

ORDINANCE NO.: 154-2022
INTRODUCED BY: Nelson

AN ORDINANCE AMENDING CHAPTER 137, "DEPARTMENT OF FINANCE", OF THE CODIFIED ORDINANCES TO ADOPT NEW SECTION 137.19, "COMPETITIVE BIDDING; EXCEPTIONS"; AND TO REPEAL SECTION 133.01, "BID FORMS AND SPECIFICATIONS" OF THE CODIFIED ORDINANCES.

WHEREAS, the City has all powers of home rule which may now or hereafter lawfully be possessed or exercised by municipalities under the laws of the state of Ohio, including the power to make regulations for the safety, health and welfare of its citizens and all those who work in and visit the City;

WHEREAS, providing for the local regulation of the manner of making expenditures of the City of Richmond Heights will enhance the public safety, health and welfare;

WHEREAS, this Council desires to enact new Section 137.19, "Competitive Bidding; Exceptions", to enhance the health, safety and welfare of the City;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. New Section 137.19 of the Codified Ordinances of the City of Richmond Heights, Ohio is hereby enacted to read as follows:

"137.19 COMPETITIVE BIDDING; EXCEPTIONS.

(a) All contracts involving the net expenditure of more than twenty-five thousand dollars (\$25,000) shall be awarded to the lowest and best bidder as defined by Ohio Revised Code 735.05, after public advertising for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the Municipality or as provided in Section 7.16 of the Ohio Revised Code. All public advertisements for competitively bid contracts shall also be published on the Municipality's website during the period of public advertisement. The Purchasing Agent shall use best efforts to obtain at least twenty-five percent (25%) minority and/or female participation by those persons or entities contracting for all goods, services, labor, and materials with the Municipality.

(b) The authority to solicit bids for contracts for public improvements that are required to be competitively bid pursuant to subdivision (a) above and the Municipal Charter shall first be authorized by a majority vote of the Council by motion or resolution.

(c) The Council may authorize expenditures exceeding twenty-five thousand dollars (\$25,000) without public advertising in the following specific cases: acquisition of real estate; discharge of non-contractual claims against the Municipality; for personal professional services; for joint use of facilities with other political subdivisions;

participation in State of Ohio cooperative purchasing programs and cooperative purchasing programs of political subdivisions where bids or quotations are received for the products or services being purchased; purchasing used equipment or supplies at an auction open to the public upon written bid to the vendor where more than one bid is submitted; purchasing services, material, equipment, or supplies from other political subdivisions of the State of Ohio; and for the products or services of public utilities; provided, that Council may authorize a purchase or contract involving an expenditure of more than twenty-five thousand dollars (\$25,000) without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists and sets forth the nature of the emergency in its resolution or ordinance.

(d) The Purchasing Agent shall be responsible for obtaining sufficient support data and specifications from the requesting Municipal departments, divisions, or offices for all competitive bid solicitations.

(e) Public improvements of all kinds may be made by the appropriate department or division either by the direct employment of the necessary labor and purchase of supplies and materials in the manner herein provided with a separate account as to each improvement so made, or by contract let as herein provided, either for a closed price or upon a unit basis.

(f) Plans and drawings for public improvements shall be made available to prospective bidders upon request to the Purchasing Agent, who shall be authorized to charge and collect the cost of such plans and drawings, if appropriate.

(g) Opening of Bids. Bids shall be opened at the time, date, and Municipal facility or office specified in the notice to bidders or specifications and shall be publicly read by the Purchasing Agent or a person designated by the Purchasing Agent. The time, place, and date of bid openings may be extended to a later date by the Purchasing Agent, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications and no later than seventy-two (72) hours prior to the original time and date fixed for the opening.

Each bid shall contain the full name of each person interested in it and shall be accompanied by a sufficient bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association that if the bid is accepted a contract will be entered into and its performance properly secured unless the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of a public improvement, in which case it shall meet the requirements of Section 153.54 of the Ohio Revised Code. The Council shall have the discretion to waive said bonding requirements for any bid contract expenditure upon Council's determination that a bond is not necessary. If the work that is the subject of the bid embraces both labor and material, such items shall be separately stated with the price thereof.

The council shall not be required to accept any bid.

(h) All proposed purchases involving the expenditure of more than five thousand dollars (\$5,000), excluding items or services under pre-existing contracts that are in effect, shall require the submission of documentation demonstrating the efforts made to secure multiple price quotations for the item or service to be procured. In the event the Purchasing Agent approves an expenditure based on fewer than three competing price quotations, justification for that action shall be documented by the Purchasing Agent."

Section 2. Section 133.01, "Bid Forms and Specifications", of Chapter 133, "Clerk", of the Codified Ordinances is hereby repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

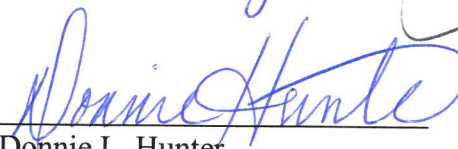
Section 4. This Ordinance shall take effect and be in force at the earliest time permitted by law.

PASSED: February 14, 2023

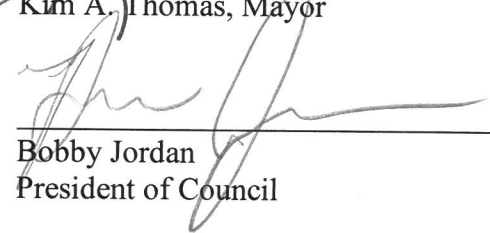
APPROVED: February 14, 2023



Kim A. Thomas, Mayor

ATTEST: 

Donnie L. Hunter
Clerk of Council



Bobby Jordan
President of Council