

## ORDINANCE 2019-9

### AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE VI FINANCE, DIVISION 2, PURCHASING OF THE CODE OF ORDINANCES, GERMANTOWN, TENNESSEE RELATED TO PURCHASING

**WHEREAS,** it is deemed in the public interest to amend and update City of Germantown Code of Ordinances to reflect changes in applicable state laws; and

**WHEREAS,** the City of Germantown is subject to the Tennessee Municipal Purchasing law of 1983 and any subsequent amendments; and,

**WHEREAS,** it is the intent of the Board of Mayor and Aldermen to amend the provisions of **Chapter 2, Article VI, Division 2**, Purchasing in certain particulars, consistent with Tenn. Code § 12-3-1212, which permits municipalities to increase the dollar amount of purchases requiring public advertisement and competitive bidding; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF GERMANTOWN, THAT DIVISION 2, PURCHASING OF THE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

#### CHAPTER 2, ARTICLE VI, DIVISION 2. PURCHASING

Sec. 2-328 (a), (b) and (c) of the City Code is amended by deleting same in entirety and placing the following in its stead:

(a) Pursuant to TCA §12-3-1212, The Board of Mayor and Aldermen shall adopt by resolution regulations governing purchases by the officers and employees of the City; provided, however, that such regulations shall provide that any nonemergency, nonproprietary purchase of \$25,000 or more shall be made only after competitive bidding, including public advertisement and obtaining written, sealed bids or proposals, with award by written contract or purchase order. At least three written quotations shall be required whenever possible for purchases costing less than \$25,000 but more than \$10,000. Purchases of like items shall be aggregated for purposes of the bid threshold of \$25,000. Purchases of \$10,000 or less may be made without public advertisement or competitive solicitation.

Sec. 2-328 (d) and (e) of the City Code is amended to correct the numbering and reference to numbering as follows:

(b) The board of mayor and aldermen shall adopt by resolution administrative procedures governing purchases by the officers and employees of the city in accordance with the provisions of this section.

(c) Emergency purchases.

(1) *Generally.* If an emergency situation arises when normal purchasing procedures cannot be utilized, the procedures of this subsection (c) are authorized.

(4) *Subsequent action.* Immediately following the emergency purchase, follow-up in the form of a report is necessary. The report is to include a description of the emergency, the measures taken to correct the emergency, a detail of vendors' quotes or bids, the cost of the items purchased in an emergency basis, any corrective action which should be taken to prevent reoccurrence of the emergency. This report will be directed to the city administrator within three days, who in turn will report to the board of mayor and aldermen by the next available board meeting.

Sec. 2-331 (b) and subsection (5) of the City Code is amended to read as follows:

(b) Change orders that do not require board of mayor and aldermen prior approval shall conform to the following limits and shall be handled as follows:

(b)(5) All change orders as described in this subsection (b) and having a monetary effect of \$10,000 or less shall be subject to the approval of the city administrator or the mayor, upon recommendations by the city engineer or other project managers as specified in this section, with the board of mayor and aldermen being advised by memorandum by the next available board meeting.

Sec. 2-337. (a), (b) and (c) of the City Code is amended by deleting same in entirety and placing the following in its stead:

The city administrator and/or his designee(s) may sell or dispose of any personal property owned by the city which is obsolete, surplus, or unusable. If the proceeds of sale are reasonably anticipated to equal or exceed \$5,000.00; then the following methods can be used for disposal: sealed bids, trade-in's, negotiated sales to other public entities public auction and internet auction. Otherwise, no bidding or auction procedure shall be required. No city employee or officer shall be permitted to purchase or acquire surplus city property of any value and by any means.

Sec. 2-338. (a) of the City Code is amended to read as follows:

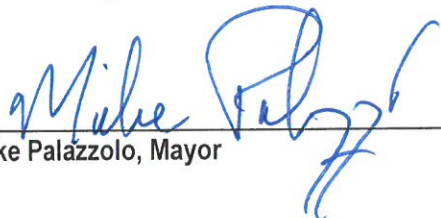
(a) The city may use competitive sealed proposals to purchase goods and services rather than competitive sealed bids when the board of mayor and aldermen (the "Board"), acting under the restrictions and requirements of T.C.A. 12-3-1207 as same may hereinafter be amended, and the procurement code adopted by this division, determines that the use of competitive sealed bidding is either not practicable or not advantageous to the city.

**NOW THEREFORE, BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen that this Ordinance shall become effective upon its passage by the Board of Mayor and Aldermen of the City of Germantown, Tennessee, and the public welfare of the citizens requiring it.**

First Reading: February 25, 2019

Second Reading: March 25, 2019

Third Reading: April 8, 2019

  
Mike Palazzolo, Mayor

  
Michele Betty, City Clerk/Recorder