

## **AGENDA ITEM**

May 17, 2022

Subject: Ordinance to negotiate an agreement

Department: Administration

Our current City code for purchasing does not have a provision to negotiate bids of unusual circumstance. The only recourse we currently have is to reject and rebid.

### **Manager Notes:**

- Ordinance will allow for negotiations to occur if the bids are unique and unusual in nature.
- Final approve of the negotiated bids must be approved by Council
- This type of procedure would be limited in use and most likely utilized on proposals that cannot be practically compared with each other.

**BILL NO. 2022-044**

**ORDINANCE NO.**

**A GENERAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, AMENDING SECTION 26-18 OF THE CODE OF THE CITY OF NEVADA MISSOURI.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:**

**Section 1.** Section 26-18 of the code of the City of Nevada is hereby amended as:

**Sec. 26-18. - Procurement in exceptional emergency or extraordinary circumstances.**

- (a) **Exceptional emergency or extraordinary circumstances.** All other provisions of this chapter notwithstanding, in an exceptional emergency or extraordinary circumstance, especially if public necessity, health or safety is implicated, procurement may be concluded without bids, RFQs or RFPs, by the City Manager with prior approval of the mayor, or in his absence, the mayor pro-tem; however, such a procurement will comply with RSMo § 432.070.
- (b) **Rejection of bids and award by negotiation where competitive bidding fails to produce competitive pricing.** In the unusual circumstance where a public works project is bid and the City Manager concludes that competitive pricing was not achieved, and that it is in the interest of the City or reject all bids and award by negotiation, the City Manager, with the approval of the Council by a two thirds vote may reject all bids and negotiate an agreement or agreements to be submitted to the Council for final approval.

**Section 2. Effective Date.** This ordinance will be in full force and effect upon its passage and approval.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Nevada, Missouri, this \_\_\_\_ day of June, 2022.

**(SEAL)  
ATTEST**

**CITY OF NEVADA, MISSOURI**

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George Knox, Mayor

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Stephanie M. Martin, City Clerk