

CHAPTER 135
Department of Public Service

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CROSS REFERENCES

- Appointment of Director; vacancy in office - see CHTR. Art. VI, Sec. 6.01
- Qualifications of Director - see CHTR. Art. VI, Sec. 6.02
- Duties of Director - see CHTR. Art. VI, Sec. 6.03
- Purchasing function of Director - see CHTR. Art. VI, Sec. 6.04
- Director may employ additional assistants, employees - see CHTR. Art. VI, Sec. 6.05
- ~~Deputy Director of Public Service/City Engineer - see ADM. Ch. 136~~

135.01 DIRECTOR OF PUBLIC SERVICE.

(a) The Director of Public Service is authorized and directed, in addition to his other duties, as provided by Charter, to carry out the duties assigned by this Chapter and such other duties as may be provided by Ordinance.

(b) The hours worked, vacation and other employment benefits set out in the unclassified salary ordinance shall apply to the Director of Public Service.
(Ord. 107-94. Passed 6-21-94.)

135.011 Deputy Director Of Public Service.

The Mayor is authorized and directed when such position is deemed necessary to employ a Deputy Director of Public Service for the City.

(a) Qualifications. The qualifications of the Deputy Director of Public Service shall be as follows:

- (1) Graduate of an accepted college or university with major coursework in business administration or related field and extensive progressively responsible public works operations experience.

- (b) Duties. The Deputy Director of Public Service shall:
- (1) Work under the general direction of the Director of Public Service and shall serve as the Director in the Director's absence.
 - (2) Act as the Utilities/Right Of Way Manager.
 - (3) Perform such other duties as may be assigned by the Director of Public Service.

135.02 SALE OF OBSOLETE ITEMS.

The Director of Public Service shall dispose of obsolete, unnecessary or otherwise, equipment, tools and rolling stock of the City which from time to time are replaced or determined to lack cost effectiveness.

The Director shall provide for the sale of items valued over one thousand dollars (\$1,000) by formal bidding after appropriate advertisement, or for items valued under that amount, by sealed informal bids of interested parties.

- (a) The Director shall endeavor to obtain the best bid possible for those items to be sold without formal bid and under one thousand dollars (\$1,000) value, by contacting businesses or individuals who normally would have need of the type of items to be sold. The sale shall be consummated only after having received at least three sealed bids and posting the intent to sell for ten days ~~on the Municipal bulletin board~~ IN A CONSPICUOUS PLACE IN CITY HALL THAT bids ARE to be received, or to any bidder after having made two attempts of sale.
- (b) Items considered without market value shall be disposed of by recycling or otherwise.
(Ord. 107-94. Passed 6-21-94.)

135.03 PURCHASING AGENT AND PROCEDURES.

(a) Except as otherwise provided in this chapter, the Director of Public Service shall have the exclusive authority to purchase and lease all goods and services not requiring bidding except:

- (1) Peace officer services pursuant to Chapter 139, Police Department, which shall be authorized by the Director of Public Service and the Mayor;
- (2) In an emergency, as declared by the Mayor pursuant to Section 131.01, during which the Mayor can purchase directly without regard to bidding procedures those items necessary to overcome the emergency. In such cases, the Mayor shall personally authorize such purchases.
No person shall purchase any goods or services on behalf of the City without the written approval of the Director of Public Service or his designate, and any such purchases shall be without authority of the City.

(b) FOR AUDIT PURPOSES AND AS A MATTER OF PUBLIC RECORD, ~~the~~ Director of Public Service shall PROVIDE A report to the Director of Finance concerning purchases made in excess of five hundred dollars (\$500. 00), but not purchased through competitive bidding procedures:

- (1) ~~These procedures which the Director of Public Service~~ THAT WERE used to select the seller of the goods and services, including the names of the competitors contacted;
- (2) The reasons for selecting the seller;
- (3) Other information as required by ~~the Director of Finance~~ DEPENDING ON THE NATURE OF THE PURCHASE.

(c) The Director of Public Service shall adopt rules and regulations for the internal management and operation of the purchasing function. He shall prescribe and maintain such forms as he finds reasonably necessary to the operation of the purchase function and he may require any department or board seeking the purchase of any goods or services to justify their request and may require that prior to his making any purchases that the department or agency requesting THE PURCHASE shall first seek Director of Finance approval that there are sufficient funds in that department or agency budget to enable him to encumber the appropriate amount of money.

(d) The Director of Public Service may develop a prohibited bidders list pursuant to Section 135.08.

(e) The Director of Public Service may negotiate with other units of government, including the Board of Education, in the joint purchasing of goods and services when the best interest of the City would thereby be served.

(f) The Director of Public Service shall monitor contracts to assure that the terms of the agreement are fulfilled and in the event of any violation thereof shall report to the ~~Law Director~~ CITY ATTORNEY the results of his investigation for further action.
(Ord. 107-94. Passed 6-21-94.)

(g) WHEN CITY OF GAHANNA FUNDS ARE EXPENDED, THE DIRECTOR OF PUBLIC SERVICE REQUIRES THAT:

- COMPETITIVE BIDS BE OBTAINED WHERE APPROPRIATE.
- AVOID SOLE-SOURCE PURCHASES UNLESS FULLY JUSTIFIED.
- PURCHASE ONLY AUTHORIZED GOODS AND SERVICES.
- ENSURE THAT ALL EXPENDITURES ARE MADE IN ACCORDANCE WITH CITY OF GAHANNA GUIDELINES.

135.04 PURCHASING REQUIREMENTS.

(a) All purchases and leases, of ~~goods~~ EQUIPMENT , SUPPLIES, PARTS, and services approved by the Director of Public Service, including options for longer than six months, shall be ACCOMPLISHED THROUGH ~~by~~ competitive bidding except AS LISTED IN PARAGRAPH 135.05 (e), EXCEPTIONS TO THE COMPETITIVE BIDDING REQUIREMENTS. ~~the following:~~

(B) THERE ARE THREE BASIC MEANS OF MAKING PURCHASES FOR THE CITY OF GAHANNA AS FOLLOWS:

- (1) INVITATION FOR BIDS (IFB)
- (2) REQUEST FOR PROPOSALS (RFP)
- (3) PETTY CASH

(C) INVITATION FOR BIDS PROCEDURES:

(1) Upon receipt of any request by a department or agency of the City for goods or services which are required to be bid, the Director of Public Service shall seek Council approval by motion and vote for him to advertise for such bids. Upon receipt of approval, he shall thereafter prepare appropriate notice for bid request which shall be advertised in at least one newspaper of general circulation within the City for two consecutive weeks and shall post such notices in a conspicuous place within the Municipal Building. Such advertising shall be for only one day for two consecutive weeks, for a total of two days.

(2) The notice for bid request shall contain the following information:

- (A) The quantity of items specified and, in general, the use for which they are intended;
- (B) The time and place where the bids will be opened;
- (C) Conditions under which the bid will be received;
- (D) Terms of the proposed purchase or lease including a notice that the bid selected by the Director of Public Service may be conditioned upon subsequent Council approval;
- (E) Bond requirements for both bidding and the performance of the contract;
- (F) Such other information as the Director of Public Service deems necessary.

(3) The Director of Public Service may, to secure the lowest responsive and responsible bid, divide the goods and services requested or needed within the ninety days of the bid request in such manner as he deems appropriate, but may not divide the purchase or lease in such a way to avoid the competitive bidding. (Ord. 990034. Passed 2-16-99.)

(D) REQUEST FOR PROPOSALS:

AS LISTED UNDER PARAGRAPH 135.05 (G) BELOW, PURCHASES UNDER \$15,000 GENERALLY FALL INTO THE CATEGORY OF THE INFORMAL METHOD OF PURCHASING. SPECIFICATIONS OR DESCRIPTIONS ARE NECESSARY AND REQUEST FOR PROPOSALS WILL NORMALLY BE SUBMITTED IN WRITING. HOWEVER, UNDER UNUSUAL CIRCUMSTANCES, PROPOSALS MAY BE OBTAINED VERBALLY OR OVER THE PHONE. ALSO, QUOTES MAY BE ACCEPTED, WHICH ARE SUBMITTED ON THE QUOTER'S LETTERHEAD. UNDER THIS INFORMAL METHOD OF PURCHASING, THE CITY EMPLOYEE CONDUCTING THE NEGOTIATION WILL BE REQUIRED TO BE FULLY FAMILIAR WITH ITEM(S) OR SERVICES BEING PROCURED, THE NEED FOR THE MATERIALS OR SERVICES, AND WILL BE FURTHER QUALIFIED TO INSPECT AND ACCEPT THE FINISHED PRODUCT. THE DEPARTMENT OR AGENCY INVOLVED IN PURCHASES UNDER \$15,000 MUST ALSO ASCERTAIN FROM THE DIRECTOR OF FINANCE THAT SUFFICIENT FUNDS ARE AVAILABLE IN THE PROPER CATEGORY TO COVER THE PURCHASE.

(E) PETTY CASH:

EXPENDITURES UP TO \$20.00 MAY BE REIMBURSED THROUGH THE PETTY CASH SYSTEM AS OUTLINED IN THE CITY OF GAHANNA POLICY AND PROCEDURE MANUAL.

135.05 BID OPENING AND ACCEPTANCE.

(a) All bids shall be received only at a location and time specified in the notice and shall be kept sealed until the bids are opened. Bids shall be opened publicly and read aloud.

(b) The Director of Public Service may reject any bid which fails to comply materially with the terms of the bid notice. Bids which are not accompanied with bonds, as required in the notice, shall be deemed to have failed to comply with the terms of the bid notice.

(c) A bidder for a contract shall be considered responsive when the bidder's proposal responds to bid specifications in all material aspects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. Irregularities which do not materially affect the bid may be deemed technical defects and may be corrected after the bid opening.

In determining whether a bidder is responsible, the following factors shall be considered:

- (1) The bidder's experience;
- (2) The bidder's financial condition;
- (3) The bidder's conduct and performance on previous contracts;
- (4) The bidder's facilities;
- (5) The bidder's management skills;
- (6) The bidder's ability to execute the contract properly;
- (7) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (8) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
- (9) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (10) The number and scope of conditions attached to the bid.

(d) Upon consideration, the Director of Public Service shall select the three lowest, responsive, and responsible bidders, if there are more than three bids, and shall recommend to Council in writing at its next meeting a choice from the bidders as the lowest, responsive and responsible. In the event that a recommendation is in favor of one other than the lowest, he shall also state his reasons in writing therefor. Further, he shall include with his recommendation, if available, a proposed contract approved in the form by the City Attorney and other accompanying documents needed for the final execution of the award of the contract. (Ord. 990034. Passed 2-16-99.)

(e) Exceptions to the competitive bidding requirement:

- (1) Small purchases. FORMAL Competitive bidding is not NORMALLY required for purchases less than fifteen thousand dollars (\$15,000).
- (2) Supplies and services of the severely handicapped. Competitive bidding is exempt for those purchases from a qualified nonprofit agency pursuant to Ohio R.C. 4115.31 to 4115.35.
- (3) Purchases of machinery, materials and supplies by the State of Ohio or centralized government purchasing organization. Purchases are allowed without competitive bidding from contracts made by the State of Ohio or the centralized government purchasing organization for the purchases of machinery, materials and supplies.
- (4) Emergency purchases. Council may, by majority vote of Council, authorize the Director of Public Service to enter into a contract for work to be done or for the purchase of ~~supplies or materials~~ GOODS AND SERVICES without formal bidding and advertising.

- (5) Purchases from governmental entities. The Director of Public Service may purchase equipment, services, materials, or supplies from any department, division, agency, political subdivision of the State, OR OTHER COOPERATIVE PURCHASING ORGANIZATION OF PUBLIC ENTITIES without advertising and bidding, provided Council authorizes the purchase by ordinance.
- (6) Purchases of used equipment. Council may authorize by ordinance the Director of Public Service to purchase, without competitive bidding, used equipment or supplies at an auction open to the public or at a public sale requesting the submission of written bids.
- (7) Professional AND/OR PERSONAL services. The statutory provisions regarding competitive bidding for City contracts, generally, do not apply to contracts for professional AND/OR personal services.
- (8) New goods to be purchased pursuant to the agreement, or which will be needed by the City within ninety days from the delivery of the goods, and not priced in excess of fifteen thousand dollars (\$15,000), regardless of trade-in;
- (9) Used goods to be purchased pursuant to the agreement, or which will be needed by the City within ninety days, not priced in excess of fifteen thousand dollars (\$15,000), regardless of trade-in;
- (10) Services to be purchased pursuant to the agreement, or which will be needed by the City within ninety days, and not in excess of fifteen thousand dollars (\$15,000);
- (11) Contracts for insurance where the annual premium is not in excess of fifteen thousand dollars (\$15,000);
- (12) Personal services, regardless of amount, which are not, in the written opinion of the Director of Public Service, capable of proper selection by means of competitive bidding.

135.06 COUNCIL ACTION.

(a) Council shall consider within thirty days of the receipt of the recommendation of the Director of Public Service, pursuant to Section 135.05, and shall place the matter on the Council agenda. The Director of Finance shall certify to Council prior to the meeting at which the recommendation is scheduled to be considered that there are funds available or in the process of being collected for the payment of the agreement, pursuant to its terms.

(b) If Council approves the recommendation or selects another as the lowest responsive and responsible bidder, it shall pass an ordinance authorizing the Mayor to enter into such an agreement with the selected bidder. Council may authorize either the Mayor or the Director of Public Service further to negotiate certain items of the agreement other than price and quantity.

(c) Upon enactment of the ordinance, the Director of Finance shall approve the encumbrance of sufficient funds to fulfill the obligation of the City. The Director of Finance shall remove any encumbrances when, in his judgment, the City no longer has any obligations with respect to the contract.

(Ord. 107-94. Passed 6-21-94.)

135.07 CONTRACT EXECUTION AND DELEGATION BY MAYOR.

The Mayor shall sign all contracts requiring competitive bidding and may delegate to the Director of Public Service his authority for purchases not requiring competitive bids. When an ordinance is enacted, the Mayor shall proceed with due speed to execute the contract as authorized and shall report to Council any unforeseen delays in negotiation and execution of the contract.

(Ord. 107-94. Passed 6-21-94.)

135.08 PROHIBITED BIDDER.

(a) The Director of Public Service shall have the authority to declare a vendor or lessor a prohibited bidder who shall thereafter not be permitted to participate in the bidding procedure nor receive any business from the municipality for a stated period of time, as deemed appropriate by him, not to exceed one year, if he finds the vendor:

- (1) Has previously defaulted in its quotations to the City;
- (2) Has failed to fulfill its obligations under a previous contract with or purchase by the City;
- (3) Is presently disqualified from bidding or receiving any business from any other unit of local government within Franklin County.

(Ord. 107-94. Passed 6-21-94.)

135.09 USAGE CHARGES FOR CITY VEHICLES OR OFF-ROAD,
UNLICENSED EQUIPMENT.

(a) The Department of Public Service shall be solely responsible for the use of all such vehicles or off-road unlicensed equipment, as well as for the billing, collection and depositing of fees as established.

(b) The hourly rates shall be based upon comparative commercial rental rates prevailing at the time of the use.

(Ord. 107-94. Passed 6-21-94.)

~~135.10 SHUTTLE TRAMS ACCEPTANCE; RENTAL AND FEES.~~

~~(a) The City hereby accepts the two shuttle trams from the Gahanna Centennial Commission.~~

~~(b) The Department of Public Service has the sole responsibility for maintaining the trams, as well as their rental and the collection of fees therefrom.~~

~~(c) The rental rate for the shuttle trams be established as follows:~~

- ~~(1) No charge to the City itself.~~
- ~~(2) Fifty dollars (\$50.00) per day, per tram, to Gahanna civic groups, business organizations or residents.~~
- ~~(3) One hundred dollars (\$100.00) per day, per tram, to persons or groups outside the corporation limits of the City.~~

~~(d) Moneys collected from rental of the shuttle trams shall be deposited into a special rotary account designated by the Director of Finance. Within this fund a minimum of five hundred dollars (\$500.00) will be maintained and available for the required maintenance of the trams, with the excess amount used for the ongoing upkeep of the Herb Gardens located in the Municipal Complex Grounds.~~

~~(Ord. 107-94. Passed 6-21-94.)~~