

## **CHAPTER 135** **Department of Public Service and Engineering**

- 135.01 Director of Public Service.**
- 135.011 Deputy Director of Public Service.**
- 135.02 Sale of obsolete items.**
- 135.03 Purchasing Agent and procedures.**
- 135.04 Purchasing requirements.**
- 135.05 Bid opening and acceptance.**
- 135.06 Council action.**
- 135.07 Contract execution and delegation by Mayor.**
- 135.08 Prohibited bidder.**
- 135.09 Usage charges for City vehicles or off-road unlicensed equipment.**

### **CROSS REFERENCES**

Department of Public Service and Engineering - see CHTR. 5.05

#### **135.01 DIRECTOR OF PUBLIC SERVICE.**

(a) The Director of Public Service shall have the responsibility for construction, improvement, and maintenance of all public works, buildings, cemeteries, roads, streets, and all other public places of the Municipality, except as provided elsewhere by Code, and the collection and disposal of wastes and the enforcement of sanitary regulations. The Director shall have charge of, and shall supervise the maintenance of, all municipal property, and the collection and disposal of wastes and the enforcement of sanitary regulations. He THE DIRECTOR shall have charge of and shall supervise the maintenance of all municipal property, and equipment and the storage of all materials and supplies. The Director shall also have charge of and supervise the Division of Water and the division of sewers which shall operate, maintain and control all of the water mains, water distribution system, pumps, meters, etc. in the Municipality, and the entire sanitary and storm sewer systems of said Municipality respectively. The Director shall be responsible for the purchasing function for the Municipality and all purchases shall be made only in the manner provided for within the Codified Ordinances.

(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. 0177-2012. Passed 9-17-12.)

#### **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.

The Deputy Director of Public Service shall:

- (a) Work under the general direction of the Director of Public Service and shall serve as the Director in the Director's absence.
- (b) Act as the Utilities/Right of Way Manager.
- (c) Perform such other duties as may be assigned by the Director of Public Service.  
(Ord. 0177-2012. Passed 9-17-12.)

#### **135.02 SALE OF OBSOLETE ITEMS.**

At such time as equipment with marketable value, including motor vehicles and supplies of the City, serve no municipal purpose as determined in writing by the Director of Public Service, said Director is authorized and directed to provide for the sale, trade-in or disposal of such equipment and supplies, in the following manner:

(a) Surplus property shall be sold, traded-in or disposed of by one of the following methods:

- (1) By acceptance of sealed bids, after appropriate advertising;
- (2) By public auction, after appropriate advertising;
- (3) By internet auction;
- (4) By trade-in, when advantageous to the City, if the City is purchasing equipment in which the trade-in value can be used to reduce the cost of the new piece of equipment.
- (5) By disposal to a recycling company.

(b) Equipment that is determined by the Director of Public Service to have no marketable value or deemed unsafe or in dangerous condition, may be disposed of as determined by the Director.

Proceeds from the sale of surplus property shall be deposited in the city treasury to the credit of the fund having paid for the equipment. Proceeds from the sale of surplus property that was not purchased by the City shall be credited to the general fund. The Director of Finance shall keep full and accurate records of the sale or trade-in of such property.

(Ord. 0177-2012. Passed 9-17-12.)

#### **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 **UNDER THE FOLLOWING CIRCUMSTANCES**:

- (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 OR THE MAYOR'S DESIGNEE 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.~~
- (3) ~~No person shall THE purchase OF any goods or services on behalf of the City without the written approval of the Director of Public Service or THE DIRECTOR'S designee, and any such purchases shall be without authority of the City.~~

(b) For audit purposes and as a matter of public record, the **FOLLOWING INFORMATION WILL BE DOCUMENTED AND INCLUDED WITH THE PURCHASE ORDER WHEN SENT TO Director of Public Service** shall provide a report to the Director of Finance concerning purchases made in excess of five hundred dollars ~~(\$500.00 \$3,000.00)~~, but not purchased through competitive bidding procedures:

- (1) Procedures 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 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. The Director shall prescribe and maintain such forms as reasonably necessary to the operation of the purchase function and the Director may require any department or board seeking the purchase of any goods or services to justify their request and may require that prior to making any purchases, 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 the encumberance of the appropriate amount of money.

(d) The Director of Public Service may develop a prohibited bidder 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 **MAY** monitor contracts to assure that the terms of the agreement are fulfilled and in the event of any violation thereof shall report to the City Attorney the results of the Director of Public Service's investigation for further action.

(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.

(Ord. 0177-2012. Passed 9-17-12.)

#### **135.04 PURCHASING REQUIREMENTS.**

(a) All purchases and leases, of equipment, supplies, parts, and services approved by the Director of Public Service, including options for longer than six months, shall be accomplished through competitive bidding except as listed in paragraph 135.05(e), Exceptions to the Competitive Bidding Requirement.

(b) There are ~~three~~ **FOUR** 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.
- (4) **REVERSE AUCTION.**

(c) Invitation for Bid 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 the Director to advertise for such bids. Upon receipt of approval, the Director shall thereafter prepare appropriate notice for bid request which shall be advertised in full in a newspaper of general circulation within the city for one week. Thereafter, the Director shall advertise a second time either in the full version or in an abbreviated version that directs the public to the full notice on the state **STATE OF OHIO'S** public notice website.

(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 the Director deems

appropriate, but may not divide the purchase or lease in such a way to avoid the competitive bidding.

(d) Request for Proposals. As listed under Section 135.05(e), purchases under \$50,000 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 \$50,000 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.  
(Ord. 0177-2012. Passed 9-17-12.)

**(F) REVERSE AUCTION. PURCHASING PROCESS IN WHICH OFFERORS SUBMIT PROPOSALS IN COMPETING TO SELL SERVICES OR SUPPLIES IN AN OPEN ENVIRONMENT VIA THE INTERNET:**

- A. **WHENEVER THE CITY DETERMINES THAT THE USE OF THE REVERSE AUCTION IS ADVANTAGEOUS TO THE CITY, THE DIRECTOR OF PUBLIC SERVICE OR DESIGNEE MAY PURCHASE GOODS OR SERVICES BY REVERSE AUCTION.**
  1. **THE CITY, IN ESTABLISHING A REVERSE AUCTION PROCESS WILL:**
    - A. DETERMINE THE SPECIFICATIONS AND REQUIREMENTS OF THE GOODS OR SERVICES TO BE ACQUIRED.
    - B. PROVIDE NOTICE TO POTENTIAL SELLERS CONCERNING THE PROPOSED ACQUISITION AS NOTED IN SECTION 135.04.
  2. **PRIOR TO CONDUCTING A REVERSE AUCTION, THE CITY MAY ESTABLISH A THRESHOLD AMOUNT WHICH SHALL BE THE MAXIMUM AMOUNT THAT THE CITY IS WILLING TO PAY FOR THE GOODS OR SERVICE TO BE ACQUIRED.**
  3. **THE CITY MAY ENTER INTO A CONTRACT WITH A SELLER WHICH MEETS THE SPECIFICATIONS OR DESCRIPTION OF THE GOODS OR SERVICES TO BE PROCURED AND WHOSE PROPOSAL THE CITY DETERMINES TO BE THE LOWEST, RESPONSIVE, AND RESPONSIBLE AS DESCRIBED IN SECTION 135.05(D).**

**(ORD. 0177-2012. PASSED 9-17-12.)**

**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, the Director shall also state the reasons in writing therefor. Further, the Director shall include with the 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.

(e) Exceptions to the competitive bidding requirement:

- (1) Formal competitive bidding is not normally required for purchases less than fifty thousand dollars (\$50,000).
- (2) Supplies PRODUCTS and services of the severely handicapped DISABLED. 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 goods and services without formal bidding and advertising. **IF THIS SECTION IS ENACTED, THE DIRECTOR OF PUBLIC SERVICE MUST PROVIDE ADEQUATE DOCUMENTATION TO COUNCIL TO JUSTIFY THE EXCEPTION TO THE BIDDING REQUIREMENT.**
- (5) Purchases from governmental entities. The Director of Public Service may purchase equipment, services, materials or supplies from **THE STATE OF OHIO**, 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. Section 9.48 Joint Purchasing Programs of the Ohio Revised Code is hereby incorporated by reference.

(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 fifty thousand dollars (\$50,000), 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 fifty thousand dollars (\$50,000), 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 fifty thousand dollars (\$50,000).~~

(11) ~~Contracts for insurance where the annual premium is not in excess of fifty thousand dollars (\$50,000).~~

(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.~~

(13) **REVERSE AUCTION.**

#### **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 ~~to~~ 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 **THE FINANCE DIRECTOR'S** judgment, the City no longer has any obligations with respect to the contract. (Ord. 0177-2012. Passed 9-17-12.)

#### **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 to execute the contract as authorized and shall report to Council any unforeseen delays in negotiation and execution of the contract. (Ord. 0177-2012. Passed 9-17-12.)~~

#### **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 the Director of Public Service, not to exceed one year, if 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. 0177-2012. Passed 9-17-12.)

#### **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 the Federal Emergency Management Agency's Schedule of Equipment rates prevailing at the time of the use.  
(Ord. 0177-2012. Passed 9-17-12.)