head, who shall within the shortest practicable time, confirm the recommended award or submit objections and suggestions to the Purchasing Coordinator. Such objections and suggestions shall include specific reference to the manner in which the department head believes an alternate bid complies with the provisions of section 4.5.7 of this policy.

4.5.5 **Rejection of Bids**

The City Manager shall have the authority to reject, as often as he or she deems necessary, all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, for failure to comply with the requirements of the invitation for bids or when the public interest will be served thereby, and require the solicitation of new bids.
4.5.6 **Recommended Award of Bid**

The City Manager shall recommend to the City Commission the award of the contract to the lowest and best bidder, unless all bids have been rejected as authorized in section 4.5.5 of this policy.

4.5.7 **Factors Which Shall Be Considered When Determining Lowest and Best Bidder**

The following factors shall be considered in determining the bidder that provides the best products and/or services that are available for the lowest price:

   a. **Cost and Future Maintenance**
      The point of purchase cost of the product or service, the anticipated cost of maintenance or service (including applicable warranties), the ability of the bidder to provide future maintenance and service, the longevity of the product or service, and the cost of disposal;

   b. **Ability to Perform**
      The ability, capacity, skill, or financial resources of the bidder to perform the contract or provide the service required;

   c. **Timely Performance**
      Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference;

   d. **Character and Reputation**
      The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

   e. **Quality of Prior Performance**
      The quality of the bidder's performance of previous contracts or services;

   f. **Compliance With Laws**
      The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

   g. **Quality and Availability**
      The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

   h. **Conditions on Bid**
      The number and scope of conditions attached to the bid;

   i. **Compliance With Bid Specifications**
      Whether the bid as submitted fully complies with the minimum requirements of the bid specifications;

   j. **Social Responsibility**
      The socially responsible nature of the product or service that shall include, but is not limited to, products or services that create meaningful work, encourage
diversity; include women-owned and minority-owned enterprises, provide fair wages, or otherwise promote social equity.

k. Local Preference
A bidder domiciled in Winfield or whose products and services were manufactured, created, or have points of origin within Winfield will be given a preference and a local bidder (a business in close proximity to Winfield) will be given a secondary preference, when all other considerations are equal and the bidder is compliant with all provisions of this policy. That preference shall not exceed 5% of the lowest bidder's price in an amount not to exceed $10,000.

4.5.8 Analysis When Service Contracts Are Bids
Notwithstanding any other provision of this chapter, when a contract for services is to be awarded under the competitive bidding provisions of this chapter the City Manager, or his or her duly authorized representative shall perform an analysis of the respective bids submitted and shall submit such analysis to the City Commission for their consideration on any bid in excess of twenty-five ($25,000) thousand dollars.

4.6 Construction Projects, Bid Process
Except as otherwise provided by law, the City Engineer, or their designee shall solicit bids and let contracts for construction projects in the same manner as the Purchasing Coordinator and solicit bids and lets contracts on other City purchases, all of which shall seek the best products and/or services that are available for the lowest price.

4.7 Acquisition of Interests in Real Property for Roads
In connection with the acquisition of any interest in real property required for a road or bridge project, the City Engineer is authorized to accept, on behalf of the City, any conveyance of permanent right-of-way, a temporary or permanent easement of any kind or nature, and/or a right-of-entry, and to record in the office of the Recorder of Deeds a suitable conveyance instrument documenting said acceptance. The City Engineer is further authorized, subject to the availability of budgeted funds, to expend up to $5,000.00 per landowner per project for any interest in real property so acquired.

4.7.1 Notice to City Commission
Before any interest in real property is accepted by the City Engineer, they shall give the members of the City Commission five (5) working days’ written notice of the proposed transfer.

4.7.2 Contents of Notice
The notice shall set forth the proposed conveyance, the project involved, any time deadlines, and the recommended expenditure for the acquisition of the interest in real property.

4.7.3 Time for Commission to Respond
If the City Engineer has not received written objection by any City Commissioners to the proposed conveyance within the period of five (5) working days, the director may proceed to accept the conveyance as indicated in the notice.

4.7.4 **Board Objects**

If the City Engineer receives written objections within the period of five (5) working days, the director shall not accept the conveyance but shall submit his recommendation for City Commission approval at the next scheduled meeting or as soon as practicable afterwards.

4.8 **Insurance Bids**

The City Manager shall cooperate with the City Clerk in the preparation of specifications, solicitation of bids, and bid analysis on insurance if necessary. The City Manager shall utilize a broker to assist in this process in accordance with the provisions of this policy.

4.9 **Authorization of Purchase**

All items listed in Section 4 of this policy, unless specifically excluded, must be authorized by the affirmative vote of a majority of the members of the City Commission.
SECTION 5: CONTRACTING FOR PROFESSIONAL SERVICES

5.1 **Purpose**

These guidelines are established in order to provide assistance to City officials in selecting and contracting for professional services. The primary objective is to select the person and/or the firm with the necessary training and experience to provide the professional services needed and desired by the City. Although cost is important, professional services shall not be purchased strictly on the basis of lowest cost. Professional services need not be formally bid. The City may require the submission of a deposit when City plans/work products are required by the bidder to respond to the RFP. Any professional services utilizing grant dollars, or KDOT dollars shall be governed by the purchasing policy of their choosing.

5.2 **Applicable Disciplines**

Professional services are usually associated with the following disciplines:

A. Financial, accounting and auditing services;
B. Engineering services;
C. Architectural services;
D. Consulting services;
E. Medical services;
F. Data processing consulting and programming services;
G. Testing and inspection services;
H. Photographic, art or marketing services;
I. Legal services.

5.3 **Request for Proposals**

RFP's for professional services should include:

A. Instructions to the prospective bidders specifying when, to whom, and where proposals should be sent;
B. A complete technical description of the problem or work task. Specify that written questions may be sent to the City. Also state whether a pre-bid conference will be held to discuss the RFP and to answer questions;
C. An objective or statement of what is expected to be accomplished.
D. Scope of work or task, format for the completed report, and the extent to which the City's staff will be available to the contractor;
E. Firm or estimated schedule, including dates for commencement of performance, for submission of progress reports, and for completion of task;
F. Selection criteria;
G. Standard contract terms and conditions;
H. Understanding for compensation for additional work authorized.

5.3.1 **Selection Criteria**

Specify the following criteria:

A. Experience on similar projects including references of former clients;
B. Qualification of person(s) proposed to work on the project (require professional resumes.);
C. Ability to meet work schedule;
D. Completeness of project approach;
E. Samples of work representing product quality;
F. Sensitivity to community involvement;
G. Additional services and skills available;
H. Work space requirements and/or City staff support.

5.3.2 Evaluation and Award

When appropriate, the City may interview and/or negotiate with up to four qualified persons or firms.

A. Relative weight should be assigned to each criterion listed in the RFP based on the importance of the particular qualification;

B. After reviewing the written proposals and interviewing prospects to ascertain the scope and type of work proposed, the City shall offer to award the contract to the vendor who would be most advantageous to the City. This normally will be the firm scoring the highest in the evaluation of proposals and the interviews;

C. In determining which offer is the most advantageous, the City will generally take into account the following in order of importance:
   1. The professional competence.
   2. The technical merits.

The requirement to perform reference checks pertaining to all purchases greater than fifteen ($15,000) thousand dollars extends to professional service contracts as well.
SECTION 6: EMERGENCY PURCHASES

6.1 Emergency Purchases

An emergency shall be defined as a situation in which the department operations would be severely hampered or a situation in which the preservation of life and property would not be possible.

A. Emergencies During Normal Working Hours
   When the need for an emergency purchase occurs during normal working hours, the requesting department will notify the City Manager, or their designee, who will either give approval of the transaction or will provide alternative solutions. If approved, the requesting department will prepare the confirming requisition as soon as operations permit. EMERGENCY shall be written on the requisition.

B. Emergencies after normal working hours
   If the emergency occurs at times other than normal working hours, the department head or authorized representative may purchase the necessary items or services directly. The purchaser must obtain a sales ticket or invoice from the vendor. The requesting department will prepare the confirming requisition as soon as operations permit. EMERGENCY shall be written on the requisition. Communication of the purchase shall be made to the City Manager (if applicable) on the next business day.

C. Emergency Purchase Delegated Spending Authority
   1. Department Head: Approval of emergency purchases up to $10,000.

   2. City Manager or designee: Approval of emergency purchases up to $25,000.

   3. City Manager or designee: Approval of emergency purchases over $25,000 after a concerted effort to poll the City Commission.

   4. A summary of all emergency purchases by commodity and by Individual purchase shall be prepared by the Department Head for submission through the City Manager to the City Commission at their next Regular Meeting.
SECTION 7: INTERGOVERNMENTAL PURCHASING

7.1 **Purpose**

By policy the City desires to encourage the use of pre-bid, intergovernmental purchasing. By doing so the City can obtain competitive pricing and the benefit of other jurisdictions professional purchasing services.

7.2 **Definitions**

Intergovernmental cooperative purchasing is an agreement under which the City, along with other governmental entities, buys under the same contract or agreement. There are two methods of participation - direct ("joint participation") and indirect ("piggyback participation").

A. Direct participation involves a commitment to the lead agency by the City to purchase a specific quantity of a specific item from the successful bidder on the joint solicitation and contract.

B. Piggybacking on a contract awarded by another governmental agency does not require prior commitment by the City.

7.2.1 **Piggybacking**

A. Departments are encouraged to provide Finance with cooperative contract information obtained from their respective industry organizations. The Finance Director shall notify other departments of the availability of the various cooperative agreements as they become available.

B. The State of Kansas publishes its cooperative contracts. Information regarding these agreements can be found at the Kansas Department of Administration website.
SECTION 8: DISPOSAL OF PROPERTY

8.1 Real Estate Sales

The sale of all real estate owned by the City shall be authorized by the City Commission.

8.1.1 Real Estate to be Negotiated by City Manager

The City Manager or their designee is authorized to negotiate with the entities listed below for the sale of real estate owned by the City of Winfield:

a. The United States or any of its agencies;
b. The State of Kansas or any of its political subdivisions or municipalities.

8.2 Formal Bid Procedures for Real Estate Sales

The City Manager or their designee is authorized to solicit sealed bids for the disposal of surplus city real estate in accordance with the formal bid procedures listed in section 4 of this policy.

8.2.1 Recommendation to Board of Commission

The City Manager or their designee shall recommend to the City Commission the award of the sale to the highest responsible bidder.

8.3 Auctions Authorized for Real Estate Sales

The City Manager may authorize the sales of surplus city real estate by auction when they believe that it is in the best interest of the City to do so.

8.3.1 Auction Requirements for Real Estate Sales

The following requirements shall apply to auctions authorized by 8.3:

a. All auctions shall be conducted on City property;
b. Notice advertising an auction shall be published in one (1) official newspaper within the City. The notice shall include a general description of the real estate to be sold, the time, location, and date of the auction and a place where additional information concerning the real estate may be obtained;
c. The City Manager or their designee shall send a notice of the auction to all prospective purchasers who have requested their names be added to a list of bidders;
d. The City Manager or their designee shall conduct auctions. They may contract with professional auctioneers to conduct the auction;
e. The highest bidder at auction shall execute a real estate contract and submit a bid deposit of ten percent (10%) of the total bid award. If the bidder does not execute the contract, the bidder will loose the deposit;
f. Bids received at an auction shall be subject to final acceptance by the City Commission. All notices and advertisements for the auction of real estate pursuant to this policy shall advise potential bidders of this limitation;
g. If the City Commission rejects the bid offered, the bidder shall be entitled to a return of the deposit.
8.4 **Personal Property Disposal, Cost of Less Than Five Thousand Dollars**

a. Upon the recommendation of any department director, the City Manager, is authorized to dispose of any item of personal property in the custody or control of the recommending department, agency, or office, that has become obsolete and unusable, on terms advantageous to the City made in accordance with the informal bid procedure set forth in section 2, or in accordance with section 8.6, unless transferred without compensation to another governmental agency as set out in section 8.8. If sold, the property shall be sold to the highest responsible bidder.

8.5 **Use as Trade-Ins**

The Director of any department may, when the interest of the city are best served, use the personal property as trade-ins on replacements and/or solicit bids in accordance with the formal contract procedure in section 4 of this policy in order to obtain the price differential most advantageous to the city.

8.6 **Auctions of Personal Property**

The City Manager may authorize the sale of city personal property by auction when they believe that it is in the best interest of the city to do so.

8.6.1 **Auctions Requirements for Disposal of Personal Property**

The following requirements shall apply to auctions authorized by Section 8.6:

a. All auctions shall be conducted on City property, unless the City Manager contracts with a qualified vendor or online service to conduct the auction. In such cases, the auction may be conducted online or at a site selected by the vendor and approved by the City Manager;

b. Notice advertising an auction shall be published in one (1) official newspaper within the City at least ten (10) days preceding the date of the auction. The notice shall include a general description of the personal property to be sold, the time, location, and date of the auction and a place where additional information concerning the personal property may be obtained;

c. The City Manager or their designee shall send a notice of the auction to all prospective purchasers who have requested their names be added to a list of bidders;

d. The City Manager or their designee shall conduct auctions. They may contract with professional auctioneers to conduct the auction;

e. The highest bidder at auction shall make payment for the item(s) purchased and shall be responsible for removing the item from City property or other site as soon as practical.

8.7 **Personal Property Transfer or Sale to Another Governmental Agency**

Any personal property that has been declared obsolete and unusable as set out in Section 8.4 and 8.5 may be sold or transferred without compensation to another governmental agency by the City Manager.

8.8 **Donation, Recycling, or Discarding of Personal Property**
If the City Manager is unsuccessful in documented efforts to dispose of surplus, obsolete, or unusable city personal property under one or more of the means previously authorized by this policy, the City Manager is authorized to dispose of such property by means of donation to any entity entitled to an exemption from federal income taxation under 26 USC 501(C)(3), or by recycling, salvaging, or discarding such property, in that order of priority, under such terms deemed by the City Manager to be most favorable to the city.

8.9 Disposition of Firearms

Notwithstanding any other provision of this policy to the contrary, city-owned firearms that have become unusable, obsolete, or otherwise excess to the city’s needs may be used as trade-ins to any authorized law enforcement dealer. Pursuant to section 8.8 of this policy and in compliance with federal and state law, the Police Department may also transfer such firearms to a government law enforcement agency, for that agency’s permanent use without a right to further transfer, provided there is no benefit to the City to trade the weapons in on newer weapons. If such firearms cannot be used as a trade in, or so transferred, they must be destroyed by whatever means the Police Department deems appropriate.
SECTION 9: ETHICS

9.1 Criminal Penalties

If violations of the ethical standards of conduct set forth in this Section constitute violations of the State Criminal Code they shall be punishable as provided therein.

9.2 General Standards of Ethical Conduct

Any attempt to realize personal gain through public employment, inconsistent with the responsible discharge of that public employment, is a breach of public trust. In order to fulfill this general prescribed standard, employees must also meet specific standards:

a. Employee Conflict of Interest
   The conflict of interest definitions and rules are covered in the City Code.

b. Employees with Financial Interest - Disclosure Requirements
   Any employee or public official, who has or may obtain any benefit from any City contract with a business in which the employee has a financial interest, shall report such benefits to the City Manager. Any employee or public official who knows or should have known of such benefit, and fails to report such benefit to the City, is in breach of the ethical standards of this Section.

c. Gratuities
   It is a breach of ethical standards for any person to offer, give, or agree to give any employee/public official OR for any employee/public official to solicit, demand, accept, or agree to accept from another person, a gratuity of any value or an offer of employment in connection with any purchasing decision. For purposes of this policy, gratuities shall not mean pens, pencils, calendars, or other novelty items used for advertising purposes, meals or other meeting circumstances for the purpose of conducting or discussing official business.

d. Restriction on Employment of Present/Former Elected and Appointed City Officials
   1. Contemporaneous Employment Prohibited. It shall be a breach of ethical standards for any City official who is involved in purchasing to be an employee of any party contracting with or supplying goods to the City.
   2. Former Officials. It shall be a breach of ethical standards for any former City official, within one year after cessation of employment or affiliation, to be a principal or to act as an agent for any organization that desires to solicit business from the City.
e. **Use of Confidential Information** - It shall be a breach of ethical standards for any employee, former employee, public official, or former public official, knowingly to use confidential information for his personal gain, or the personal gain of any other person.

f. **Public Access to Purchasing Information and Records** - All purchasing information and records are accessible and open to personal inspection to any citizen. Appointment and location may be arranged with the City Clerk.

g. **Purchases by Employees** - Employee may purchase through the City materials that are purchased by the City on a regular basis, provided that the procurement does not interfere with the normal activities of the City. The cost to the employee will be the cost charged to the City by its supplier plus a twenty percent (20%) administrative fee, and all applicable taxes. The Employee must pay for the materials at the time the same are received by the Employee. Any purchases of items from the Central Store must be pre-approved by the Purchasing Coordinator.

h. **Waivers from contemporaneous Employment Prohibition and Other Conflicts of Interest.**
The City Commission may grant a waiver from the employee conflict of interest provision or the contemporaneous employment provision upon making a written determination that:

1. The contemporaneous employment or financial interest of the City employee has been publicly disclosed; and
2. The City employee will be able to perform its procurement functions without actual or apparent bias or favoritism; and
3. The award will be in the best interests of the City.

9.3 **General Standards of Ethical Conduct for Non-employees**

a. **General Standards of Ethical Conduct for Non-employees**
Any effort to influence any public employee to breach the standards of ethical conduct set forth in this Section is also a breach of ethical standards.

b. **Kickbacks** - It shall be a breach of ethical standards to for a vendor to offer a fee, a commission, brokerage, percentage, or contingent fee to an employee of the City for the purpose of securing business from the City.

c. **Remedies Against Non-employees**
Any person who knowingly violates or solicits the violation of any of the provisions set out in this regulation shall be barred from entering into future contracts with the City and shall be prosecuted for any violation of local, State or Federal laws that may apply.