



Legislation Text

File #: 220366, Version: 2

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220366

Amending Chapter 3 of the Code of Ordinances of the Kansas City, Missouri, Article I, City Contracting Processes, Division 2, Contract Award by amending Sections 3-41. Contract Authorization and enacting a new Section 3-41 in lieu of, to require all boards, commissions and task forces to comply with the requirements of Chapter 3.

WHEREAS, there are a wide range of goods and services for which the City needs to procure in the course of doing business; and

WHEREAS, there are a variety of Boards, Commissions, and Task Forces established by Law, the City Charter and the Code of Ordinances whom engage in work with City staff that may be supported by third-party consultants and service providers; and

WHEREAS, there are increased risks when procurement authority is diffused across many entities, including risk of wasteful uses of taxpayer resources and risks of improper uses of funds; and

WHEREAS, it is a good practice to ensure City contracts flow through and are accountable to City employees rather than volunteer Board appointees for continuous, responsible oversight of contracts; and

WHEREAS, Chapter 3 of the Code of Ordinances outlines City contracting processes, including the authority of the City Manager, the Manager of Procurement Services, and Directors in those processes; and

WHEREAS, the City Council desires to be good stewards of taxpayer resources, delivering the highest quality services as efficiently as possible; NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 3 of the Code of Ordinances of the Kansas City, Missouri, Article I, City Contracting Processes, Division 2, Contract Award. Sections 3-41. Contract Authorization is amended by enacting a new Section 3-41 in lieu of, to require all boards, commissions and task forces to comply with the requirements of Chapter 3.

Sec. 3-41. Contract authorization.

(a) Unless approval by the city council or the board of parks and recreation commissioners is specifically required by city charter, ordinance, federal or state law, contract or grant terms, the following provisions shall control:

(1) The city manager and department directors are authorized to enter into any and all contracts and cooperative agreements on behalf of the city without city council authorization in which the term

does not exceed six years or six one-year terms and the consideration does not exceed \$1,000,000.00 for a construction contract, \$50,000.00 for a sole source professional services contract, and \$400,000.00 for all other contracts.

- (2) The city manager and manager of procurement services are authorized to enter into all contracts and cooperative agreements on behalf of the city without city council authorization in which the term does not exceed six years or six-one year terms and the estimated consideration does not exceed \$1,000,000.00 for construction contracts, indefinite delivery/indefinite quantity construction contracts, contracts for goods, supplies, materials, or equipment, and \$400,000.00 for contracts for services other than a sole source professional services contract, provided however that the \$1,000,000.00 threshold shall apply to any contract or cooperative agreement in which services are to be provided in conjunction with the goods, supplies, materials of equipment being procured.
- (3) In lieu of obtaining council authorization on a sole source professional services contract between \$50,000.01 and \$400,000.00, the city manager may provide written notice of the intent to execute such an agreement or contract with the cost and term of such agreement or contract. Such notice shall include the names of the parties to the proposed contract or agreement, a description of the contract and the basic purpose and terms of the contract or agreement. No such contract or agreement shall be executed on behalf of the city without the authorization of the council if four or more council members file written objections to such contract or agreement within five working days of the notice date. The city manager shall establish procedures to ensure compliance with this provision.
- (4) No party in a single fiscal year may receive multiple contract awards related to a particular procurement pursuant to subsection 3-41(a) that in sum exceed the maximum allowable thresholds under subsection 3-41(a)(1) without prior council authorization.

(b) If city council authorization is required and obtained, the contract may subsequently be amended by change order, contract amendment or otherwise in such a manner as to increase the consideration due by up to and including ten percent without further city council authorization. This cap may be exceeded, subject to the sufficiency of appropriated funds, if authorization to such effect is included within the body of the ordinance authorizing the contract or an amendment to the contract.

(c) The city manager shall file a regular report with the city clerk of all term and supply contracts, indefinite delivery/indefinite quantity construction contracts, sole source purchase contracts, and professional service contracts awarded without an ordinance, unless a particularized reason exists for nondisclosure that shall be reported to council and any waivers of MBE/WBE goals. Such reports shall be published on the world wide web.

(d) Ordinances, except emergency ordinances, required by this section and introduced from the legislative floor and that authorize a contract that exceeds \$100,000.00, shall be referred to the appropriate committee for a public hearing unless a motion is made by a councilmember to dispense with the requirement of reading the ordinance on three separate days, and the motion is adopted upon the affirmative vote of nine councilmembers.

(e) (1) Except as otherwise provided by law, all City boards, commissions, and task forces that are not incorporated as legal entities shall follow the procurement processes set forth in Chapter 3 of the Code of

Ordinances and the adherence to the procurement process by the board, commission, or task force shall be a pre-condition to execute a contract or for City Council authorization of any contract recommended by, or entered into for the benefit of, any city board, commission, or task force.

- (2) Nothing in this Section authorizes a board, commission, or to task force to issue a solicitation or execute a contract unless the board, commission, or task force has legal authority to perform such act.
- (3) Unless contractually required, this section is not applicable to separate statutory entities or agencies with their own capacity to sue and be sued.

Approved as to form and legality:

Jim Brady
Assistant City Attorney