

ORDINANCE NO. 2024-08

AN ORDINANCE AMENDING CHAPTER 160, BIDDING PROCEDURES AND CONTRACT REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY INCREASING THE AMOUNT OF THE LIMIT FOR COMPETITIVE BIDDING

WHEREAS, the Director of Administration has recommended that the City's bidding ordinance be amended to bring it into conformity with Ohio law regarding the threshold at which municipalities are required to competitively bid certain types of contracts.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Chapter 160, Bidding Procedures and Contract Requirements, of the Codified Ordinances of the City of Wooster, Ohio, be amended at Section 160.03, BIDDING PROCEDURES, to read as follows:

160.03 BIDDING PROCEDURES.

(a) The Director of Administration, or the Wooster Community Hospital Chief Executive Officer, or their designees, may make any contract, purchase supplies or material or provide labor for any work under the supervision of various departments and divisions and agencies of the City involving not more than fifty thousand dollars (\$50,000.00).

(b) When an expenditure within the department, division, or agency, other than compensation of persons employed therein, exceeds fifty thousand dollars (\$50,000.00) but is less than seventy-five thousand dollars (\$75,000.00), such expenditure shall be authorized and directed by ordinance or resolution of Council without a requirement for bidding, or in the case of the Wooster Community Hospital, by resolution of the Board of Governors without a requirement for bidding.

(bc) When an expenditure within the department, division or agency, other than compensation of persons employed therein, exceeds ~~fifty thousand dollars (\$50,000.00)~~ **seventy-five thousand dollars (\$75,000.00)**, such expenditure shall first be authorized and directed by ordinance or resolution of Council, or in the case of the Wooster Community Hospital, by resolution of the Board of Governors. When so authorized or directed, the Director of Administration or Hospital Administrator or their designees, shall make a written contract in the name of the City with the lowest and best bidder after advertisement for not less than two, nor more than four consecutive weeks in a newspaper of general circulation within the City.

(ed) Upon the approval of an ordinance or resolution by Council, or the Board of Governors on behalf of the Hospital, the Director of Administration or Hospital Chief Executive Officer or their designees may enter into a contract without competitive bidding for any one of the following conditions:

- (1) When such purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned by the City and the only source of supply for such supplies, part or parts is limited to a single source;
 - (2) When only a single sole source **practically** exists for the purchase of a particular item of equipment, **supplies, or services. A single source exists when only one source is practically available due to an inability of other sources to meet specifications, availability requirements, time requirements, or any other restriction that makes additional sources practically unavailable to provide equipment, supplies, or services.**
 - (3) When the contract is for a professional or technical service; or for the purchase of an item of specialized technology, provided that the Director of Administration or the Hospital Chief Executive Officer has first requested and reviewed proposals from qualified vendors;
 - (4) When a General Services Administration (GSA) price and specification is certified to the City by the vendor, and the specification meets the needs of the City;
 - (5) When the purchase is accomplished through participation in a State-sponsored cooperative purchasing program or a cooperative purchasing program sponsored by a professional organization with which the City or Hospital are affiliated;
 - (6) When the purchase can be accomplished upon equivalent terms, conditions and specifications, but at a price which is equal to or lower than that which is available from a State-sponsored cooperative purchasing program;
 - (7) When in the case of the Hospital, such purchases consist of medical and surgical supplies used in patient care, and food products used by the dietary department;
 - (8) When the purchase is for natural gas, electric, telephone or other utility services for municipally-owned facilities.
 - (9) When the contract is for insurance pools as governed by sections 9.833 and 2744.081 of the Ohio Revised Code.**
 - (9)10) When the contract is for services or the purchase of material, equipment or supplies from any department, division, agency, or political subdivision of the State.**
- (d e)** In the case of a real and present emergency arising in connection with the operation and maintenance of various City departments, divisions and agencies, Council and the Board of Governors in the case of Wooster Community Hospital, may by a three-fourths vote of the members thereof, authorize the Director of Administration or Hospital Chief Executive Officer, or their designees, to enter into a contract for work to be done or for the purchase of supplies or material without formal bidding and advertising.

SECTION 2. That Chapter 160, Bidding Procedures and Contract Requirements, of the Codified Ordinances of the City of Wooster, Ohio, be amended at Section 160.062, PROCEDURES, to read as follows:

160.062 PROCEDURES.

Notwithstanding the provisions of Ohio R.C. 9.33, 9.331, 9.332 and 153.65 through 153.71, inclusive, and any other provisions of the Ohio Revised Code which may

conflict with or are inconsistent with the provisions of this section, the following provisions shall govern the selection and retention of professional design firms and construction managers by the City of Wooster and Wooster Community Hospital:

(a) All contracts for professional design firms and construction managers in the amount of **seventy-five thousand dollars (\$75,000.00)**, or more shall be awarded on the basis of the qualifications of the potential firm, including price, as determined by the Director of Administration or the Administrator of Wooster Community Hospital. As needed, the City and the hospital will issue a public notice soliciting statements of qualifications from firms interested in being considered for design, design-build or construction management (including construction manager at-risk) projects. To be considered for a project, prospective firms must submit a statement of qualifications to the Director of Administration or the Administrator of the hospital in response to the notice. When it becomes necessary to hire a firm, the statements of qualifications will be reviewed and ranked by the Director of Administration or the Administrator of the hospital based upon the qualifications and experience of the contractor and other relevant factors (including, but not limited to, the number of such contracts already awarded to a firm or specific areas of expertise), as determined by the Director or the Administrator. Once ranked, the Director or the Administrator will select from the list no fewer than three firms standing highest on the list, and commence negotiations with the highest-ranking firm. In the event that fewer than three firms are ranked, the selection may be from those on the list, or another request for qualifications may be issued. If the Director or Administrator is unable to reach agreement with the highest-ranking firm, s/he shall notify the firm in writing of his/her intent to cease negotiations, and s/he may enter into negotiations with the next firm on the list. If negotiations with the next firm fail, s/he may follow the same procedure with the next firm on the list or s/he may request further proposals. In all cases, the Director or the Administrator reserves the right to reject any or all proposals. These procedures are not intended to be formal bidding requirements, but rather an informal procedure to determine the most qualified firm to which a contract should be awarded.

(b) [No change]

(c) [No change]

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

1st reading 4-1-24 2nd reading 4-15-24 3rd reading 5-6-24

Passed: May 6, 2013

Vote: 7-0

Attest: Amey M. Hamilton
Clerk of Council

[Signature]
President of Council

Approved: S 18, 2023

[Signature]
Mayor

Introduced by: Barb Knapic