



AGENDA
CITY OF CREVE COEUR
FINANCE COMMITTEE
CREVE COEUR GOVERNMENT CENTER
ADMINISTRATIVE CONFERENCE ROOM
300 N NEW BALLAS ROAD
CREVE COEUR, MO 63141
JANUARY 30, 2024
4:00 PM

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Approval of October 31, 2023 Minutes

REPORTS

Chairperson

Audit Committee

Pension Board

City Council

Staff Report

UNFINISHED BUSINESS

NEW BUSINESS

2nd Quarter Financial Report

Review of Financial Policies

Purchasing Policy Update for Design Build Project

NEXT MEETING DATE

In-Person Joint Session with City Council on March 11, 2024

In-Person Finance Committee Meeting on March 19, 2024 at 4:00 pm

ADJOURNMENT

Posted by: Krista Akers,
Accounting Associate



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Date/Time posted: 01-26-2024 3:00 pm

If you need special accommodations to attend a meeting, services may be arranged by contacting the Office of the City Administrator in advance.



MINUTES
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OCTOBER 31, 2023
3:00 PM

CALL TO ORDER

The meeting was called to order at 3:00 pm.

ROLL CALL

Betty Kagan	Committee Chair	
Ted Armstrong	Committee Vice Chair	(Absent)
Timothy Smith	Committee Member	(Absent)
Paul Gallant	Committee Member	
Ellen Lawrence	Committee Member	
Dr. Luis Ortiz	Committee Member	
David Sentnor	Committee Member & Audit Committee Liaison	
Stephen Keyser	Committee Member & Audit Committee Liaison	
Joe Martinich	Council Liaison	
Mark Perkins	City Administrator	
Lori Obermoeller	Director of Finance	
Tracy Brothers	Senior Accounting Associate	
Krista Akers	Accounting Associate, Recording Secretary	

APPROVAL OF AGENDA

The committee approved the meeting agenda.
Mover: Stephen Keyser
Seconder: Ellen Lawrence
All present voted Aye.

APPROVAL OF MINUTES

Approval of August 29, 2023 Minutes

The committee approved the minutes from 8/29/23.
Mover: Stephen Keyser



**MINUTES
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FINANCE COMMITTEE**

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**OCTOBER 31, 2023
3:00 PM**

Seconder: Ellen Lawrence
All present voted Aye.

REPORTS

Chairperson

Betty Kagan:
Nothing to report.

Audit Committee

David Sentnor & Stephen Keyser:
The audit is underway and close to completion. Field work is complete.
The status of the audit will be known before the January meeting.

Pension Board

Betty Kagan:
Ted will inform the committee of any updates at the next meeting.

City Council

Joe Martinich:
The City Council approved the Olia Village project and is beginning to consider incentives.
The Ballas/Olive project has been sent to P&Z for approval.

Mark Perkins:
The Ballas/Olive project concerns the Creve Coeur Plaza shopping center.
The project proposes the existing structure be demolished and replaced with retail space, hotel space, and apartment space.
The project has been reviewed by P&Z, and is undergoing a traffic study.
Once the traffic study is complete, it will be presented to P&Z again.



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Ellen Lawrence:

Is there green space in the project?

Mark Perkins:

Yes. There will be space for community events such as concerts and art fairs. The site will be like a civic plaza with underground and above-ground parking.

Staff Report

Lori Obermoeller:

The city won the GFOA award for the 2022 PAFR.

The GFOA recommends including a map in the PAFR to show the location of the city.

Olia Village Incentives

Mark Perkins:

- PGAV is the consulting firm working on the planning and economic development concerning the Olia Village project.
- City maintenance costs for the 25-year period have been reviewed with consideration for inflation.
 - The cost to the city will be partially offset because the sidewalks and streetlights will be on easements and will be maintained by property owners.
 - Escrow deposits are required for all site improvements to ensure the streets and infrastructure will be laid as planned.
- Zoning has been approved, and the focus will now shift to proposed incentives. Before any incentives are approved, blight study reports must indicate significant need for the incentive(s).

The term "blight" is defined by state statute.

 - Property tax abatement (Chapter 353) - up to 25 years on a declining scale



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- Projected revenues reflect a net-positive result if the tax abatement is put into effect.
- Abatement is only on *new* tax revenue. Existing buildings are not eligible.
- Emergency Districts, such as the Fire District, are exempt from tax abatement.
- Townhomes and single-family homes are not eligible for tax abatement.
 - The School District will receive the full taxes due.
 - Meetings held with the Ladue School District have confirmed that they are open to the development.
- Sales tax exemption on certain construction materials
- Transportation Development District (TDD)
- Community Improvement District (CID)
- A third-party arborist or landscape architect will be hired to monitor tree removal and tree protection issues during the development.
- Traffic studies and a cost of services study have been performed in relation to the development and do not indicate any unexpected concerns.
 - The Lindbergh/Olive interchange was originally designed for more traffic than is currently typical.
 - The cost of services study has taken into consideration any expected losses due to the proposed incentives.

We can provide some materials from the City's law firm to show an overview of the incentives, how they work and their purpose.

The City has not used incentives very often; we plan to rely on the specialized professional services of PGAV to ensure our questions are answered and pitfalls are avoided.



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UNFINISHED BUSINESS

N/A

NEW BUSINESS

1st Quarter Financial Report

Lori Obermoeller:

The first quarter of fiscal year 2024 goes through September 30, 2023.

Everything is on track with the budget right now.

General Fund

We budgeted a deficit of \$495 thousand since the ARPA funds are being transferred from the General fund into the Capital fund.

If this were not the case, we would be ending at a surplus.

- Revenues are about \$1.5M less than last year.
 - This difference is attributed to our receiving \$1.9M in ARPA funds last year.
 - Compared to last year, sales tax, utility tax, licenses and permit revenues are all up slightly.

- Expenditures are about \$213 thousand less than last year, although we did give an average of 6% pay increases on July 1st.
 - This discrepancy results from our not making a legacy pension payment that would normally be due around now.
We did not make the payment because we are closing the legacy pension plan.

Enterprise Fund

We budgeted an \$81 thousand surplus, and we are currently at a \$68 thousand surplus.



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- Revenues are about \$44 thousand more than the first quarter last year.
 - Most of these revenues are from the increase in golf activity, which has continued steadily.
- Expenditures are about \$34 thousand more than last year.
 - The difference is due to salary increases, property tax increases, and a timing issue resulting from our change to a bi-weekly pay schedule.

Capital Fund

- Revenues are stable and about the same as last year.
- Expenditures are \$1.4M higher.
 - The increase is due to the concrete program that is normally bid out in the Fall.
 - The bids we received were not desirable. As a result, a new invitation to bid was issued and the project has been delayed until the beginning of this fiscal year.
 - The budget was adjusted accordingly for this change.

Park & Stormwater

- Revenues are in line with last year.
- Expenditures are about \$354 thousand higher than last year.
 - The increase is due to the Millennium Park project starting in September.

There is no activity to report on the Sewer Lateral or Public Safety funds.

NEXT MEETING DATE



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In-Person on January 30, 2024 at 4:00pm

ADJOURNMENT

The committee adjourned the meeting at 4:10 pm.
Motion: Paul Gallant
Second: Ellen Lawrence
All present voted Aye.

DRAFT



MEMORANDUM

DATE: January 17, 2024

TO: Mark Perkins, City Administrator

FROM: Lori Obermoeller, Director of Finance

SUBJECT: Second Quarter FY 2024 Financial Analysis

Attached is the financial report for the General Fund, the Municipal Enterprise Fund, the Capital Fund, the Park & Stormwater Fund, the Sewer Lateral Fund and the Public Safety Fund for the 2nd quarter of FY 2024. Some of the fluctuations in both revenues and expenditures worth discussion are as follows:

1. General Fund

a. Revenues

Overall, revenues for FY 2024 are \$1,051,505 less than revenues for the same time period in FY 2023, due to substantial one-time revenues received last year. Below are some of the revenue sources that are worth mentioning:

- Sales Tax up \$71,367 from FY 2023.
- Utility Taxes are \$242,516 more than FY 2023 with all utilities being up except video service provider fees being down \$7,391.
- Licenses & Permits are \$157,216 more than last year.
- Interest Revenue is up \$174,464.
- Other Revenues are down \$1,833,026 due to receiving ARPA Funds in FY 2023.

b. Expenditures

Expenditures for the General Fund are \$68,993 more than the same time period in FY 2023. Salaries increased an average of 6% on July 1. However, this increase in salaries is offset by the decrease in pension costs as a result of no pension payment made to the Legacy Plan in July since we are closing the Plan and moving the active employees, retirees and vested participants to LAGERS.

Revenues are down from the previous year due to ARPA Funds received in FY 2023. All are within budgeted expectations.

We budgeted a deficit of \$495,375 mainly as a result of the ARPA Funds being transferred out of the General Fund to cover Capital Improvement costs. Without this transfer out of \$2M, we would be budgeting a surplus.

2. Municipal Enterprise Fund

a. Revenues

Overall, Revenues for the Enterprise Fund are up \$103,239 more than what was received for the second quarter of FY 2023. Golf revenues are up \$70,784 and Ice revenues are \$30,652 more than last year.

b. Expenditures

Expenditures are \$69,719 more than last year due to an increase in salaries, an extra pay period in FY 2024 as a result of moving to bi-weekly (timing issue), and an increase in property insurance.

We have budgeted a surplus of \$71,760 for FY 2024, and we are currently at a surplus of \$37,302.

3. Capital Fund

a. Revenues

At this time, revenues for the Capital Fund are up \$167,579 from last year due to \$56,374 from a MODOT Grant for Design Services for Lindbergh/Old Olive and \$45,218 for a Refund for the Olive Lindbergh Bridge.

b. Expenditures

Expenditures are \$433,329 more than last year at this time mainly due to the concrete program not happening in the fall of FY 2023 (the bid was too high). Then it was re-bid and awarded in the spring of FY 2023. However, the project was delayed until FY 2024, so the budget was carried over to FY 2024 and the expenditures are now in FY 2024.

In addition to the street projects, the 2-ton dump truck (\$123,042) and the fuel delivery system (\$30,408) budgeted in FY 2023 were delayed until FY 2024, so those amounts were also re-budgeted to FY 2024 and the expenditures are showing up in this quarter.

Overall, the Capital Fund is within budget for FY 2024.

4. Parks & Stormwater Fund

a. Revenues

Revenues for the parks and stormwater fund is \$55,101 more than last year with sales tax being up \$22,671 and the rest due to interest revenue.

b. Expenditures

Expenditures are \$923,574 more than last year at this time mainly due to the Millennium Park Project (909,957) starting in September 2023. However, two other big projects in FY 2024 are completion of the Watershed Management Plan (\$102,287) and the Alden Lane Stormwater Project (\$94,459).

Overall, the Parks & Stormwater Fund is within budget for FY 2024.

5. Sewer Lateral Fund

c. Revenues

Sewer Lateral Revenue is up \$7,649 due to timing of the revenue coming in.

d. Expenditures

Expenditures are \$41,849 more than last year with most of the due to the increase in percentage reimbursement going from 50% to 70%.

Overall, the Sewer Lateral Fund was budgeted with a surplus of \$18,046. We are at a surplus of \$11,854.

6. Public Safety Sales Tax Fund

e. Revenues

The Public Safety Sales Tax revenues are \$59,659 more than last year at this time. Sales tax revenue is up \$40,363 with Interest revenue being up \$19,296.

f. Expenditures

Expenditures are \$171,161 less than last year with most of this due to not using the \$242,162 for the Pension Payment until January 2024, when the City transferred the Legacy Pension Plan to LAGERS.

All of the operational expenditures for the new police building are in this fund and 20% of the public safety sales tax will go towards the pension payment. In addition, \$371,606 will be transferred to the General Fund to cover the ongoing costs of moving the police officers to 12-hour shifts in FY 2019, police market equity adjustment in FY 2022, and police market equity/step program/probationary completion bonus in FY 2023. We have budgeted a \$66,981 surplus for FY 2024, and are currently at a surplus of \$475,250.

Also attached is the Investment report. The 1st, 2nd and part of the 3rd page all include Pooled Fund money, which includes the General Fund, Capital Fund, Parks & Stormwater, Sewer Lateral and Public Safety Sales Tax Fund. The rest of the 3rd page is for Escrow only funds. You will also notice that with each section, it is sorted by Maturity Date with the earliest maturity being listed 1st. The last part of the 3rd page lists who we purchased the investments from, and as you can see, most of them are purchased through Multi-Bank Securities (MBS) with the investment being held at Pershing; all of the others are purchased and held at the financial institution listed.

I would be pleased to respond to any questions.



City of Creve Coeur
Statement of Revenues and Expenditures
As of December 31, 2023
FY 2024

	2024 Annual Budget	2024 Adjusted Budget	2024 2nd Qtr YTD	Variance YTD to Adjusted Fav/(Unfav)	YTD As % of Adjusted Budget	2023 2nd Qtr YTD	Variance 2023 to 2024 YTD Fav/(Unfav)	2023 YTD As % of 2023 Budget
<u>General Fund Revenues:</u>								
Property Taxes	824,655	824,655	334,403	(490,252)	40.6%	307,379	27,024	37.3%
Sales Tax	6,053,147	6,053,147	2,631,484	(3,421,663)	43.5%	2,560,117	71,367	42.3%
Utility Taxes	6,269,755	6,269,755	3,488,280	(2,781,475)	55.6%	3,245,764	242,516	66.8%
Intergovernmental	2,133,506	2,133,506	947,801	(1,185,705)	44.4%	859,627	88,174	46.8%
Licenses and Permits	1,151,285	1,151,285	661,240	(490,045)	57.4%	504,024	157,216	42.0%
Charges for Municipal Services	52,000	52,000	27,126	(24,874)	52.2%	28,390	(1,263)	63.8%
Municipal Court	393,640	393,640	235,698	(157,942)	59.9%	213,674	22,024	38.6%
Interest Revenue	450,000	450,000	364,193	(85,807)	80.9%	189,729	174,464	57.5%
Other Revenues	300,859	300,859	226,445	(74,414)	75.3%	2,059,471	(1,833,026)	94.8%
Total Revenues	17,628,847	17,628,847	8,916,669	(8,712,178)	50.6%	9,968,174	(1,051,505)	55.8%
<u>General Fund Expenditures:</u>								
Legislative Services	236,489	236,489	114,435	122,054	48.4%	103,663	(10,773)	45.4%
Legal Services	192,761	192,761	75,671	117,090	39.3%	72,757	(2,915)	35.8%
Administrative Services	698,844	698,844	317,781	381,063	45.5%	272,702	(45,078)	44.0%
Municipal Court	278,327	278,327	116,982	161,345	42.0%	114,050	(2,933)	42.7%
Finance Department	568,130	568,130	292,264	275,866	51.4%	262,479	(29,786)	51.1%
InterDepartmental	1,143,927	1,143,927	391,355	752,572	34.2%	826,564	435,209	74.4%
Information Systems	264,014	264,014	132,756	131,258	50.3%	146,489	13,732	51.6%
Community Services	143,405	148,655	76,000	72,655	51.1%	66,389	(9,611)	40.9%
Maint. of Municipal Prop.	300,208	300,208	127,716	172,492	42.5%	131,823	4,107	47.3%
Police Department	8,090,733	8,259,850	3,825,683	4,434,167	46.3%	3,388,281	(437,401)	43.7%
Public Works - Admin.	615,905	615,905	234,222	381,683	38.0%	258,644	24,422	45.2%
Street Maintenance	1,696,676	1,696,676	788,709	907,967	46.5%	863,339	74,630	52.6%
Health and Environment	874,955	874,955	408,398	466,557	46.7%	419,740	11,341	50.2%
Park Maintenance	620,891	620,891	310,339	310,552	50.0%	236,749	(73,591)	40.4%
Community Dev.-Administration	364,456	364,456	214,958	149,498	59.0%	143,855	(71,102)	41.8%
Community Dev.-Building Div.	918,006	918,006	399,079	518,927	43%	449,833	50,754	45.0%
Total Expenditures	17,007,727	17,182,094	7,826,348	9,355,746	45.5%	7,757,355	(68,993)	48.0%
Total Oper. Surplus (Deficit)	621,120	446,753	1,090,321	643,568		2,210,819	(1,120,498)	
Transfr In From Other Funds	954,040	954,040	0	(954,040)		0	0	
Transfers To Other Funds	2,070,535	2,070,535	0	2,070,535		0	0	
	(1,116,495)	(1,116,495)	0	1,116,495		0	0	
Operating Revenues Over (under) Expenditures	(495,375)	(669,742)	1,090,321	1,760,063		2,210,819	(1,120,498)	



City of Creve Coeur
Statement of Revenues and Expenditures
As of December 31, 2023
FY 2024

	2024 Annual Budget	2024 Adjusted Budget	2024 2nd Qtr YTD	Variance YTD to Adjusted Fav/(Unfav)	YTD As % of Adjusted Budget	2023 2nd Qtr Actual	Variance 2023 to 2024 YTD Fav/(Unfav)	2023 YTD As % of 2023 Budget
<u>Municipal Enterprise Fund Revenues:</u>								
Golf Course	551,563	551,563	371,521	(180,042)	67.4%	300,737	70,784	67.4%
Food Service	59,800	59,800	34,811	(24,989)	58.2%	33,008	1,803	65.4%
Ice Arena	784,188	784,188	348,042	(436,146)	44.4%	317,390	30,652	43.5%
Total Revenue	1,395,551	1,395,551	754,374	(641,177)	54.1%	651,135	103,239	53.1%
<u>Municipal Enterprise Fund Expenditures:</u>								
Golf Course	619,430	629,580	349,250	280,330	55.5%	322,788	(26,463)	52.4%
Food Service	49,445	49,445	26,423	23,022	53.4%	28,869	2,447	62.4%
Ice Arena	644,766	644,766	341,399	303,367	52.9%	295,696	(45,703)	48.1%
Total Expenditures	1,313,641	1,323,791	717,072	606,719	54.2%	647,353	(69,719)	51.1%
Total Oper. Surplus (Deficit)	81,910	71,760	37,302	(34,458)		3,783	33,520	
Operating Revenues Over (Under) Expenditures	81,910	71,760	37,302	(34,458)		3,783	33,520	



City of Creve Coeur
Statement of Revenues and Expenditures
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Capital Improvement Fund Revenues:								
Intergovernmental	2,470,850	2,470,850	1,183,845	(1,287,005)	47.9%	1,162,432	21,413	52.7%
Interest Revenue	8,997	8,997	47,934	38,937	532.8%	19,085	28,848	887.7%
Other Revenues	3,095,410	3,164,114	140,509	(3,023,605)	4.4%	23,191	117,318	1.6%
Total Revenues	5,575,257	5,643,961	1,372,287	(4,271,674)	24.3%	1,204,708	167,579	32.9%
Capital Improvement Fund Expenditures:								
Personnel	153,104	153,104	79,636	73,468	52.0%	61,655	(17,981)	43.5%
Operating Expenditures	0	0	46	(46)	0.0%	0	(46)	0.0%
Building & Improvements	492,500	498,153	2,285	495,868	0.5%	17,688	15,403	3.7%
Park Development Projects	2,723,000	3,027,867	124,251	2,903,616	4.1%	2,834	(121,417)	0.9%
Street Overlay/Repair	4,496,500	6,097,538	1,976,590	4,120,947	32.4%	1,879,387	(97,203)	49.3%
Capital Equipment	674,000	1,106,845	391,501	715,344	35.4%	179,317	(212,184)	21.4%
Total Expenditures	8,539,104	10,883,506	2,574,309	8,309,197	23.7%	2,140,979	(433,329)	43.0%
Total Oper. Surplus (Deficit)	(2,963,847)	(5,239,545)	(1,202,021)	4,037,523		(936,272)	(265,750)	
Transfer in from Gen. Fund	2,070,535	2,070,535	0	(2,070,535)		0	0	
Operating Revenues Over (Under) Expenditures	(893,312)	(3,169,010)	(1,202,021)	1,966,988		(936,272)	(265,750)	



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Park & Stormwater Fund Revenues:								
Intergovernmental	2,970,412	2,970,412	1,388,854	(1,581,558)	46.8%	1,366,184	22,670	55.0%
Interest Revenue	25,049	25,049	60,368	35,319	241.0%	27,937	32,431	27936.6%
Other Revenues	400,000	400,000	0	(400,000)	0.0%	0	0	0.0%
Total Revenues	3,395,461	3,395,461	1,449,222	(1,946,239)	0.0%	1,394,120	55,101	0.0%
Park & Stormwater Fund Expenditures:								
Personnel	137,795	137,795	77,595	60,200	56.3%	52,216	(25,379)	43.2%
Operating Expenditures	0	0	46	(46)	0.0%	0	(46)	0.0%
Park Development Projects	2,953,500	3,073,018	926,336	2,146,683	30.1%	189,320	(737,016)	9.7%
Storm water Projects	1,120,000	1,445,644	213,799	1,231,844	14.8%	52,666	(161,133)	8.6%
Capital Equipment	30,000	30,000	0	30,000	0.0%	0	0	0.0%
Total Expenditures	4,241,295	4,686,457	1,217,776	3,468,681	0.0%	294,202	(923,574)	0.0%
Total Oper. Surplus (Deficit)	(845,834)	(1,290,996)	231,446	1,522,442		1,099,918	(868,472)	
Transfr In From Other Funds	0	0	0	0		0	0	
Transfer out to General Fund	582,434	582,434	0	(582,434)		0	0	
Operating Revenues Over (Under) Expenditures	(1,428,268)	(1,873,430)	231,446	2,104,876		1,099,918	(868,472)	



City of Creve Coeur
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<u>Sewer Lateral Fund</u>								
Intergovernmental	135,500	135,500	90,415	(45,085)	66.7%	84,695	5,720	62.5%
Interest Revenue	200	200	4,093	3,893	2046.6%	2,165	1,929	1082.3%
Total Revenues	135,700	135,700	94,508	(41,192)	69.6%	86,859	7,649	64.0%
<u>Sewer Lateral Fund Expenditures:</u>								
Personnel Expenditures	17,154	17,154	8,374	8,780	48.8%	8,670	295	55.4%
Technical & Personal Services	500	500	0	500	0.0%	0	0	0.0%
Sewer Lateral Reimbursements	100,000	100,000	74,279	25,721	74.3%	32,431	(41,849)	32.4%
Total Expenditures	117,654	117,654	82,654	35,000	70.3%	41,100	(41,553)	35.4%
Total Oper. Surplus (Deficit)	18,046	18,046	11,854	(6,192)		45,759	(33,904)	
Operating Revenues Over (Under) Expenditures	18,046	18,046	11,854	(6,192)		45,759	(33,904)	



	2024 Annual Budget	2024 Adjusted Budget	2024 2nd Qtr YTD	Variance YTD to Adjusted Fav/(Unfav)	YTD As % of Adjusted Budget	2023 2nd Qtr YTD	Variance 2023 to 2024 YTD Fav/(Unfav)	2023 YTD As % of 2023 Budget
<u>Public Safety Sales Tax Fund</u>								
Intergovernmental	1,235,028	1,235,028	620,458	(614,570)	50.2%	580,095	40,363	54.4%
Interest Revenue	30,000	30,000	38,873	8,873	129.6%	19,576	19,296	978.8%
Other Revenues	0	0	0	0	0.0%	0	0	0.0%
Total Revenues	1,265,028	1,265,028	659,331	(605,697)	52.1%	599,672	59,659	56.1%
<u>Public Safety Sales Tax Fund</u>								
Personnel Expenditures	242,162	242,162	0	242,162	0.0%	211,118	211,118	100.0%
Operating Expenditures	374,409	374,409	128,523	245,886	34.3%	130,213	1,690	31.4%
Capital Expenditures	145,260	209,870	55,558	154,311	26.5%	13,912	(41,647)	19.0%
Total Expenditures	761,831	826,441	184,081	642,360	22.3%	355,242	171,161	50.8%
Total Oper. Surplus (Deficit)	503,197	438,587	475,250	36,662		244,430	230,820	
Transfer out to General Fund	371,606	371,606	0	371,606		0	0	
Operating Revenues Over (Under) Expenditures	131,591	66,981	475,250	408,268		244,430	230,820	

Investments - December 31, 2023

POOLED FUNDS (GENERAL FUND, CAPITAL, P&S, SEWER LATERAL, PUBLIC SAFETY)

Investment	CUSIP Tracking #	Instrument	Holder	Quantity	Premium / Discount	Principal	Market Value	YTM	Purchase Date	Maturity Date	Call Date	Years	FTN Int Earned
FHLM	3134GXF41	US Govt Bonds	MBS	400,000.00		400,000.00		3.650%	7/29/2022	7/26/2024		1.11	
FHLB	3130AM4A7	US Govt Bonds	MBS	500,000.00		500,000.00		0.500%	4/29/2021	7/29/2024		3.3	
FHLB	3134GXRF3	US Govt Bonds	MBS	500,000.00		500,000.00		2.625%	4/29/2022	7/29/2024		2.3	
FHLB	3130ANRB8	US Govt Bonds	MBS	500,000.00		500,000.00		0.550%	9/17/2021	12/17/2024		3.3	
FHLB	3130AQHS5	US Govt Bonds	MBS	250,000.00		250,000.00		1.250%	1/28/2022	1/28/2025		3.0	
FHLB	3130AQWD1	US Govt Bonds	MBS	1,000,000.00		1,000,000.00		1.650%	2/28/2022	2/28/2025		3.0	
FHLB	3130ARPL9	US Govt Bonds	MBS	500,000.00		500,000.00		3.125%	4/29/2022	4/29/2025		3.0	
FFCB	3133EM3E0	US Govt Bonds	MBS	450,000.00		450,000.00		0.610%	9/9/2021	5/23/2025		3.8	
FHLM	3134GX3A0	US Govt Bonds	MBS	250,000.00		250,000.00		4.750%	9/30/2022	9/30/2025		3.0	
FHLB	3130ANJV3	US Govt Bonds	MBS	350,000.00		350,000.00		0.750%	9/9/2021	12/26/2025		4.3	
FHLB	3130ALZM9	US Govt Bonds	MBS	500,000.00		500,000.00		1.030%	4/29/2021	4/29/2026		5.0	
FFCB	3133ENWF3	US Govt Bonds	MBS	500,000.00		500,000.00		3.550%	5/11/2022	5/11/2026		4.0	
FHLB	3130AMU75	US Govt Bonds	MBS	1,000,000.00		1,000,000.00		0.900%	6/30/2021	6/26/2026		4.11	
FHLB	3130ANE30	US Govt Bonds	MBS	500,000.00		500,000.00		0.500%	7/29/2021	7/29/2026		5.0	
FHLB	3130ANRT9	US Govt Bonds	MBS	500,000.00		500,000.00		0.550%	9/14/2021	8/25/2026		4.11	
FFCB	3133EM3Y6	US Govt Bonds	MBS	500,000.00		500,000.00		0.930%	9/2/2021	9/1/2026		4.11	
FHLB	3130AQJM6	US Govt Bonds	MBS	245,000.00		245,000.00		1.700%	1/28/2022	1/28/2027		5.0	
FHLB	3130ARAH4	US Govt Bonds	MBS	500,000.00		500,000.00		2.350%	3/29/2022	3/29/2027		5.0	
FFCB	3133ENYA2	US Govt Bonds	MBS	500,000.00		500,000.00		3.450%	6/6/2022	6/1/2027		4.11	
	3130ASCV9			500,000.00		500,000.00		2.850%	7/29/2022	6/29/2027		4.11	
FHLM	3134GXC85	US Govt Bonds	MBS	500,000.00		500,000.00		3.500%	7/21/2022	7/21/2027		5.0	
Total Pooled Fund US Govt Bonds				9,945,000.00	-	9,945,000.00							
Texas Exchange Bank	88241TJW1	CD	MBS	120,000.00		120,000.00		0.300%	1/19/2021	1/8/2024		2.11	
Morgan Stanley	61768U2E6	CD	MBS	230,000.00		230,000.00		0.300%	7/30/2020	1/27/2024		3.5	
Synovus BK	87164DSF8	CD	MBS	245,000.00		245,000.00		0.300%	3/11/2021	3/11/2024		3.0	
BMW Bk North Ameri	05580AZD9	CD	MBS	245,000.00		245,000.00		0.450%	3/26/2021	3/26/2024		3.0	
Leader Bank Natl	52168UHR6	CD	MBS	245,000.00		245,000.00		0.350%	4/19/2021	4/16/2024		2.11	
Celtic Bk	15118RUV7	CD	MBS	245,000.00	-	245,000.00		1.400%	4/17/2020	4/17/2024		4.0	
Department of Comm Fed	24951TAU9	CD	MBS	245,000.00		245,000.00		3.500%	6/29/2022	7/1/2024		2.0	
Ukrainian Selfreliance	90372MAA0	CD	MBS	245,000.00		245,000.00		3.100%	7/15/2022	7/15/2024		2.0	
Austim Telco Fed	052392BM8	CD	MBS	245,000.00		245,000.00		3.400%	8/12/2022	8/12/2024		2.0	
Pentagon Fed Cr Un	70962LAJ1	CD	MBS	245,000.00		245,000.00		0.500%	9/1/2021	9/3/2024		3.0	
Pacific Premier Bk	69478QGQ7	CD	MBS	245,000.00		245,000.00		3.450%	9/9/2022	9/9/2024		2.0	
Kemba Finl Cr Un	48836LAK8	CD	MBS	245,000.00		245,000.00		3.650%	9/21/2022	9/23/2024		2.0	
Bank Ozk	06417NYJ6	CD	MBS	245,000.00		245,000.00		0.350%	4/8/2021	10/8/2024		3.6	
Industrial & Coml Bk	45581ECT6	CD	MBS	245,000.00		245,000.00		0.600%	10/18/2021	10/18/2024		3.0	
USAlliance FCU	90352RBY0	CD	MBS	245,000.00		245,000.00		0.700%	10/29/2021	10/24/2024		2.11	
TCM Bank	872308FG1	CD	MBS	245,000.00		245,000.00		0.700%	11/15/2021	11/15/2024		3.0	
Lea Conty St Bk	523744AW0	CD	MBS	245,000.00		245,000.00		0.750%	12/10/2021	12/10/2024		3.0	
USF Fed Cr Un	90353EAW3	CD	MBS	245,000.00		245,000.00		0.850%	12/21/2021	12/20/2024		2.11	
1st National Bk	32117BEN4	CD	MBS	245,000.00		245,000.00		0.950%	12/30/2021	12/30/2024		3.0	
Beal Bank	07371AVZ3	CD	MBS	245,000.00		245,000.00		1.150%	2/2/2022	1/29/2025		2.11	
Beal Bank	07371CZK8	CD	MBS	245,000.00		245,000.00		1.500%	2/2/2022	1/29/2025		2.11	
Burke & Herbert Bk	121331AN2	CD	MBS	245,000.00		245,000.00		3.450%	8/5/2022	2/2/2025		2.5	
Lafayette Fed Cr Un	50625LAT0	CD	MBS	245,000.00		245,000.00		0.350%	2/12/2021	2/12/2025		4.0	
Amerant Bank	02357QAR8	CD	MBS	245,000.00		245,000.00		1.650%	2/28/2022	2/28/2025		3.0	
American Express Natl Bk	02589ABM3	CD	MBS	245,000.00		245,000.00		1.800%	3/7/2022	3/3/2025		2.11	
Safra Natl Bk	78658RHM6	CD	MBS	245,000.00		245,000.00		2.000%	3/23/2022	3/24/2025		3.0	
Technology Cr Un	87868YAN3	CD	MBS	245,000.00		245,000.00		5.000%	4/26/2023	4/28/2025		2.0	

Investments - December 31, 2023

POOLED FUNDS (GENERAL FUND, CAPITAL, P&S, SEWER LATERAL, PUBLIC SAFETY)

Investment	CUSIP Tracking #	Instrument	Holder	Quantity	Premium / Discount	Principal	Market Value	YTM	Purchase Date	Maturity Date	Call Date	Years	FTN Int Earned
Pinnacle Bk	72345SLM1	CD	MBS	200,000.00		200,000.00		4.800%	5/13/2023	5/8/2025		1.11	
LCA Bank	066519QT9	CD	MBS	245,000.00		245,000.00		0.700%	11/29/2021	5/29/2025		3.6	
Discover Bk	254673F68	CD	MBS	245,000.00		245,000.00		3.100%	6/1/2022	6/2/2025		3.0	
Ally Bk	02007GRY1	CD	MBS	245,000.00		245,000.00		3.050%	6/2/2022	6/2/2025		3.0	
Axiom Bk	05464LBS9	CD	MBS	245,000.00		245,000.00		0.750%	12/14/2021	6/13/2025		3.5	
Sallie Mae	795451BQ5	CD	MBS	245,000.00		245,000.00		3.400%	7/6/2022	7/7/2025		3.0	
Trustone Finl CU	89841MAE7	CD	MBS	245,000.00		245,000.00		3.250%	7/19/2022	7/21/2025		3.0	
Credit UN of TX	22551KAB8	CD	MBS	245,000.00		245,000.00		3.300%	7/22/2022	7/22/2025		3.0	
Luana Svgs Bank	549104WP8	CD	MBS	245,000.00		245,000.00		0.350%	2/19/2021	8/19/2025		4.6	
Ufirst Fed Cr Un	902684AA7	CD	MBS	245,000.00		245,000.00		4.700%	2/22/2023	8/22/2025		2.6	
Mountain Amer Fed CU	62384RAL0	CD	MBS	245,000.00		245,000.00		3.500%	8/31/2022	8/29/2025		2.11	
Connex Cr Un	208212AY6	CD	MBS	245,000.00		245,000.00		3.500%	8/31/2022	8/29/2025		2.11	
Skyone Fed Cr Un	83088XAD0	CD	MBS	245,000.00		245,000.00		3.600%	8/30/2022	9/1/2025		3.0	
Great Southn Bk	39120VTB0	CD	MBS	245,000.00		245,000.00		4.500%	10/20/2022	10/20/2025		3.0	
Sharonview Fed CU	819866BR4	CD	MBS	245,000.00		245,000.00		5.000%	10/31/2022	10/31/2025		3.0	
Barclays Bk	06740KNT0	CD	MBS	245,000.00		245,000.00		1.000%	12/15/2021	12/15/2025		4.0	
Connexus Cr Un	20825WAQ3	CD	MBS	245,000.00		245,000.00		1.050%	12/23/2021	12/23/2025		4.0	
Alliant Cr Un	01882MAD4	CD	MBS	245,000.00		245,000.00		5.100%	12/30/2022	12/30/2025		3.0	
JPMorgan Chase Bk	48128UXU8	CD	MBS	245,000.00	-	245,000.00		0.500%	1/22/2021	1/22/2026		5.0	
Coastlfe Cr Un	19058LAB0	CD	MBS	245,000.00		245,000.00		4.650%	2/13/2023	2/13/2026		3.0	
Raiz FCU	75102EAF5	CD	MBS	245,000.00		245,000.00		4.650%	2/17/2023	2/17/2026		3.0	
BMO Harris BK	05600XBY5	CD	MBS	245,000.00		245,000.00		0.550%	2/18/2021	2/18/2026		5.0	
State Bank India Chicago	856283S49	CD	MBS	245,000.00	-	245,000.00		0.650%	2/25/2021	2/25/2026		5.0	
Live Oak Bkg Co	538036NY6	CD	MBS	245,000.00	-	245,000.00		0.750%	3/16/2021	3/16/2026		5.0	
Alaska USA Fed CR UN	011852AH3	CD	MBS	245,000.00		245,000.00		5.000%	3/22/2023	3/23/2026		3.0	
City of Boston Cr Un	178581AD6	CD	MBS	245,000.00		245,000.00		0.450%	3/30/2021	3/30/2026		5.0	
Banknited Natl	066519QT9	CD	MBS	245,000.00	-	245,000.00		0.950%	3/31/2021	3/31/2026		5.0	
First Fed Bk	32022WCH7	CD	MBS	243,000.00		243,000.00		5.500%	3/31/2023	3/31/2026		3.0	
Pacific Western Bank	69506YXZ7	CD	MBS	243,000.00		243,000.00		5.550%	4/5/2023	4/6/2026		3.0	
Eaglemark Svgs Bank	27004PBD4	CD	MBS	245,000.00		245,000.00		0.700%	4/7/2021	4/7/2026		5.0	
Cross Riv Bank	227563CF8	CD	MBS	245,000.00		245,000.00		5.100%	4/14/2023	4/14/2026		3.0	
Peoples Sec Bank & Trust	712303BH8	CD	MBS	244,000.00		244,000.00		4.900%	4/21/2023	4/21/2026		3.0	
Clearpath Fed Cr Un	18507MAB7	CD	MBS	248,000.00		248,000.00		5.100%	4/26/2023	4/27/2026		3.0	
Sunwest Bk	86804DCW6	CD	MBS	245,000.00		245,000.00		0.700%	4/30/2021	4/30/2026		5.0	
Denver Savgs Bk	249398BY3	CD	MBS	245,000.00		245,000.00		0.700%	5/5/2021	5/5/2026		5.0	
Greenstate Cr UN	39573LBL1	CD	MBS	245,000.00		245,000.00		0.900%	6/16/2021	6/16/2026		5.0	
Medallion Bank	58404DKV2	CD	MBS	245,000.00		245,000.00		0.800%	6/30/2021	6/30/2026		5.0	
Toyota Finl Svgs Bk	89235MLC3	CD	MBS	245,000.00		245,000.00		0.950%	7/12/2021	7/15/2026		5.0	
Bank Newport	06647JAV6	CD	MBS	245,000.00		245,000.00		3.500%	8/3/2022	8/3/2026		4.0	
Midflorida Cr Un	59741QAC6	CD	MBS	245,000.00		245,000.00		5.100%	8/1/2023	8/1/2026		3.0	
DR Bank CTF	23344RAE7	CD	MBS	245,000.00		245,000.00		3.600%	9/9/2022	9/9/2026		4.0	
Texas Exchange Bank	88241TLX6	CD	MBS	129,000.00		129,000.00		1.050%	10/8/2021	10/8/2026		5.0	
Synchrony Bank	87164YE34	CD	MBS	245,000.00		245,000.00		1.000%	10/22/2021	10/22/2026		5.0	
Institution For Svgs	45780PAZ8	CD	MBS	245,000.00		245,000.00		1.000%	10/28/2021	10/28/2026		5.0	
Merrick Bk South	59013KNY8	CD	MBS	245,000.00		245,000.00		0.900%	10/29/2021	10/29/2026		5.0	
Jonesboro St Bk	48040PKT1	CD	MBS	245,000.00		245,000.00		0.750%	11/5/2021	11/5/2026		5.0	
Capital One Bk	14042TDW4	CD	MBS	245,000.00		245,000.00		1.100%	11/17/2021	11/17/2026		5.0	
Community Bk	203485AC1	CD	MBS	245,000.00		245,000.00		1.150%	12/22/2021	12/22/2026		5.0	
Rogue Cr Un	77535MA:7	CD	MBS	245,000.00		245,000.00		5.050%	1/20/2023	1/20/2027		4.0	
Workders Fed Cr Un	98138MBE9	CD	MBS	245,000.00		245,000.00		4.850%	1/27/2023	1/27/2027		4.0	
Metro Cr Un	59161YAP1	CD	MBS	245,000.00		245,000.00		1.700%	2/18/2022	2/18/2027		5.0	
BOFK Natl Assn	05572YGM8	CD	MBS	245,000.00		245,000.00		4.950%	4/26/2023	4/26/2027		4.0	

Investments - December 31, 2023

POOLED FUNDS (GENERAL FUND, CAPITAL, P&S, SEWER LATERAL, PUBLIC SAFETY)

Investment	CUSIP Tracking #	Instrument	Holder	Quantity	Premium / Discount	Principal	Market Value	YTM	Purchase Date	Maturity Date	Call Date	Years	FTN Int Earned
Farmers & Merchants Bank	307811GL7	CD	MBS	245,000.00		245,000.00		4.850%	4/2/2023	4/28/2027		4.0	
CIBC Bk	12547CBF4	CD	MBS	244,000.00		244,000.00		4.450%	5/16/2023	5/14/2027		3.11	
Univest Natl Bk	91527PBZ9	CD	MBS	245,000.00		245,000.00		4.500%	5/16/2023	5/17/2027		4.0	
West Town Bk & Tr	956310BN5	CD	MBS	245,000.00		245,000.00		5.250%	6/16/2023	6/16/2027		4.0	
Method Bk	59151MAP9	CD	MBS	245,000.00		245,000.00		5.300%	7/14/2023	7/14/2027		4.0	
First Technology	33715LDZ0	CD	MBS	245,000.00		245,000.00		3.600%	7/15/2022	7/15/2027		5.0	
Pittsburgh City Hall	72500MAA3	CD	MBS	245,000.00		245,000.00		3.600%	8/16/2022	8/16/2027		5.0	
Chartway Fed Cr Un	16141BAQ4	CD	MBS	245,000.00		245,000.00		5.000%	9/8/2023	9/8/2027		4.0	
Utah First Fed Cr Un	91739JAC9	CD	MBS	245,000.00		245,000.00		5.200%	10/30/2023	10/29/2027		3.11	
Bank Five Nine	062119BX9	CD	MBS	245,000.00		245,000.00		4.300%	5/19/2023	11/19/2027		4.6	
Ledyard Natl Bank	523343AC5	CD	MBS	244,000.00		244,000.00		4.150%	12/29/2023	12/29/2027		4.0	
UBS Bk	90355GJX5	CD	MBS	245,000.00		245,000.00		4.050%	12/29/2023	12/29/2027		4.0	
CIBM Bk	12545JBB0	CD	MBS	245,000.00		245,000.00		5.000%	5/17/2023	5/17/2028		5.0	
Riverbank	76857RCL6	CD	MBS	245,000.00		245,000.00		5.100%	5/23/2023	5/23/2028		5.0	
Dort Finl Cr Un	25844MAW8	CD	MBS	245,000.00		245,000.00		4.350%	5/24/2023	5/24/2028		5.0	
Baxter Cr Un	07181JBB9	CD	MBS	245,000.00		245,000.00		4.900%	8/22/2023	8/22/2028		5.0	
Pinal Cnty Fed Cr Un	72221MAA1	CD	MBS	245,000.00		245,000.00		5.700%	9/8/2023	9/8/2028		5.0	
FieldPoint Private Bk & Tr	31657FAQ1	CD	MBS	245,000.00		245,000.00		5.600%	9/29/2023	9/28/2028		4.11	
Total Pooled Fund CDs				23,460,000.00	-	23,460,000.00							

ESCROW FUND

Investment	CUSIP Tracking #	Instrument	Holder	Quantity	Premium / Discount	Principal	Market Value	YTM	Purchase Date	Maturity Date	Call Date	Years	FTN Int Earned
Numerica Cr Un	67054NBA0	CD	MBS	245,000.00		245,000.00		4.200%	11/4/2022	11/4/2024		2.0	
Jefferson Finl	474067CE3	CD	MBS	245,000.00		245,000.00		5.40%	6/28/2023	6/30/2025		2.0	
Total Escrow Fund				980,000.00	-	980,000.00							

TOTAL INVESTMENTS FOR ALL FUNDS

						34,385,000.00							
			MBS MOSIP			34,385,000.00							
						-							
						34,385,000.00							

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 140

Finances

Charter References — Financial procedure, §§9.1 et seq.

Section 140.010 **Purchasing and Sales Policy.**

[R.O. 2008 §2-216; Ord. No. 829 §1, 12-12-1977; Ord. No. 4000 §1, 1-9-2006; Ord. No. 5089 §1, 6-22-2009]

A. *Purchasing And Sales Policy.*

1. *Purpose.* The purpose of this Chapter is to establish guidelines regarding purchases made by the City and the sale of City property in order to maximize the value realized for each public dollar spent and for public property.
2. *Scope.* This Chapter is applicable to all purchasing for the City and the sale of any City property outside the scope of ordinary services.
3. *Basic goals.* The basic goals of the City are:
 - a. To comply with all applicable legal requirements.
 - b. To assure vendors and buyers that impartial and equal treatment will be afforded to all who wish to do business with the City.
 - c. To maximize the value realized for each public dollar spent and for public property.
 - d. To obtain goods and services at the time and place needed in the proper quantity and quality.
 - e. To purchase only goods and services for which funds have been approved and not previously encumbered.
 - f. To sell or lease property that is no longer necessary or useful to the City and that can be better used by the private sector.
 - g. To promote environmentally sustainable practices by including environmental considerations in purchasing decisions.

If the procedures and guidelines established in this Chapter are followed, each department should efficiently manage, control and plan its available resources to meet present and future departmental needs and help the City meet its goals.

B. *Definitions.* The following terms shall be defined as stated for purposes of this Chapter:

APPROPRIATION

The legal authorization of monies for anticipated or incurred expense.

BUDGET

A document which sets forth proposed revenues and expenses to be incurred during a fiscal year for the various City operations.

CAPITAL EXPENDITURE

Any project included in the capital improvements account within the annual budget, but shall not include items within the capital outlay for any department, division or agency budget.

CONSTRUCTION

The process of building, altering, repairing, improving or demolishing any public structure or facility or other public improvement of any kind.

CONTRACT

A legally binding promise enforceable by law and, generally, in writing.

DEPARTMENTS

Includes legislative, legal, administration, finance, police, parks and recreation, community development and public works, purchasing and personnel.

DESIGN-BUILD

A project delivery method subject to a two-stage qualifications-based selection for which the design and the construction services are furnished under one contract.

DESIGN-BUILD CONTRACT

A contract which is subject to the two-stage qualifications-based selection process between the City and a design-builder to furnish the architectural, engineering, and related design services and the labor, materials, supplies, equipment, and other construction services required for a design-build project.

DESIGN-BUILD PROJECT

The design, construction, alteration, addition, remodeling, or improvement of any buildings or facilities under contract with the City. Such design-build projects include, but are not limited to: roads and streets, bridges, utilities, storm drainage facilities, public buildings, recreational facilities, and public site improvements.

DESIGN-BUILDER

Any individual, firm, partnership, corporation, association, joint venture, or other legal entity that offers to provide or provides design services and general contracting services through a design-build contract in which services within the scope of the practice of professional architecture or engineering are performed respectively by a licensed architect or licensed engineer and in which services within the scope of general contracting are performed by a general contractor or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts or joint ventures.

ENCUMBRANCE

The reservation of monies to meet a prior financial commitment.

ENVIRONMENTALLY PREFERABLE PRODUCTS

Commodities and services that carry the certification or label of one (1) of the following national independent environmental certifying programs:

EPEAT (Electronic Product Environmental Assessment)

Energy Star

Environmental Choice (Canada EcoLogo)

Forest Stewardship Council

Green Guard for Children and Schools

Green Seal

Green-e

USDA Organic

or that assume one (1) or more of the following qualities to a greater degree than comparable commodities and services:

Biobased

Biodegradable

Carcinogen-free

Chlorofluorocarbon (CFC-free)

Compostable

Durable or reusable, as opposed to single-use or disposable

Energy efficient

Heavy metal free (e.g., no lead, mercury, cadmium)

Less hazardous

Low volatile organic compound (VOC) content

Low-toxicity

Made from rapidly renewable materials

Persistent, bioaccumulative toxic (PBT)-free

Procured from vendors and contractors that follow green policies in their own operations

Produced locally or regionally (to minimize environmental costs associated with shipping)

Recyclable

Recycled content

Reduced greenhouse gas emissions

Reduced packaging, especially polystyrene

Refurbished

Resource efficiency

Upgradeable

Water efficient

EXISTING PURCHASING CONTRACT

A contract previously entered into by the City and currently existing including, but not limited to, a term-and-supply contract, an annual contract, a maintenance contract and a warranty contract.

FORMAL WRITTEN BID

A competitive bid for supplies and services must be submitted in response to an advertised request in a prescribed format pursuant to applicable instructions, including typically that the bid be submitted in a

sealed format to be opened in public at a specified time.

[Ord. No. 5609, 10-10-2018]

INFORMAL WRITTEN BID

A competitive bid for supplies or services conveyed to the City in writing, generally without prior advertising, pursuant to applicable instructions.

[Ord. No. 5609, 10-10-2018]

ITEM

A product, material or service.

MATERIAL VALUE

The value of an item to be purchased or sold, to be determined in the first (1st) instance by the department director.

PROCUREMENT

Purchasing, renting, leasing or otherwise acquiring any supplies, services, property or construction, including performance of any necessary functions such as writing specifications, selection and solicitation of sources, preparation and award of contract and contract administration.

QUOTATION

A statement of price, terms of sale and description of property, goods or services offered by a vendor to a prospective purchaser by letter, fax, telephone or other means of communication.

REQUISITION

An internal document by which a department enters details of supplies, services or material required to the Finance Department, including documentation of authority to commit funds for the purchase, into the financial software for approval.

SCOPE OF SERVICES

A detailed description of the tasks to be performed.

SPECIFICATIONS

A description of the environmental, physical or functional characteristics or of the nature of a supply, service, property or construction item; the requirements to be satisfied by a product or process; indicating, if appropriate, the procedures to determine whether the requirements are satisfied and/or the capabilities and performance characteristics that the item must satisfy.

STIPEND

An amount paid to the unsuccessful but responsive, short-listed design-builders to defray the cost of participating in the second phase of the selection process described in this Policy.

Section 140.020 **Payments.**

[R.O. 2008 §2-217; Ord. No. 829 §4(B)(3), 12-12-1977; Ord. No. 4000 §2, 1-9-2006; Ord. No. 5089 §2, 6-22-2009]

A. The City Administrator shall have the discretion to direct payment of an invoice so long as the funds

have been appropriated and the transaction was approved in compliance with Section **140.030**. Any other invoice shall require review and approval by the City Council prior to payment.

- B. At each regularly scheduled City Council meeting, the City Administrator shall present a listing of all invoices which have been received since the previous regular City Council meeting.

Section 140.030 **General Guidelines.**

[R.O. 2008 §2-218; Ord. No. 829 §5, 12-12-1977; Ord. No. 2130 §1, 6-11-2001; Ord. No. 4000 §3, 1-9-2006; Ord. No. 5089 §§3 — 4, 6-22-2009]

A. *General Guidelines.*

1. *Local and regional buying preferences.* It is the desire of the City to purchase from Creve Coeur, Missouri, and/or American vendors whenever possible. When all other factors are equal, preference shall be provided to Creve Coeur vendors first (1st), Missouri vendors second (2nd) and American vendors third (3rd). To be considered a Creve Coeur vendor, the person or entity must have a physical place of business located in the City and a City business license. To be considered a Missouri vendor, the person or entity must have a physical place of business in the State and authority to conduct business in the State. To be considered an American vendor, the person or entity must have a physical place of business in the country and authority to conduct business in the country. Every contract for public works construction or maintenance in excess of one thousand dollars (\$1,000.00) shall contain the following provision: "The contractor is requested to use American products in the performance of this contract whenever the quality and price are comparable with other goods."
2. *Environmental preference.* The City shall prefer environmentally preferable products in all purchasing decisions; however, nothing in this Section shall be construed as requiring the City to procure products or services that are inferior in quality, do not perform adequately for their intended use, exclude adequate competition, are not available at a reasonable price in a reasonable period of time, or exclude the consideration described under Subsection **(9)** below.

All requests for proposals and bids shall contain the following provision: "Environmentally-friendly buying preferences: The City of Creve Coeur promotes environmentally sustainable practices by purchasing environmentally preferable products when cost, quality, variety, quantity, delivery time and any other defined specifications are not significantly inferior to competing commodities and services. Whenever possible, proposals shall provide applicable information relating to how the vendor's product is environmentally preferable. Environmentally preferable products are commodities or services that carry the certification of one (1) of the following national independent environmental certifying programs:

EPEAT (Electronic Product Environmental Assessment)

Energy Star

Environmental Choice (Canada EcoLogo)

Forest Stewardship Council

Green Guard for Children and Schools

Green Seal

Green-e

USDA Organic

or that assume one (1) or more of the following qualities to a greater degree than comparable commodities and services:

Biobased

Biodegradable
Carcinogen-free
Chlorofluorocarbon (CFC-free)
Compostable
Durable or reusable, as opposed to single-use or disposable
Energy efficient
Heavy metal free (e.g., no lead, mercury, cadmium)
Less hazardous
Low volatile organic compound (VOC) content
Low-toxicity
Made from rapidly renewable materials
Persistent, bioaccumulative toxic (PBT)-free
Procured from vendors and contractors that follow green policies in their own operations
Produced locally or regionally (to minimize environmental costs associated with shipping)
Recyclable
Recycled content
Reduced greenhouse gas emissions
Reduced packaging, especially polystyrene
Refurbished
Resource efficiency
Upgradeable
Water efficient"

3. *Planning.* Small orders and last-minute purchases should be minimized, thereby increasing the capability of each department to purchase its goods and services in larger quantities in order to obtain the maximum discounts possible.
4. *Overdrafts prohibited.* No purchase will be authorized which would overdraw a budgetary line item account in the absence of approval from the City Administrator or City Council as provided in Sections 9.8 and 9.9 of the City Charter.
5. *Buying proper quality.* It is the duty of the requisitioning department to secure the best quality for the purpose intended. "Quality buying" is the buying of goods or services that will meet or exceed the requirements for which they are intended. The environmental characteristics of a service or product shall not be excluded from determination of proper quality.
6. *Sales tax.* The City is generally exempt from paying local and State sales taxes and Federal excise taxes (except for motor fuels). The Finance Department can provide the necessary exemption documents to any vendor upon request.
7. *Endorsements.* It is the policy of the City not to endorse or in any way permit an employee's name, position or the City's name to be used and advertised as supporting a product or vendor.
8. *Personal purchases.* Purchases for personal use by employees by the City are prohibited. City employees are also prohibited from using the City's name or the employee's position to obtain special consideration in personal purchases.

9. *Lowest and best bidder.* Contracts for purchases shall be awarded to the lowest and best bidder. In determining the "lowest and best bidder", in addition to price, the City will consider, when applicable, these considerations:
 - a. Whether or not the commodity or service is "environmentally preferable" as defined in Subsection **140.010(B)**.
 - b. The life-cycle cost and return on investment of a commodity or service, in addition to the initial cost.
 - c. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
 - d. Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference.
 - e. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - f. The quality of performance of previous contracts or services.
 - g. The previous and existing compliance by the bidder with applicable laws.
 - h. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
 - i. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
 - j. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
 - k. The number and scope of conditions attached to the bid.
 - l. Any other pertinent factor.
- B. **Purchasing Procedures.** No purchase or contracts for services or supplies paid from funds of the City, shall be made by any officer, employee or agent of the City, or City Administrator, except in the manner hereinafter set forth. **[Ord. No. 5609, 10-10-2018]**
 1. Purchases with material value from zero dollars (\$0.00) to two thousand four hundred ninety-nine dollars (\$2,499.00). Whenever any contemplated purchase or contract for services is under two thousand five hundred dollars (\$2,500.00) and within budget, the City may order the item or items as needed without any further formality. It is the responsibility of each department director to ensure control over this process. Final approval of the purchase or contract shall be by the department director. No quotes are necessary and no purchase order is required.
 2. Purchases with material value from two thousand five hundred dollars (\$2,500.00) to seven thousand four hundred ninety-nine dollars (\$7,499.00). Whenever any contemplated purchase or contract for services are within this range and budget, at least three (3) informal written bids for the items or services shall be submitted in bid form. The City may purchase items or contract for services from the lowest

responsible bidder whenever reasonably possible. All received bid documentation will be uploaded to the winning vendor's file in the financial software system. No purchase order is required.

3. Purchases with material value from seven thousand five hundred dollars (\$7,500.00) to twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00). Whenever any contemplated purchase or contract for services are within this range and budget, at least three (3) written bids for the items or services shall be submitted in bid form. The City may purchase items or contract for services from the lowest responsible bidder whenever reasonably possible. The requisition for purchase of the items or services must be approved by the department director, the Director of Finance and the City Administrator for issuance of a purchase order. All received bid documentation will be attached to the requisition/purchase order.
4. Purchases with material value of twenty-five thousand dollars (\$25,000.00) and above. Whenever any contemplated purchase or contract for services are within this range, at least three (3) written bids for the items or services shall be submitted in bid form. Items in this category may be ordered only after review by the City Attorney and official approval by the City Council. For purchases exceeding fifty thousand dollars (\$50,000.00), a formal written request for bids including a general description of the articles to be purchased or services performed and the time and place for opening the bids, shall be posted on the City's website. In an effort to obtain the best bids possible, further notice shall be provided, as determined by the Finance Director, such as posting on pertinent online bidding sites, advertising in relevant trade publications, and mailing or emailing to responsible prospective suppliers of the items to be purchased or services performed. Newspaper advertisement shall be used when required by law or when otherwise deemed beneficial by the Finance Director. Final approval of the purchase or contract shall be by affirmative vote of a majority of the City Council. After approval by the City Council, the requisition for purchase of the items or services must be approved by the department director, the Director of Finance and the City Administrator for issuance of a purchase order. All received bid documentation will be attached to the requisition/purchase order.
5. Bidding. The City and all parties contracting with the City shall follow the procedure hereinafter set forth in relation to all purchases exceeding fifty thousand dollars (\$50,000.00):
 - a. All notices and solicitation of bids shall state the time and place for opening.
 - b. All bids shall be submitted sealed, either electronically or in writing, and shall be identified as "sealed bids" on the envelope or electronic subject line.
 - c. All bids shall be opened in public at the time and place stated in the public notice.
 - d. A tabulation of all bids received shall be available for public inspection per request.
 - e. The City shall have the authority to reject any and all bids and parts of all bids and re-advertise or re-solicit bids.
 - f. Determining Lowest Responsible Bidder. Unless there is an exercise of the right of rejection, the purchase or contract shall be made from and with the lowest responsible bidder for any article or to the lowest responsible bidder for the entire purchase or contract for any part thereof. In determining the lowest responsible bidder, the following shall be considered:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide service required.
 - (2) Whether the bidder can perform the contract or provide the services promptly or within specified time, without delay or interference.
 - (3) The quality of performance of previous contracts or services.
 - (4) The previous and existing compliance by the bidder with laws and ordinances of the City.
 - (5) The financial resources and ability of the bidder to perform the contract or provide the service.
 - (6) The quality, availability and adaptability of the supplies or service.
- g. Performance Bond. In addition to bonds required by law, the City shall have the authority to require a performance bond, in cash or otherwise, for such amount as it may deem sufficient to secure the execution of the contract of furnishing supplies or services for the best interest of the City.
6. Multiple Or Repeat Orders. Multiple or repeat orders cannot be used to avoid the requisite approvals for the total purchase amount.
7. Special Circumstances. If less than three (3) quotes are received and the quotes all exceed the amount budgeted for the purchase, departments should either request new bids for the desired goods or services or obtain approval from the Director of Finance to proceed based on the initial quote(s) on the grounds that special circumstances exist such that requests for new bids would not generate different quotes. Such special circumstances should be explained in a memorandum accompanying the purchase order.
8. Exempt Purchases. The following purchases, by their very nature, are exempt from the normal purchasing guidelines, do not require a purchase order and require the special procurement practices set forth in subsequent Sections of this Chapter:
- a. Sole-source or monopoly purchases;
 - b. State of Missouri Cooperative purchasing agreement or Other Cooperative purchasing agreements;
 - c. Fuel purchases;
 - d. Professional services;
 - e. Term and supply and annual contracts;
 - f. Emergency purchases;
 - g. Payments to risk management pools, employee benefit payments (note: health insurance requires bidding every three years per 67.150 RSMo), debt service payments and maintenance contracts, i.e., software maintenance, associated with items already purchased by the City. At times there may be an item that is unable to be processed through a purchase order based upon varying circumstances and those situations shall receive Finance Director approval to proceed without going through the purchase order guidelines and procedures. A purchase of a good or service shall not be made until it has been

approved, unless the procedures for an emergency purchase has been followed.

h. Design-build projects:

C. *Change Orders.* **[Ord. No. 5576, 3-26-2018; Ord. No. 5588, 5-29-2018; Ord. No. 5609, 10-10-2018]**

1. Construction Change Orders Approved By City Administrator. The City Administrator is authorized to approve change orders not exceeding ten percent (10%) of the original contract or up to fifty thousand dollars (\$50,000.00), whichever is less.
2. Construction Change Orders Approved By City Council. Construction change orders approved by City Council. In the event a construction change order contains costs in an amount that exceeds the authorization of the City Administrator, the change order must go to City Council for approval. In the event change orders on a single contract accumulate to an amount in excess of the City Administrator's authorization, all subsequent change orders, regardless of amount, must go to City Council for approval. On a project-by-project basis, the City Council may authorize the City Administrator to approve up to twenty-five thousand dollars (\$25,000.00) in additional change orders following City Council review of all previous change orders, but in no event shall such additional authorization exceed ten percent (10%) of the original contract.
3. Changes To Purchase Orders. The City Administrator is authorized to approve change orders for purchases not exceeding ten percent (10%) of the original contract or up to twenty-five thousand dollars (\$25,000.00), whichever is less so long as the proposed changes are in response to conditions unforeseen at the time the purchase order was awarded. Change orders may not be used to overdraw a budgetary account, to avoid the City's competitive bidding process or to materially alter the purpose of the original bid or contract. Changes to purchase orders in excess of ten percent (10%) or twenty-five thousand dollars (\$25,000.00) must be approved by City Council.

D. *Sole-Source And Monopoly Purchases.* **[Ord. No. 5638, 4-22-2019]**

1. The Director of Finance or designated representative and department director or designated representative shall authorize a sole-source purchase and accordingly waive competitive purchasing procedures when such a request is presented in writing by the requesting department that only a single feasible procurement source exists. A single feasible sole source exists when:
 - a. Supplies or services are proprietary and only available from a single manufacturer or a single distributor, or
 - b. It is determined that only one (1) distributor services the region, or
 - c. When supplies or services are available at a significant discount from a single distributor for a limited period of time, or
 - d. When a project with specific circumstances requires specialized consultant or technical services with a unique combination of abilities or expertise.
2. In the event the amount of a sole-source purchase will exceed twenty-four thousand nine hundred

ninety-nine dollars (\$24,999.00), it must also be approved in advance by the Director of Finance and City Administrator or their designated representatives and must be approved by the City Council.

3. Purchases of services that are provided on a monopoly basis such as electrical, gas and water utility services do not require specific City Council approval unless budgeted amounts are exceeded.
- E. *State of Missouri Cooperative Agreement Or Other Cooperative Agreements. [Ord. No. 5638, 4-22-2019]*
1. The City may contract directly with the State of Missouri or other governmental entities for the purchase of items. The City may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby items are procured in accordance with a contract established by the State of Missouri or another governmental entity provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity.
 2. From time to time, but not less than each July of each even-numbered year, the Finance Department shall provide a list of cooperative purchasing programs in which the City will participate. The Finance Department shall be responsible for notifying the departments of current approved cooperative purchasing agreements and any limitation or special requirements for their use.
 3. The City Administrator will review and approve all cooperative purchasing agreements with other governmental agencies with material value under twenty-five thousand dollars (\$25,000.00) prior to their use. The City Council shall review and approve cooperative purchasing agreements with material value of twenty-five thousand dollars (\$25,000.00) or more. Competitive bidding procedures do not apply to such purchases made through approved cooperative purchasing agreements.
 4. "Acceptable cooperative purchasing agreements" are agreements which contain the same terms, conditions, specifications and pricing for the respective item that the department would bid and purchase on their own.
 5. Additional City Council approval shall not be required for the purchase of any budgeted items from approved cooperative purchasing agreements.
- F. *Fuel Purchases.* Bulk fuel purchases for vehicles may be made without approval of a purchase order, provided that three (3) quotes are obtained and the lowest cost vendor is selected. A copy of all of the quotes will be attached to the winning vendor's file in the financial software system. To the extent vehicles cannot be fueled through the City's bulk-purchasing program, purchases may be made at any commercial service station, although price shopping is still encouraged. Documentation of the purchase shall be submitted.
- G. *Professional Services Contracts. [Ord. No. 5609, 10-10-2018]*
1. Contracts for professional services provided by financial advisors, physicians, certified public accountants, engineers, architects, land surveyors, brokers, consultants and other specialized or technical services shall be obtained through the special procurement procedures set forth in this Section.
 2. Requests for qualifications or proposals, as applicable, for professional services shall be submitted to the

City Administrator for review and approval prior to distribution. When an RFQ or RFP for professional services is approved, a limited number of qualified professionals known to the City will be invited to submit a response setting forth their interest, qualifications and description of proposed services. A contract will be negotiated with the professionals deemed to best meet the City's needs.

3. Upon approval of the Finance Director and City Administrator, professional services contracts under nineteen thousand nine hundred ninety-nine dollars (\$19,999.00) may be exempt from the request for proposal process.
4. Professional services contracts for twenty-five thousand dollars (\$25,000.00) or more must be approved by the City Council.
5. The City Administrator is authorized to approve change orders for professional service contracts not exceeding ten percent (10%) of the original contract or up to twenty-five thousand dollars (\$25,000.00), whichever is less so long as the proposed changes are in response to conditions unforeseen at the time the purchase order was awarded. Change orders may not be used to overdraw a budgetary account, to avoid the City's competitive bidding process or to materially alter the purpose of the original bid or contract. Changes to contracts in excess of ten percent (10%) or twenty-five thousand dollars (\$25,000.00), must be approved by City Council.

H. *Term And Supply And Annual Contracts.* **[Ord. No. 5638, 4-22-2019]**

1. Term and supply contracts and annual contracts shall be bid through each department following the same procedures established by this policy for other purchases based upon estimated material value of contract. The department requesting the service shall prepare a recommendation of award for City Council approval for all term and supply and annual contracts with material value of twenty-five thousand dollars (\$25,000.00) or more based upon the annual value of the contract. All multiple year contracts should contain a clause explaining that the obligation of the City to pay for goods and/or services under the contract is limited to payment from available revenues and shall constitute a current expense of the City and shall not in any way be construed to be a debt of the City in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the City nor shall anything contained in the contract constitute a pledge of the general tax revenues, funds or monies of the City and all provisions of the contract shall be construed so as to give effect to such intent.
 2. Once such a contract is approved, specific purchases within budget should be made on an "as-needed" basis without further bidding while the contract remains open, unless and until the City terminates the contract. Any department that believes such a contract is no longer competitive should provide such information to the Finance Director. All contracts with supporting documentation (resolutions, insurance, bonds, etc.) must be entered and managed in the financial software system.
- I. *Emergency Purchases.* In case of an emergency which requires immediate purchase of supplies or services, the City Administrator may authorize such purchase or secure such services needed without complying with the procedures as set out above. Department directors faced with an emergency purchase need shall notify the City Administrator as soon as possible. When possible (if purchase is greater than twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00), in such an emergency, the City Administrator shall seek approval from the City Council at a special or regular meeting prior to

the purchase. If a timely special or regular meeting of the City Council is not possible, a full report of such an emergency purchase shall be made by the City Administrator to the City Council as soon as possible. [Ord. No. 5638, 4-22-2019]

J. Design-build projects.

Approval of the City Council and Request for Qualifications.

If City staff determines that a project would benefit from a design-build process, City staff shall obtain approval of the City Council in order to use the design-build process for that project. City staff shall provide the reasons why design-build would be advantageous for the project and any other information requested by the Council. Council approval is required before the project is advertised as a design-build project even if the project was previously approved as part of the budget. If the City Council approves a project for a design-build process then one of the following methods (Option #1 or Option #2) as approved by the City Council shall be utilized by City staff for the design-build process. City staff will provide a recommendation for City Council's consideration for either Option #1 or Option #2.

Option #1 – Projects generally shall be large scale civil works projects with multiple work scopes and likely requiring many professional design consultants and subconsultants. Projects generally will have complex construction work scopes requiring a high level of planning, higher level of construction coordination, numerous subcontractors and generally longer construction durations. Noncivil works projects such as complex buildings and large site improvement projects shall also generally fall into this option.

Option #2 – Projects generally shall be smaller scale civil works projects with limited work scopes and likely requiring just one or a few design consultant(s). Projects generally have a well-defined work scope, a limited number of subcontractors needed during construction and generally shorter construction durations. Noncivil works projects such as simple buildings, smaller site improvement projects, prefabricated or similar type of structures shall also generally fall into this option.

Option #1

Step One (Option #1) – Request for Qualifications:

- A. The City shall publish a Requests for Qualifications in the same manner as Section 140.030 B. Purchasing Procedures. The request for qualifications shall set forth a general description of the project requiring design-build services and defining the time frame and procedures for interested qualified firms to apply for consideration. In addition, the RFQ shall set forth a description of the areas of qualification required for performance of the work, such as experience, management resources, and financial capacity.
- B. The City Administrator shall designate city representatives and consultants, if appropriate, to serve as a Technical Review Committee. The Technical Review Committee shall determine the relative ability of each firm to perform the services required for each project. Determination of ability shall be based upon experience with comparable projects; financial and bonding capacity; managerial resources; the abilities of the professional personnel; past performance for the City; capacity to meet time and budget requirements; knowledge of local or regional conditions; recent, current, and project workload of the firms; and the ability of the design and construction teams to complete the work in a timely and satisfactory manner.
- C. The Technical Review Committee shall select not more than five firms and not less than two firms deemed to be the most highly qualified to perform the required services after considering

the factors set forth in subsection B above. In the event that only one firm submits a response, the Committee shall determine if the firm is qualified and, if so, the City may proceed to direct negotiation with that firm, republish the RFQ or select a different method for completion of the project.

- D. The Request for Proposals issued in accordance with the Step Two procedure below shall be provided to those firms selected by the Technical Review Committee.
- E. No selected firm shall replace an identified contractor, subcontractor, design consultant or subconsultant without the written approval of the City.
- F. A list of the firms selected to submit a proposal will be subject to disclosure when the list is finalized. The analysis of the qualifications, or summary of results, will remain confidential until the contract has been negotiated and executed.

Step Two (Option #1) – Request for Proposals from firms selected by the Technical Review Committee:

- A. A performance criteria package shall be prepared by the City. The City may engage independent consultants to assist with the preparation of such documents; provided, however, that any independent consultants shall not be affiliated with those firms selected by the Technical Review Committee. The purpose of the performance criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals.
- B. The performance criteria package may include, but not be limited to, site survey; material quality standards; programmatic space needs; conceptual design criteria; design and construction schedules; site development requirements; stipulation of responsibilities for permits and connections to utilities, storm water facilities and roads; stipulation of responsibility for meeting environmental regulations; soil borings and geo-technical information; a statement of required compliance with statutory requirements, codes and general technical specifications; budget limitations; and any other design or performance criteria relevant to the project.
- C. The Request for Proposals shall consist of the performance criteria package, instructions to bidders, bid proposal forms, provisions for contracts, general and special conditions and the basis for evaluation of proposals.
- D. The selected firms shall respond to the Request for Proposals as follows:
 - a. Each firm shall develop a detailed project design based on the criteria in the performance criteria package and for construction of the project in compliance with the performance criteria package. All documents and submissions responding to the performance criteria package shall be clearly marked “Project Design and Construction”.
 - b. In a separately-sealed envelope, each firm shall place the cost proposal which shall provide a firm, fixed cost of design and construction and the bid security, if such is required. This envelope shall clearly be marked “Cost Proposal”.

Step Three (Option #1) – Selection.

- A. Upon receipt of the Proposals from the qualified firms, the Technical Review Committee shall first review the Project Design and Construction submittals and shall rank them according to responsiveness to the performance criteria package and overall aesthetic and shall assign each firm a score corresponding with the firm's ranking. Each firm shall be given a score from 1 to 10, with 10 being the highest score. This score shall account for 60% of the total point score for each firm.
- B. Upon the date and time set in the Request for Proposals, the cost proposals shall be publicly opened and read aloud. The firms shall be ranked from lowest cost to highest cost with an allowable point score with 1 being the highest cost proposal and up to 10 points given for the lowest cost proposal. This score shall account for 40% of the total point score for each firm.
- C. The maximum possible total point score is 20 points.
- D. The responsive design-builder with the highest score shall be recommended to the City Council.
- E. In finally awarding a contract, the City Council shall set forth detailed reason(s) supporting its decision if the Council does not select the design-builder with the highest score.
- F. The City may reject all proposals and either solicit new proposals using different design criteria, budget constraints or qualifications or choose a different method for completion of the project.
- G. The analysis of the proposals, or summary of results, will remain confidential until the contract has been negotiated and executed.

Option #2

Step One (Option #2) – Request for Qualifications and Request for Proposals:

- A. The City shall publish a Requests for Qualifications and Request for Proposal in the same manner as Section 140.030 B. Purchasing Procedures. The request for qualifications shall set forth a general description of the project requiring design-build services and defining the time frame and procedures for interested qualified firms to apply for consideration. In addition, the RFQ shall set forth a description of the areas of qualification required for performance of the work, such as experience, management resources, and financial capacity.

A performance criteria package shall be prepared by the City. The City may engage independent consultants to assist with the preparation of such documents; provided, however, that no independent consultants shall be affiliated with those firms selected by the Technical Review Committee.

The purpose of the performance criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals. The performance criteria package may include, but not be limited to, site survey; material quality standards; programmatic space needs; conceptual design criteria; design and construction schedules; site development requirements; stipulation of responsibilities for permits and connections to utilities, storm water facilities and roads; stipulation of responsibility for meeting environmental regulations; soil borings and geo-technical information; a statement of required compliance with statutory requirements, codes and general technical specifications; budget limitations; ability to meet the schedule; and any other design or performance criteria relevant to the project.

- B. The City Administrator shall designate city representatives and consultants, if appropriate, to serve as a Technical Review Committee. The Technical Review Committee shall determine the

relative ability of each firm to perform the services required for each project. Determination of ability shall be based upon experience with comparable projects; financial and bonding capacity, managerial resources; the abilities of the professional personnel; past performance for the City; capacity to meet time and budget requirements; knowledge of local or regional conditions; recent, current, and project workload of the firms; and the ability of the design and construction teams to complete the work in a timely and satisfactory manner.

- C. The Technical Review Committee shall select not more than five firms and not less than two firms deemed to be the most highly qualified to perform the required services after considering the factors set forth above. In the event that only one firm submits a response, the Committee shall determine if the firm is qualified and, if so, the City may proceed to direct negotiation with that firm, republish the RFQ/RFP or select a different method for completion of the project.
- D. The Request for Proposals shall consist of the performance criteria package, instructions to bidders, bid proposal forms, provisions for contracts, general and special conditions and the basis for evaluation of proposals.
- E. All Firms shall respond to the Request for Proposals portion as follows:
 - a. In a separately sealed envelope, each firm shall develop a detailed project design based on the criteria in the performance criteria package and for construction of the project in compliance with the performance criteria package. All documents and submissions responding to the performance criteria package shall be clearly marked "Project Design and Construction".
 - b. In a separately sealed envelope, each firm shall place the cost proposal which shall provide a firm, fixed cost of design and construction and the bid security, if such is required. This envelope shall clearly be marked "Cost Proposal".

Step Two (Option #2) – Selection:

- A. For only the firms that the Technical Review Committee deemed to be the most highly qualified to perform the required services after considering the factors set forth above (Step 1, B for Option #2), the Technical Review Committee shall first review the Project Design and Construction submittals of the most highly qualified firms and shall rank them according to responsiveness to the performance criteria package and overall qualifications and shall assign each firm a score corresponding with the firm's ranking. Each firm shall be given a score from 1 to 10, with 10 being the highest score. This score shall account for 60% of the total point score for each firm. [For all firm(s) not deemed to be the most highly qualified to perform the required services, such Project Design and Construction submittals and the Request for Proposals for each firm shall be returned unopened to the respective firm(s).]
- B. Upon the date and time set in the Request for Proposals, the cost proposals shall be publicly opened and read aloud. The firms shall be ranked from lowest cost to highest cost with an allowable point score with 1 being the highest cost and up to 10 points given for the lowest cost proposal. This score shall account for 40% of the total point score for each firm.
- C. The maximum possible total point score is 20 points.
- D. The responsive design-builder with the highest score shall be recommended to the City Council.
- E. In finally awarding a contract, the City Council shall set forth detailed reason(s) supporting its decision if the Council does not select the design-builder with the highest score.

F. The City may reject all proposals and either solicit new proposals using different design criteria, budget constraints or qualifications or choose a different method for completion of the project.

G. The analysis of the proposals, or summary of results, will remain confidential until the contract has been negotiated and executed.

Stipend. As an inducement to qualified design-builders, the City may pay, but is not required to pay, a reasonable stipend, the amount of which shall be established and stated in the Request for Proposals, to each qualified design-builder whose proposal is responsive but not selected. Upon payment of the stipend to any unsuccessful design-builder, the City shall acquire a nonexclusive right to use the design submitted by the design-builder, and the design-builder shall have no further liability for the use of the design by the City in any manner. If the design-builder desires to retain all rights and interest in the design proposed, the design-builder shall forfeit the stipend.

Additional Provisions.

A. In lieu requiring both Performance Proposals and Cost Proposals, the City may establish a fixed dollar budget for the design-build project in the Request for Proposals and require only Performance Proposals with the price being fixed for all firms. In this approach, the firm with the highest score after considering the Project Design and Construction submittals will be recommended.

B. In accordance with Section 67.5060.17 RSMo, the payment bond requirements of Section 107.170 RSMo shall apply to the design-build project. All persons furnishing design services shall be deemed to be covered by the payment bond the same as any person furnishing labor and materials. The required performance bond for the design-builder shall not cover any damages of the type specified to be covered by the professional liability insurance required and stated in the Request for Proposals.

C. At the time of the award and following the award, the City may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided that the negotiated changes do not affect the ranking of the proposals.

JK. Lease Of Real Property.

1. Upon action of the City Council, the City may lease real property that it owns for fair market value, when such property is currently underutilized, in order to maximize the return of the property to the City until such time as such property shall be required for public usage.
2. Nothing herein shall prevent the City Administrator or designated representative from negotiating a higher rent for a lessee of any real property that is shown to have a unique value to such lessee due to its configuration, accessibility or size, subject to approval from the City Council.

KL. Sale Of Real Property.

1. Upon action of the City Council, the City may sell unneeded real property for fair market value.
2. Nothing herein shall prevent the City Administrator or designated representative from negotiating a higher price for sale or trade to a buyer for any real property that is shown to have a unique value to

such buyer due to its configuration, accessibility or size, subject to approval from the City Council.

LM. *Disposal Of Surplus Goods.* The City should promptly dispose of all surplus property to the economic advantage of the City. Competitive bidding on surplus, obsolete or unusable goods is required through sealed bids, auction, open market sales or other available means. The disposal of all such goods requires the approval of the City Administrator; additional approval by the City Council is required for goods in excess of twenty-four thousand nine hundred ninety-nine dollars (\$24,999.00) in total material value. Trade-in opportunities should be pursued when available to reduce the City's purchasing costs. Competitive bidding shall only apply to a trade-in to the extent it applies to the new purchase. Approvals of a trade-in shall be handled in conjunction with the approval of the new purchase as dictated by the purchase price.

MN. *Designated Representatives.*

1. Throughout this policy several references have been made to "designated representatives"; in order to assure that proper authority has been given to an individual who represents themselves as a "designated representative", the departments are requested to make an effort to communicate said designated authority to the Finance Department when appropriate.
2. The Finance Department shall be provided evidence of an individual's "designation" immediately upon request.

NO. *Purchasing Policy Supplements.* In the event a specific procurement procedure is required to be in writing when the City is purchasing an item which is funded in whole or in part by grant funds, i.e., CDBG, the City Administrator shall have the authority to supplement this Section to incorporate the special requirements of that procurement.

OP. *Policy Clarification.* The City Administrator may clarify the provisions of this Chapter in furtherance of the stated goals of this Chapter by written statement, provided the City Administrator cannot alter in any way the extent to which City Council action is required hereunder.

PQ. *Yearly Report.* The City Administrator shall provide a yearly report to the City Council of the dollar amount of environmentally preferred products purchased by the City in the preceding year, the categories of products purchased, the savings or costs associated with the green purchasing policy, and any other effects associated with the City's green purchasing program.

Section 140.040 Accounting Standards and Procedures.

[R.O. 2008 §2-219; Ord. No. 829 §6, 12-12-1977]

The City shall adopt the accounting standards as prescribed by the American Institute of Certified Public Accountants and the Governmental Accounting Standards Board. The City Administrator may promulgate administrative accounting procedures for uniform accounting procedures.

Section 140.050 Financial Reports.

[R.O. 2008 §2-220; Ord. No. 829 §8, 12-12-1977; Ord. No. 2130 §1, 6-11-2001]

- A. The City Administrator shall prepare or cause to be prepared quarterly statements of municipal revenue, expenditures and current financial condition. Such reports shall be distributed to the Mayor and City Council. **Section 140.060 Investments.**

[R.O. 2008 §2-221; Ord. No. 829 §9, 12-12-1977; Ord. No. 3053 §1, 3-28-2005]

- A. The City Administrator shall seek the highest yield from the investment of surplus City funds consistent with the safety of investment and cash flow requirements of the City provided such investments are consistent with State Statutes regulating such investments. A report shall be made to the Mayor and City Council.
- B. The City Council shall designate a City depository for handling any City checking account at least once every five (5) years.

**Section 140.070 City Administrator's Supplement To City Purchasing and Sales Policy.
[R.O. 2008 §2-222; Ord. No. 4000, 1-9-2006]**

A. *Purchase Orders.*

- 1. After approval of a requisition in the financial software system, the requesting department will complete the requisition process which will create the purchase order. In order to ensure expeditious processing of purchase orders, it is important that the requisition be completed accurately by the requisitioning department. When applicable, a copy of City Council approval action shall be attached to the requisition.
- 2. A "purchase order" is an offer to make a contract between the City and a vendor. The contract is not binding until it is accepted by the vendor. The issuance of purchase orders or direct purchases by unauthorized individuals or any other unauthorized purchase (including, but not limited to, personal expenses) will not be recognized by the City and payment for these obligations will not be approved. Purchase orders in excess of seven thousand five hundred dollars (\$7,500) must be approved by the City Administrator.
- 3. The requisition and purchase order will be retained in the financial software system no less than what is required by the State of Missouri's local government records retention schedule.
- 4. Purchase orders are classified as either "original" or "confirming" based on whether or not the vendor has previously been notified of the City's intent to make the purchase of goods or services.

B. *Construction Contracts.*

- 1. Construction contracts supervised by City personnel shall be bid through the Public Works Department in accordance with the procedures established for other purchases according to the applicable price range.
- 2. Construction contracts supervised by outside consulting services shall be bid in coordination with the Public Works Department. A bid package shall be reviewed by public works and approved by the department head or designated representative. The consultant as determined by the Public Works Department and the department head or designated representative shall distribute the bid package to potential bidders. Public works shall receive, record and tabulate the bids and shall certify that bids were opened in compliance with all purchasing policy requirements. The final award of the bid shall be communicated to the successful bidder by the Public Works Department.

3. All required performance bonds must be obtained.

C. *Product Testing/Demonstrations.*

1. Product demonstrations may be held as deemed appropriate by a department director without prior approval of the Finance Department.
2. Prior to taking into the City's possession any item for testing or evaluation, departments shall contact the Director of Finance for approval. The department shall notify the vendor in writing that the City has taken the item into possession for test purposes only and if a purchasing decision is made, that decision will be communicated directly to the vendor at the end of the test period. In no event shall the retention of a test item by the City be evidence of intent to purchase said item.

D. *General Instructions.*

1. *General specifications.*

- a. Keep specifications as simple as possible while maintaining the exactness required to ensure bidders provide the quality goods or services as required by specifications.
- b. Whenever possible, identify the equipment or material required with some name brand or known standard specifications already on the market.
- c. Specifications should promote competition. Justification must be provided to the City Administrator for restrictive specifications.
- d. Flexibility in the specifications is desirable in instances where new technologies are being sought. Specifications should be specific enough to guarantee the quality required but sufficiently flexible to allow vendors to be creative in their proposals.
- e. Specifications should be written with clear, simple language.

2. *Types of specifications.* There are several ways of structuring specifications to protect the integrity of the purchasing process and to ensure that the needs of the City are met. Different methods of structuring specifications include:

- a. *Qualified products or acceptable brands list.* These lists are developed only where it is not possible to write specifications adequate to identify the quality and performance required of the goods or services to be purchased. Acceptable brands lists are also used when tests that would be necessary to determine compliance with technical specifications are lengthy, costly or require complicated technical equipment.
- b. *Specifications by brand or trade name.* Brand or trade names should be used where brand-name products have been found to be superior to others for the purpose intended.
- c. *Specifications by blueprint or dimension sheet.* Specifications of construction projects for everything from buildings and streets to custom-built cabinets, furniture, machines or other equipment should be written to reference the blueprints or dimension sheets prepared by the engineer or architect.

- d. *Specifications by chemical analysis or physical properties.* Specifications which include the chemical analysis or physical properties of the goods, when clearly requested, place responsibility on the supplier to provide exactly those items requested.
 - e. *Specifications by performance, purpose or use.* Specifications which include a set of performance criteria for the goods or services required will provide flexibility for vendors to design products or programs specifically aimed at meeting such criteria.
 - f. *Specification by identification with industry standards.* Specifications will often refer to industry-wide standards or to standards set by other public jurisdictions.
 - g. *Specifications by samples.* Whenever appropriate, a sample is always a good way to make requirements perfectly clear.
3. *Delivery and performance guidelines.* A contract or purchase order that is complete in all respects and that is accepted by the parties concerned still must produce the intended results or objectives before it can be considered a successful or completed purchase. The terms and conditions must clearly define the delivery and performance requirements of the services, supplies or equipment.
- a. *Follow-up and expediting.* Follow-up normally applies to the monitoring of the delivery schedules to assure compliance. Expediting, in the purest sense, involves an attempt to improve or to reduce the contractually stipulated delivery time for various reasons and the vendor is not legally obligated to comply. The primary objectives of the follow-up function are:
 - (1) To assure full compliance by the vendor; and
 - (2) To develop documentation for future evaluation of the vendor's performance.

If delivery problems develop, there are certain techniques that may be used to help solve them:

- (a) Contact the salesman for assistance.
- (b) Initiate collect phone calls; letters may also be used.
- (c) Visit the vendor's plant. This might help solve the problem and will assist in verifying any reason for the delay.
- (d) Cancel the contract for non-performance.

Prior to the cancellation, authorization from the Director of Finance or City Administrator must be obtained.

4. *Delinquent deliveries.* When follow-up efforts have failed and the deliveries have become delinquent, one (1) of two (2) actions must be taken:
- a. Authorize additional time for delivery; or
 - b. Cancel and order from other sources.

Prior to cancellation, authorization from the Director of Finance or City Administrator must be

obtained. In all cases, the reasons for delinquent deliveries should be documented. This information may be needed in evaluating future bids submitted by that particular vendor.

5. *Partial deliveries.* Some purchase orders may list several items. If these items can be used separately, partial payments can and should be authorized. However, if the separate items are part of a system, then partial deliveries should not be authorized.
6. *Substitution.* To meet the contractual delivery schedule, it may be appropriate in some situations to consider substitute items. The specifications may cover such a possibility.

Whenever substitutions are necessary due to shortcomings of the vendor, it is the responsibility of the purchaser to seek and obtain an adjustment for lower prices on the substituted items.

7. *Non-performance.* Should the vendor fail to meet any requirements of the specifications, the vendor can be cited for non-performance. Recourse could include:
 - a. The City may exercise its rights under a liquidated-damages clause or under the terms of a performance bond.
 - b. The City may obtain the needed items from another source and charge delinquent vendor the excess difference in cost.
 - c. The City may terminate the contract for default if it is in the best interest of the City and items can be obtained under more favorable conditions from other sources.

Any such action should be approved by the Finance Director or the City Administrator.

8. *Inspection and testing guidelines.* Goods and materials should be checked at the time of receipt to detect any damage or defects. Inspection and testing may be performed at origin or destination.
 - a. *Reports, rejection and return authorization.* Whenever an inspection is performed, all reports to properly support claims or actions must be thoroughly documented. A copy of the inspection report will normally be used to substantiate payment for the goods and verification of receipt. In the event of rejection, for whatever purpose, certain steps must be taken to inform and protect the rights of the vendor as well as the City. Reasons for rejection must be listed and these reasons should reference specific requirements of the contract.
 - b. *Damage during shipment.* It is important that all damage be completely described on the receiving report. Any evidence of concealed damage should be noted at this time. The carrier should be notified immediately and a joint inspection should be scheduled with the carrier's representative. When it is apparent that the extent of the damage causes the goods to be worthless, they should not be accepted.
 - c. *Latent defects.* Latent defects may be the result of damages in transit or of failure of the manufacturer to conform to specifications. If specific liability for the defect cannot be determined between the carrier, the vendor or the manufacturer, the City may have to file a claim against all parties seeking their cooperation in resolving the situation.
9. *Invoices.* Vendors are to be instructed to send all original invoices to the City of Creve Coeur, Accounts Payable Department, 300 North New Ballas Road, Creve Coeur, Missouri 63141.

10. *Purchases supported by grant funds.* Departments shall review all requirements for grant funds used in the procurement of items to ensure the bidding process required as a condition to receiving said grant funds is complied with during the procurement of the item. The Finance Department will assist in the inclusion of all required procedures that are in addition to the requirements of the policy.
 11. *Delivery of items.* When items are delivered to City departments, the only paperwork to be signed is the delivery notice. Any other vendor purchase order, document, contract, warranty, maintenance agreement, etc., is not to be signed at delivery. All such documents shall be forwarded to the Finance Department or retained by the appropriate department.
- E. *Disputes, Adjustments And Appeals.*
1. Departments shall notify the Finance Department in a timely manner concerning any complaint or dispute regarding an order, delivery, specification, defective goods or poor performance by a supplier. Any decision concerning an attempt to cancel a contract or an attempt to resolve a dispute regarding defective products or unacceptable services shall be made jointly by the Finance Department and the department director or department designated representative. Any correspondence with suppliers shall be made available to both the department director and the Director of Finance.
 2. In the event a procurement dispute arises between the requesting department and the Finance Department, the City Administrator shall make the final decision.
- F. *Compliance With Applicable Law.* All transactions shall be made in compliance with applicable law, including, but not limited to, the City's Charter and ordinances and also State laws governing such issues as general construction bidding requirements per Chapter 8, RSMo., guaranteed energy cost savings contracts (Section 8.231, RSMo.), buying preferences (Sections 34.073 et seq., RSMo.), health insurance (Section 67.150, RSMo.), transactions with Federal and State Government (Sections 70.100 et seq., RSMo.), special assessment sidewalks (Sections 88.880 et seq., RSMo.), solid waste (Section 260.208, RSMo.) and prevailing wage on public works projects (Section 290.250, RSMo.). Before commencing efforts regarding a transaction involving an unfamiliar subject area, a determination should be made as to whether a consultation with the City Attorney is necessary.
- G. *Responsibility For Enforcement.* The Director of Finance shall be responsible for monitoring the compliance with this policy. Department directors will be entrusted with the responsibility of enforcing the policy within their departments.



DEPARTMENT OF PUBLIC WORKS STAFF MEMORANDUM

DATE: January 19, 2024

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Steve Berez, City Engineer / Asst. Director of Public Works

SUBJECT: Consideration of Design Build Project Delivery Method for Post-tensioned Tennis Courts at Venable Park

Background

Recently the City entered into a design contract with TWM for the design of most scope items for the Venable Park improvements. One item not included in TWM's scope was the design of the post-tensioned tennis courts. Per TWM's design schedule, it is anticipated that the release for construction bid documents will be in July of 2024, with construction commencing on the park improvements immediately following labor day in 2024.

The construction of the post-tensioned tennis courts is estimated to take around three months to complete. Multiple work scope items for the construction of the tennis courts are weather (temperature) dependent. If the tennis courts are bid along with the remainder of the park improvements, staff anticipates that the new post-tensioned tennis courts would not be available for public use until May of 2025.

The condition of the existing tennis courts is poor, with two of the three courts being closed for a significant portion of 2023. Recently Jim Heines and I inspected the one tennis court still open and it is our opinion that this court now needs to be closed and staff anticipates that this court will likely not reopen anytime during 2024.

Staff believes that the City should consider moving forward with a public bid request for a Design-Build project delivery method for the three post-tensioned tennis courts at Venable Park. Staff believes this for the following reasons:

- That a design-build contract could allow the new post-tensioned tennis courts to be constructed and opened to the public by July of 2024.
- A design-build contract would greatly accelerate the schedule for the tennis courts.
- There is a small number of local contractors who are qualified to construct post-tensioned tennis courts and the delivery method of design-build should help facilitate such contractors bidding on construction of the tennis courts.
- The design-build project delivery method could realize a 10% to 15% savings on construction costs due to the elimination of a general contractor markup. If the tennis courts are included with bid documents for the remainder of the park improvements, the work for the tennis courts would most likely be done by a subcontractor. If a design-build delivery method is chosen, then likely this general contractor markup would be eliminated. Potential savings to the City is in the range of \$35,000 to \$60,000.

If the City Council desires to consider this item further, an Ordinance would need to be drafted and presented at a future Council meeting for review and consideration. This would need to be part of the Purchasing Procedures, Section 140.010.