



Board of Aldermen Request for Action

MEETING DATE: 1/20/2026

DEPARTMENT: Administration

AGENDA ITEM: Bill No. 3092-26, Amending Title I, chapter 150, article I of the Municipal Code of the City of Smithville, by deleting the same in its entirety and readopting the provisions contained therein.

REQUESTED BOARD ACTION

A motion to approve Bill No. 3092-26, amending Amending Title I, chapter 150, article I of the Municipal Code of the City of Smithville, by deleting the same in its entirety and readopting the provisions contained therein, first and second reading .

SUMMARY

Bill No. 3092-26, removes the City's Purchasing Policy from the Municipal Code and then readopts those provisions as a separate standalone, non-codified ordinance.

PREVIOUS ACTION

During the work session held on December 16, the Board of Aldermen received information and best practices pertaining to the operations of both the City and the Board itself. The presentation included a discussion about potential challenges associated with including the City's Purchasing Policy within the Municipal Code. Following this discussion, the Board reached a consensus directing City staff to draft an ordinance to remove the Purchasing Policy from the Municipal Code and to re-adopt it as a non-codified document with substantially similar terms.

POLICY ISSUE

During the referenced work session, the presentation to the Board of Aldermen identified several potential challenges associated with including the Purchasing Policy in the Municipal Code. Specifically, it was noted that such inclusion may offer unsuccessful bidders an avenue to contest or delay the City's contract awards, thereby exposing the City and its taxpayers to increased litigation expenses and higher construction costs.

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENTS

- ☒ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes

BILL NO. 3092-26

ORDINANCE NO. 328X-26

AN ORDINANCE AMENDING TITLE I, CHAPTER 150, ARTICLE I OF THE MUNICIPAL CODE OF THE CITY OF SMITHVILLE, MISSOURI BY DELETING THE SAME IN ITS ENTIRETY AND READOPTING THE PROVISIONS CONTAINED THEREIN

WHEREAS, Title I, Chapter 150, Article I (the “**Purchasing Policy**”) of the Municipal Code of the City of Smithville, Missouri (the “**Municipal Code**”) provides administrative procedures for the City of Smithville’s procurement of goods and services; and

WHEREAS, the Purchasing Policy is designed and intended for the benefit and protection of the citizens and taxpayers of the City of Smithville; and

WHEREAS, inclusion of the Purchasing Policy in the Municipal Code may provide a mechanism for unsuccessful bidders to needlessly challenge the awarding of contract through the unintentional creation of a legal right; and

WHEREAS, the Board of Aldermen desires to amend the Municipal Code by deleting the Purchasing Policy in its entirety and readopting the provisions contained therein in a non-codified ordinance to ensure that the City’s policies regarding procurement of goods and services continue to benefit and protect the citizens and taxpayers of the City, while limiting the potential litigation costs that may have stemmed from the including the Purchasing Policy in the Municipal Code.

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

Section 1. Title I, Chapter 150, Article I of the Municipal Code of the City of Smithville, Missouri, is hereby deleted in its entirety.

Section 2. The Procurement Policy attached hereto as **Exhibit A**, incorporated into this ordinance as if fully set forth herein, is hereby adopted.

Section 3. This ordinance shall take effect and be in full force from and after its passage and approval by the Mayor and Board of Aldermen.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 20th day of January 2025.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 1/20/2026

Second Reading: 1/20/2026

Exhibit A

Section 1. Declaration of Policy.

- A. The purpose of this policy is to establish uniform purchasing procedures for the City of Smithville. These procedures are to be used by all departments.
- B. The centralization of a standardized purchasing process is intended to ensure integrity, effectiveness, and efficiency in the expenditure of City funds. The competitive bidding process is designed to maintain public and vendor confidence, to attract numerous potential bidders, and generate the most favorable terms available. Additionally, a standardized system provides the clear and accessible documentation for all purchasing decisions required to keep elected officials, staff, and the public informed.

Section 2. Purchasing Agent Designated.

- A. The purchasing agent shall be the City Administrator or his/her designee. The purchasing agent shall supervise the bids for all supplies and contractual services needed by the City, in accordance with the procedures prescribed herein or required by law.
- B. Duties Generally. In addition to the purchasing authority conferred in the preceding Section, and in addition to any other powers and duties conferred herein or by other ordinance, the purchasing agent shall:
 - 1. Act to procure for the City the highest quality in supplies and services at the least expense;
 - 2. Prepare, adopt, and/or approve written specifications for supplies and services when necessary and beneficial;
 - 3. Discourage uniform bidding and endeavor to obtain as full and as open a competition, with the greatest number of bidders, as possible on all purchases and sales;
 - 4. Act so as to procure for the City all Federal and State tax exemptions to which it is entitled;
 - 5. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time (conditioned by Board approval);
 - 6. Pursue any and all appropriate claims against the supplier, shipper, or carrier.
 - 7. Transfer supplies or property from any department where they are not needed to any other department where they are needed and to direct that proper charges and credits be made on the inventories of the departments concerned.
 - 8. Sell surplus or unneeded supplies or property to the general public by public auction, competitive bidding, or other appropriate method.
 - 9. Promulgate and establish administrative policies, procedures, rules and regulations regarding cash drawers and petty cash funds.

10. Interpret and implement the provisions contained herein and, upon consultation with the Mayor, waive any procedure, requirement, rule or regulation provided in this policy if doing so would be in the public interest and public benefit.

Section 3. Approval.

Department level approval for purchases of less than three thousand five hundred dollars (\$3,500.00) requires only the authorization of the department head of his/her designee to be valid. Approval for purchases of at least three thousand five hundred dollars (\$3,500.00) but less than fifteen thousand dollars (\$15,000.00) requires the authorization of the purchasing agent to be valid. Approval for purchases of fifteen thousand dollars (\$15,000.00) and above requires the authorization of the Board of Aldermen to be valid.

Section 4. Competitive Bidding.

- A. When the City negotiates any purchase, sale, or contract, there shall be ample opportunity for competitive bidding in the following manner:
 1. Department Head Purchases. If the consideration is less than three thousand five hundred dollars (\$3,500.00), bids shall be solicited in the most expedient manner with due regard for competitive prices and quality, and the purchase shall be made at the discretion of, and by the department head or his/her designee.
 2. Semiformal Bid Purchases. If the consideration is for three thousand five hundred dollars (\$3,500.00) but less than fifteen thousand dollars (\$15,000.00), three (3) written bids shall be solicited in a manner and format established by the purchasing agent.
 3. Formal Bid Purchases. If the consideration is for fifteen thousand dollars (\$15,000.00) or more, shall be purchased by formal, written contract, to be approved by the Board of Aldermen.

Section 5. Bid Opening Procedure.

Bids shall be submitted sealed to the purchasing agent and shall be clearly identified as bids on the envelope. They shall be opened in public at the time and place stated in the public notice. A tabulation of bids received shall be posted for public inspection, and a tabulation report shall be forwarded to the purchasing agent.

Section 6. Lowest And Best Offeror.

- A. Contracts shall be let to the lowest and best offeror as determined by the evaluation criteria established in the request for proposal and any subsequent negotiations conducted pursuant to this Section.
- B. When bids received pursuant to this Section are unreasonable or unacceptable as to terms and conditions, non-competitive, or the low bid exceeds available funds and it is determined in writing by the purchasing agent that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this Section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify its bid and submit a best and final bid to the City. In conducting negotiations there shall be no disclosure of any information derived from proposals submitted by competing offerors.

Section 7. Preferences.

- A. Missouri Businesses. Pursuant to Section 34.073, RSMo., in letting contracts for the performance of any job or service, the City shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less.
- B. Disabled Veterans. Pursuant to Section 34.074, RSMo., the City shall give a three-point bonus preference to service-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business. As used in this Section, the term "service-disabled veteran" means any individual who is disabled as certified by the appropriate Federal agency responsible for the administration of veterans' affairs. The term "service-disabled veteran business" means a business concern not less than fifty-one percent (51%) of which is owned by one (1) or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent (51%) of the stock of which is owned by one (1) or more service-disabled veterans; and the management and daily business operations of which are controlled by one or more service-disabled veterans.

Section 8. Exceptions.

- A. Emergencies. "Emergency situations" are defined as when a purchase is immediately necessary for the preservation of life or property for the continued operation of the department involved. Note: Failure to complete purchasing forms before the item was needed does not constitute an emergency. Emergency purchases will be made only when a situation as defined above exists.
 - 1. In every case involving an emergency, the nature of the emergency must be sufficiently documented as such.

2. In all emergency situations every effort will be undertaken to contact the purchasing agent for authorization prior to making an emergency purchase.

B. Single-Source Vendor. The purchasing agent may waive the requirement of competitive bids or proposals for supplies when the purchasing agent has determined in writing that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the purchasing agent shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this Chapter. A single feasible source exists when:

1. Supplies are proprietary and only available from the manufacturer or a single distributor; or
2. Based on past procurement experience, it is determined that only one (1) distributor services the region in which the supplies are needed; or
3. Supplies are available at a discount from a single distributor for a limited period of time.

C. Cooperative Procurement. The purchasing agent may contract directly with other governmental entities for the purchase of supplies. The purchasing agent may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby supplies are procured in accordance with a contract established by another governmental entity, provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity.

Section 9. Fees For Use Of Credit Cards.

Customers paying by credit or debit card shall be assessed a service fee to be determined by the purchasing agent.