

ORDINANCE NO. 02-01-2007

AN ORDINANCE AMENDING SECTIONS 3.04.04, 3.04.08,
AND REPEALING SECTION 3.04.05 OF THE ELKINS'
MUNICIPAL CODE.

WHEREAS, the Elkins' Municipal Code was adopted by Ordinance 3-17-2005C with the knowledge that the current City Council had insufficient time to carefully review all parts thereof in detail.

WHEREAS, the City Council has had an opportunity to carefully review the Elkins' Municipal Code and has found numerous sections and/or chapters in need of revision and clarification.

WHEREAS, the Code will over time need occasional review, clarification and amendments to meet the needs of this growing city and its citizens, this ordinance represents a good first step.

IT IS THEREFORE ORDAINED BY THE ELKINS CITY COUNCIL that:

Subsection 3.04.04 shall hereafter read as follows:

3.04.04 Purchase Order requirements

A. Administrative approval.

- 1. The Recorder/Treasurer or his/her authorized representative shall approve each Purchase as to budget compliance and other regulatory compliance and shall sign and issue all approved Purchase Orders.**
- 2. Additionally, the Mayor or his/her authorized representative shall approve all purchases for goods or services in excess of \$1,500.00**
- 3. The City Council shall review and approve each purchase of goods or services having a cost of \$2,000.00 or more.**
- 4. The City Council, upon Resolution, may waive competitive bid requirements for a purchase if the requesting city employee certifies that an emergency exists or that the good(s) or service(s) is (are) available only from a sole-source provider.**
- 5. A Requisition & Purchase Order will be issued for all capital assets having a purchase price of one thousand dollars (\$1,000.00) or more.**

B. Purchases from five hundred dollars (\$500.00) up to one thousand dollars (\$1,000.00), or more.

- 1. Each Purchase for goods or services having a cost from five hundred dollars (\$500.00) up to one thousand dollars (\$1,000.00) shall include at least three competitive bids obtained prior to the purchase of goods or services.**

C. Purchases having a cost of one thousand one dollars (\$1,001.00), or more.

- 1. Each Requestor for purchases of goods or services having a cost of one thousand one dollars (\$1,001.00) or more shall seek three competitive bids. All construction contracts of \$10,000.00 or more will require sealed bids. Non-construction purchases over \$10,000.00 will require three written bids. All purchases over \$20,000.00 will require sealed bids.**
- 2. Prior to advertising for sealed bids, each affected Purchase Requisition shall be submitted to the City Council for its review and approval.**
- 3. Each request seeking sealed bids shall be posted for at least seven days at the five public locations determined by Ordinance 01-18-2007B. In addition to such posting, copies of the Request For Bids may be mailed/electronically communicated to individuals or companies who regularly sell/provide such goods and/or services.**
- 4. The posting for sealed bids shall generally describe the good(s) or services(s) to be obtained. The posting shall also state the time, date, and place of bid opening. Complete bid specifications and performance requirements shall be available to the public upon request.**
- 5. Sealed bids shall be opened publicly by the Mayor or his/her authorized representative and witnessed by a member of the City Council or the City Recorder/Treasurer at the specified time and date at City Hall or other place specified in the posting and as directed by the City Council at the time of authorization to seek sealed bids.**
- 6. The City Council shall review and approve or reject the bids. In every instance the City shall reserved the right to reject all bids.**
- 7. Each purchase shall be awarded to the lowest acceptable bid, but only if approved by the City Council.**
- 8. The City Recorder/Treasurer shall maintain all sealed or written bids**

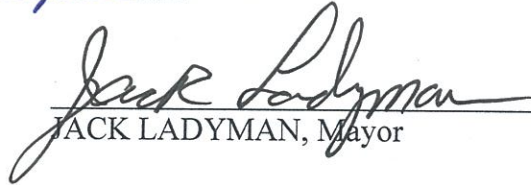
on file for at least one year.

Subsection 3.04.05 Repealed.

Subsection 3.04.08 shall hereafter read as follows:

3.04.08 Sale of Equipment The Council or its duly authorized designee may sell, donate, exchange or dispose of any municipal supplies, apparatus, equipment or materials without competitive bidding if the value of such supplies, apparatus, equipment or materials has a reasonable value of less than \$1,000.00. No materials, supplies, apparatus or equipment of the city shall be sold, donated, exchanged or disposed of without competitive bidding where the reasonable value of such materials, supplies, apparatus or equipment exceeds \$1,000.00 unless the Council specifically authorizes such sale, exchange, donation or disposal by a particular method such as a trade-in or otherwise.

Passed and Approved this 5th day of April, 2007.



JACK LADYMAN, Mayor

ATTEST:



PEGGY BARTON, Recorder/Treasurer

BOBBY MCGARRAH, ALDERMAN