

AMENDED ORDINANCE NO. 49 - 21

By: Troy Markham

An ordinance to create Chapter 270, Board of Control, to specify contracting procedures in accordance with Section 59 of the City Charter, and to establish Encouraging Diversity, Growth and Equity (EDGE) procurement policies

Whereas; Section 59 of the City Charter calls for the City to establish a threshold amount, notice provisions, and other procedures for competitive bidding; and

Whereas; In 2020, the City worked with local procurement professionals and an intern from The Ohio State University Logistics Management program of the Fisher College of Business to examine the City's purchasing practices and provide recommendations to encourage diversity and equity in purchasing decision making processes; and

Whereas; Commencing in 2020, the City administration began to include an Encouraging Diversity, Growth and Equity (EDGE) requirement for major contracts, and wishes to include EDGE consideration in all procurement processes; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Chapter 270 Board of Control, is hereby created as follows:

Chapter 270 Board of Control; Contracting and Procurement Policies

270.01 Introduction

Consistent with Section 59 of the City Charter, Section 267 is hereby established to specify contracting processes in the City of Bexley.

270.02 Records; voting

The Mayor shall be President of the Board of Control. The City Auditor and President of Council shall also serve on the Board of Control. The chair of the Finance Committee of Council shall be an alternate member authorized to sit and act as a member of the Board of Control in the absence of a regular member, and shall serve as an ex-officio member while not serving as an alternate member.

The Board shall keep a record of its proceedings. All votes shall be by yeas and nays and entered on the record, and the vote of a majority of all of the members of the Board shall be necessary to adopt any question, motion or order.

270.03 Approval of Contracts

No contract in excess of fifty thousand dollars (\$50,000.00) shall be awarded except on the approval of the Board of Control.

270.04 Competitive Bidding

(a) All contracts involving the expenditure of two hundred fifty thousand dollars (\$250,000) and above shall be awarded to the lowest and best bidder as defined by Ohio Revised Code 735.05 unless otherwise provided by statutory law.

(b) All proposed purchases involving the expenditure of fifty thousand dollars (\$50,000) but less than two hundred fifty thousand dollars (\$250,000), excluding items or services under pre-existing contracts, shall require the submission of documents demonstrating the efforts made to secure multiple price proposals for the item or service to be procured. The Board of Control may not approve an expenditure based on fewer than three competing price quotations, unless details of the proposed expenditure and the justification for there being less than three quotations is provided in a report to City Council in an open meeting prior to any vote of approval, and that such justification is recorded in the minutes of the Board of Control.

(c) City staff shall make good faith efforts to solicit competitive proposals when engaging in all new contracts or new procurement relationships, regardless of applicability of 270.04 (a) or (b).

(d) Expenditures authorized in accordance with Ohio R.C. 735.051, 735.052 or 735.053 shall be exempt from competitive bidding requirements.

(e) Expenditures for the performance of professional design, construction management or design and build services shall be exempt from competitive bidding requirements but shall require approval in accordance with Section 270.03 following selection of the professional to whom such contract is to be awarded in accordance with statutory procedures.

(f) Expenditures for the performance of professional or technical services to include, without limitation: engineering or architectural consultation not involving design; legal, accounting, financial and investment services; investigatory services undertaken in anticipation of litigation; and consulting services relating to design or implementation of information and telecommunications systems shall be exempt from competitive bidding requirements but shall require approval in accordance with Section 270.03.

270.05 Encouraging Diversity, Growth and Equity (EDGE) Considerations

The City of Bexley wishes to support the growth of businesses which are owned by socially or economically marginalized individuals, as defined by the State of Ohio Encouraging Diversity, Growth and Equity (EDGE) Business Development Program.

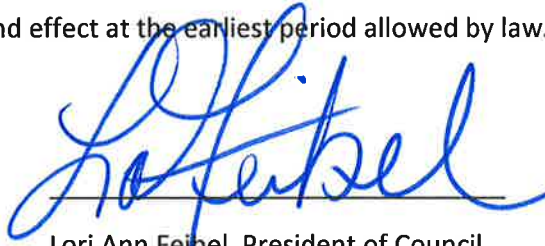
(a) When selecting a vendor or supplier for City contracts, staff shall make good faith efforts to solicit and consider EDGE certified contractors, or similarly qualified contractors.

(b) EDGE criteria shall be written into any projects subject to 270.04(a), unless waived by the Board of Control for good reason.

Section 2.

That this Ordinance shall go into full force and effect at the earliest period allowed by law.

Passed Dec 7, 2021



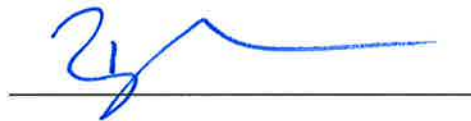
Lori Ann Feibel, President of Council

Attest: Dec 7, 2021



William Harvey, Clerk of Council

Approved: Dec 7, 2021



Benjamin Kessler, Mayor

First Reading: October 26, 2021

Second Reading: November 9, 2021

Third Reading: November 16, 2021

