



**Stormwater Committee
Committee Meeting Agenda
May 12, 2021
4:30 PM
Online Meeting**

Meeting Connection Information

As a precautionary measure to help prevent exposure to and spread of COVID-19, the Stormwater Committee meeting scheduled for 4:30 p.m. on Wednesday, May 6, 2021, will be held virtually as a Zoom meeting.

Citizens are encouraged to participate and submit public comments in the following ways:

1. **Video Livestream** - Watch a live online broadcast of the Stormwater Committee meeting using the following link: <https://us02web.zoom.us/j/84342149981>.
The public will be required to provide a name and email address to enter the meeting (the email address will not be saved or used to contact you). Citizens will have the opportunity to make public comments live during the meeting using the Zoom program.
2. **Teleconference** - Call in to the meeting by dialing (312) 626-6799 and entering meeting ID 843 4214 9981 when prompted.
3. **Email** - Questions or comments that citizens wish the Stormwater Committee to consider may be emailed to the City. In order for questions and comments to be considered at this meeting, those questions or comments must be submitted no later than 5:00 p.m. on Tuesday, May 11, 2021. Submit questions and comments to Matt Wohlberg, City Engineer, at mwohlberg@crevecoeurmo.gov.

I. Call Meeting to Order

II. Welcome - Councilmember Carney

Councilmember Tim Carney has been appointed as the Council liaison to the Stormwater Committee.

III. Roll Call

IV. Approval of Agenda

V. Approval of Minutes

1. Approval of April 14, 2021 Stormwater Committee Meeting Minutes

VI. Public Comments

VII. Unfinished Business

A. Stormwater Concerns Update

Staff will provide a summary for each stormwater concern that has been reviewed since the December Stormwater Committee meeting.

i. Pipe Condition and Erosion - Ferntop Lane

Staff met with Melissa Inkley (the resident at 12958 Ferntop Lane) and a representative from MSD on April 19 to review the resident's concerns about the deteriorating pipes and erosion along the drainage channel. The MSD inspector stated that he would create a work order to line the end of the pipe and to fix the end of another pipe that appears to be damaged on the north side of the channel. He estimated that the work might be completed in the fall.



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ii. Gabion Wall - 13006 Ambois Drive

Staff visited this site on May 6 and found that the gabion wall appears to be intact and functioning properly.

B. Stormwater Capital Improvements

Staff will review the status of stormwater-related capital improvement projects with the Committee.

i. Stormwater Management Study

Several preliminary steps will be necessary before the stormwater management study can begin:

1. *Determine Scope and Fee.* Staff will work with local stormwater planning experts to review various possible goals for the City's stormwater program and to determine the scope of work and cost to develop a study that reflects those goals. This work will occur in June and July of 2021 and will be followed by recommendations to the Stormwater Committee in August and to the City Council in August or September.
2. *Find Design Firm.* With direction from the City Council regarding the scope of the stormwater management study, staff will follow the City's qualifications-based selection process to solicit local engineering firms and to determine which firm is the best-suited for the study. Interviews of the firms may be recommended. This process will occur through the fall of 2021.
3. *Adjust Budget and Award Contract.* Staff will negotiate a contract with the firm that is found to be the most qualified for the study. The design contract and an associated budget adjustment will be presented to the City Council for approval. Staff plans to seek City Council approval by the end of 2021.
4. *Notice to Proceed.* The selected engineering firm will likely be given the notice to proceed with the study in December 2021 or January 2022.

ii. Engineering Design Services

Staff will issue a request for qualifications for engineering design services for the following projects in the Capital Improvement Program:

1. Hibler Roadside Drainage
2. Alden Lane Drain Replacement
3. Ballas/Tarrytown Stream Rehabilitation

This request for qualifications will also include preliminary investigations into several stormwater issues, with the intent to advance several projects to construction while the stormwater management study is underway.

The qualifications review process will last through the summer, with one or more recommendations to the City Council anticipated in August or September.

A. Preliminary Review Sites

Staff recommends that the preliminary review of stormwater concerns focuses on issues that are relatively small in scale and that could proceed to construction within three years. The following locations are recommended for review:

1. 12958 and 12970 Ferntop - Creek bank stabilization
2. 257 Brooktrail Court - Creek bank stabilization
3. 12554 Royal Manor Court - Creek bank stabilization and culvert protection



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4. 111 Runnymede Drive - Add storm drain to alleviate ponding
5. 19-23 Broadview Farm Road - Regrade cul-de-sac to drain street to inlet
6. Conway Park - lake dredging

VIII. New Business

IX. Business from Committee Members

A. Purchasing Policy (Judy Campbell)

This item was tabled at the March and April meetings. Judy Campbell requested a summary of the City's process for soliciting and hiring engineering firms. Staff will discuss the City's qualifications-based selection process for professional services.

The City's purchasing policy is outlined in Chapter 140 of the Municipal Code. Professional services contracts are specifically discussed in Section 140.030 (G). A copy of Chapter 140 is included in the meeting packet for reference.

1. Chapter 140 - Purchasing Policy

X. Business from Staff Liaison

A. Recruitment of New Committee Members

The Stormwater Committee will have three vacancies to fill for the coming fiscal year. Residents can apply to serve on the Stormwater Committee by submitting an application form through the City's website or by contacting the City Clerk, Deborah Ryan.

B. Committee Informational Packets

Stormwater Committee members used to receive a three-ring binder with reference materials related to stormwater and the City's committees and policies. Examples of these reference materials include the contact information for Committee members, a community directory, and the ethics policy. Staff seeks the opinion of the Committee regarding whether physical binders or online "binders" are preferred.

C. June Meeting

The next Stormwater Committee meeting is currently scheduled for 4:30 p.m. on Wednesday, June 9.

Staff wishes to discuss whether this meeting can be rescheduled to Tuesday, June 8. Matt Wohlberg will have a scheduling conflict between the Stormwater Committee meeting and the Parks and Historic Preservation Committee meeting that is scheduled for 5:00 p.m. on June 9.

XI. Adjournment



**Stormwater Committee
Committee Meeting Minutes
April 14, 2021
4:30 PM
Online Meeting**

Meeting Connection Information

As a precautionary measure to help prevent exposure to and spread of COVID-19, the April 14 Stormwater Committee meeting was held virtually as a Zoom meeting.

I. Call Meeting to Order

II. Roll Call

Martin Jaffe	Committee Member	
Laura Catalano	Vice Chair	
George Orton	Committee Member	
Richard Koch	Committee Member	
Judith Campbell	Chair	
Patrick Brown	Committee Member	
Vishal Dosanjh	Committee Member	(Absent)
Dan Tierney	Councilman	
Mark Perkins	City Administrator	
Jim Heines	Public Works Director	
Matt Wohlberg	City Engineer	

III. Approval of Agenda

IV. Approval of Minutes

1. Approval of March 10, 2021 Stormwater Committee Meeting Minutes

The Committee amended Section VII Unfinished Business - B Stormwater Concerns Update - ii Pipe Condition and Flooding - Ferntop Lane so that the final sentence of this section reads "Staff also advocated for the City to rely upon MSD to address the pipe condition and sinkholes."

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
AYES:	Jaffe, Catalano, Orton, Koch, Campbell, Brown
ABSENT:	Dosanjh

V. Comments from General Public

VI. New Business

VII. Unfinished Business

A. Stormwater Concerns Update

i. Pipe Condition, Erosion, Flooding - Ferntop Lane

Melissa Inkley (12958 Ferntop Lane) made a presentation to the Committee in which she described her concerns about the condition of the storm drain that runs beneath portions of her back and side yards, as well as flash flooding and bank erosion along a section of creek that



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begins at her back yard. Jim Hearne (12970 Ferntop Lane) and Kimberly Walker (943 Ferngate Drive) also attended to provide their observations in support of Ms. Inkley's presentation.

The Committee and staff discussed possible options to resolve these concerns. Staff cautioned against maintaining the stormwater facilities of the Metropolitan St. Louis Sewer District (MSD) without more information regarding the scope of what that precedent would mean.

ii. Runoff and Ponding - Hibler Woods

Staff summarized a meeting with Mr. Dorgan, the resident at 416 Hibler Woods Court, during a rain event in March, during which Mr. Dorgan showed his stormwater concerns to staff. Mr. Dorgan is concerned about the amount of stormwater runoff that passes through his back yard and that his yard is often wet. He is also unhappy that he has needed to invest into his yard to convey this water. Staff found no indication of recent changes to the residential properties to the east (and uphill) of Mr. Dorgan's property that might have increased stormwater runoff onto his property. Staff stated that the drains that Mr. Dorgan has installed appear to be working but speculated that the raised flower beds and grading in Mr. Dorgan's yard could be hindering the flow of the water and contributing to the concern about standing water.

iii. Stream Bank Erosion - Villa Coublay

Staff shared their observations about a report of creek bank erosion along the south side of 60 Villa Coublay Drive. The issue was found to be related to steep grades along the former railroad tracks and not due to erosion caused by Deer Creek.

B. Capital Improvement Program

Staff shared the list of stormwater projects that are listed in the Capital Improvement Program (CIP) that was adopted by the City Council on Monday, April 12. Staff briefly explained the plan regarding the stormwater management study, namely that there would be an initial phase to determine the scope of the study before recommendations could be made to the Stormwater Committee and City Council. Staff estimated that these recommendations would be made in late summer or early fall.

Ms. Campbell asked about investigating issues like Ms. Inkley's concern in addition to the projects listed in the CIP. Staff recommended that such a review should include several sites from the 2012 stormwater master plan update and known stormwater issues, and staff recommended that the Committee consider a list of sites to recommend as a new CIP project to the City Council.

Staff stated that a list of possible issues to review would be presented to the Stormwater Committee at its next meeting.

C. Stormwater Projects Update

i. Spoede at Ladue (MSD)

Staff provided a brief update

VIII. Business from Committee Members

A. Purchasing Policy (Judy Campbell)

The Committee postponed discussion of this item to the meeting in May.

Minutes Acceptance: Minutes of Apr 14, 2021 4:30 PM (Approval of Minutes)



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IX. Business from Staff Liaison

A. Next Meeting

The Committee decided to hold a meeting at 4:30 p.m. on Wednesday, May 12, to further discuss the plan to start conceptual reviews of several stormwater concerns. This meeting will be held online using Zoom.

X. Adjournment

The meeting adjourned at approximately 5:56 p.m.

Minutes Acceptance: Minutes of Apr 14, 2021 4:30 PM (Approval of Minutes)

City of Creve Coeur, MO
Tuesday, February 9, 2021

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 law, finance, police, parks and recreation, community development and public works, purchasing and personnel.^[2]

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 sends details of supplies, services or material required to the Finance Department, including documentation of authority to commit funds for the purchase.

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.

- [2] *Editor's Note — Ord. no. 5123 Exh. A, adopted February 22, 2010, made changes to the titles of some departments and these new titles are reflected herein.*

- [1] *Cross Reference — Rules of construction and definitions generally, §100.020.*

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 one thousand four hundred ninety-nine dollars (\$1,499.00). Whenever any contemplated purchase or contract for services is under one thousand five hundred dollars (\$1,500.00) 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 one thousand five hundred dollars (\$1,500.00) 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. The requisition for purchase of the items or services must be approved by the department director and the Director of Finance for issuance of a purchase order. All received bid documentation will be attached to the requisition/purchase order.
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 and require the special procurement practices set forth in subsequent Sections of this Chapter:
 - a. Sole-source or monopoly purchases;
 - b. Cooperative purchase agreements;
 - c. Fuel purchases;
 - d. Professional services;
 - e. Term and supply and annual contracts;
 - f. Emergency purchases.
- 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. **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 requisition shall still be submitted. 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.
- E. **Cooperative Agreements.**
[Ord. No. 5638, 4-22-2019]
1. The City may contract directly with 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 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. **Term And Supply And Annual Contracts — Open Purchase Orders.**
[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.

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 ten thousand dollars (\$10,000.00) 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 purchase orders in excess of ten percent (10%) or twenty-five thousand dollars (\$25,000.00), must be approved by City Council.

- H. *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]

I. *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 with the requisition, documenting 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.

J. *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.

K. *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.

- L. *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 nineteen thousand nine hundred ninety-nine dollars (\$19,999.00) 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.

M. *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.
- N. *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.
- O. *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.
- P. *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.
- B. For the purposes of financial reports, any encumbrance or contractual financial commitment in excess of two thousand dollars (\$2,000.00) shall be reflected as an expense during the month and fiscal year in which it is incurred. Any such encumbrance shall be deducted from any cash balance to reflect an accurate accounting of uncommitted funds. Encumbrances shall not lapse at year-end.

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 three (3) 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, the City purchase order form will be completed and signed by the Director of Finance in accordance with these procedures. In order to insure 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 five thousand dollars (\$5,000.00) must be signed by the City Administrator.
3. The purchase order will consist of three (3) copies; one (1) copy will remain in the Finance Department (attached to the requisition) and two (2) copies will be returned to the requisitioning department.
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 insure 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 insure 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 insure 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.