

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING CHAPTER 130 MUNICIPAL CODE BY DELETING ARTICLE V THEREOF IN ITS ENTIRETY; ENACTING A NEW ARTICLE V OF CHAPTER 130; AND ESTABLISHING A PURCHASING POLICY FOR THE CITY**

**WHEREAS**, the Board of Aldermen finds and determines that good governance of the City requires the adoption of policies for the purchase of goods and services to enhance the City's efficiency, fiscal responsibility, resource allocation, transparency and accountability.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** Chapter 130 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting Article V thereof in its entirety and replacing it, in lieu thereof, with a new Article V to read, as follows:

**Section 130.140. Definitions.**

**ARCHITECTURAL SERVICES**

Any service as defined in section 327.091, RSMo.

**BUILDING AND FACILITY MAINTENANCE SERVICES**

Heating, Ventilation and Air Conditioning (HVAC), maintenance and servicing, landscaping services, elevator maintenance and inspection services, and any other such routine and repeating services as may be required to maintain buildings, facilities and other properties of the City and good working order.

**EMERGENCY**

A circumstance where, in the opinion of the Purchasing Agent, there exists a threat to life, property, public health or public safety or when immediate action is necessary for repairs to City property in order to protect against further loss of, or damage to, City property, to prevent or minimize serious disruption in City services or to ensure the integrity of City records

**ENGINEERING SERVICES**

Any service as defined in section 327.181, RSMo.

**FIRM**

Any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of accounting, architecture, engineering, law, land surveying, land use planning and other consulting services and provide said services.

**FORMAL BID**

The purchase of supplies at a specific price based upon the phases, steps, or schedule of events, and contract objective(s) identified by the Purchasing Agent consistent with the procedures set forth in Section 130.150(B) of this Code.

**INFORMAL BID**

The purchase of supplies at a specific price consistent with the procedures set forth in Section 130.150(A) of this Code.

**INFORMATION TECHNOLOGY**

Any computer or electronic information equipment or interconnected system that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of information, including audio, graphic, and text.

**LAND SURVEYING SERVICES**

Any service as defined in section 327.272, RSMo.

**LOWEST RESPONSIBLE BIDDER**

Cost and other factors to be considered in the evaluation process, including, but not limited to:

1. The financial stability of the bidder;
2. Production capability of the bidder;
3. Ability of the bidder to deliver or perform on a timely basis;
4. Quality of past performance on contracts or services;
5. Conformity of specifications, terms and conditions to those in the invitation of bids;
6. Absence of unilateral mistakes or obvious errors made in calculating or presenting figures;
7. Compliance with Section 34.073, RSMo.;
8. Compliance with Section 34.076; and
9. Award of the bid shall be consistent with all laws and regulations of the State of Missouri and the United States.

**NEGOTIATION**

The process of selecting a contractor by the competitive methods described in this chapter, whereby the Purchasing Agent can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

**NON-PROFESSIONAL SERVICES**

Informational technology services, software licensing agreements, building and facility maintenance services, training consultants and facilitators, and other such consultants or advisors that do not otherwise provide professional services.

**PROFESSIONAL SERVICES**

Architectural Services, Engineering Services, Land Surveying Services, and any other services provided by planning consultants, accountants, attorneys at law, and other firms providing consulting services.

**PURCHASE**

Includes the rental or leasing of any equipment, articles or things.

**PURCHASING AGENT**

The Mayor, City Administrator and his or her respective designees.

**REQUEST FOR PROPOSAL**

A negotiated procurement of supplies pursuant to Section 130.150(C) of this Code.

**REQUEST FOR QUALIFICATION**

The purchase of supplies pursuant to a qualification-based selection procedure as set forth in Section 130.150(D) of this Code.

**SUPPLIES**

Supplies, materials, equipment, contractual services and any and all articles or things.

**TRANSACTION**

The purchase of supplies as evidenced by a single invoice, contract or payment.

**TRANSACTION SPLITTING**

Breaking up purchases or dividing a large transaction into multiple smaller ones.

**Section 130.145. General Purchasing Rules.**

- A. Except as may be otherwise required by law, no purchase of supplies, payment of which is to be made from funds of the City, shall be made by the Purchasing Agent or any officer, employee or agent of the City except in the manner set forth in this Chapter.
- B. *General Purchasing Procedures.* Except as otherwise set forth herein, all purchases of supplies shall require the approval of the Board of Aldermen and are subject to the following procedures:
  - 1. *Purchases Costing Five Thousand Dollars (\$5,000.00) to Twenty Thousand Dollars (\$20,000.00).* Whenever the cost of any contemplated purchase of supplies is estimated to be not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty Thousand Dollars (\$20,000.00), such purchases shall be made pursuant to the Informal Bid procedures set forth in this Chapter.
  - 2. *Purchases Greater Than Twenty Thousand Dollars (\$20,000.00).* Whenever the cost of any contemplated purchase of supplies is estimated to exceed twenty thousand dollars (\$20,000.00), such purchases shall be made pursuant to the Formal Bid procedures set forth in this Chapter.
- C. *Exceptions.* Notwithstanding any of the provisions of subsection B of this Section to the contrary, the Purchasing Agent has the following authority:
  - 1. *Purchases Less Than Five Thousand Dollars (\$5,000.00).* Whenever the cost of any contemplated purchase of supplies is estimated to be less than Five Thousand Dollars (\$5,000.00), the Purchasing Agent is authorized to purchase the supplies as needed in accordance with any rules and regulations established by the Purchasing Agent.

2. *Routine Operation Expenses.* The Purchasing Agent is authorized to make expenditures not to exceed Fifteen Thousand Dollars (\$15,000.00) per transaction for recurring expenses necessary for the City's daily operations, including, but not limited to, vehicle repairs, office supplies, minor equipment, and utility costs.
  3. *Minor Capital Expenditures.* The Purchasing Agent is authorized to make expenditures not to exceed Twenty-five Thousand Dollars (\$25,000.00) per transaction for the maintenance, repair or replacement of certain capital expenditures, including, but not limited to, HVAC replacements in City buildings, City building renovations, and equipment purchases.
  4. *Emergency Expenditures.* The Purchasing Agent is authorized to make expenditures not to exceed Fifty Thousand Dollars (\$50,000.00) to purchase supplies in the event of each emergency. In the event of an emergency, the Purchasing Agent may waive any procedural requirement for purchasing supplies provided that such emergency purchases of supplies shall be made with as much competition as is practicable under the circumstances. Notwithstanding the foregoing, the expenditure limitations set forth in this subparagraph may be waived by the Mayor.
  5. *Minor Professional Services Contracts.* The purchasing agent is authorized to make expenditures in amounts not to exceed Ten Thousand Dollars (\$10,000.00) per transaction for the purchase of professional services.
  6. *Minor Non-Professional Services Contracts.* The purchasing agent is authorized to make expenditures in amounts not to exceed Ten Thousand Dollars (\$10,000.00) per budget year and Thirty Thousand Dollars (\$30,000.00) per transaction for non- professional services.
- D. *Transaction Splitting Prohibited.* Transaction splitting for the purpose of avoiding transaction limits set forth in this Chapter is prohibited.
- E. *Automatic Inflation Adjustment.* The limitation on expenditures provided for in this Chapter shall be increased or decreased on an annual basis effective January first of each calendar year in accordance with the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency, and as certified by the Missouri State Tax Commission pursuant to Section 137.073, RSMo., or such other nationally recognized and conveniently available commodity or consumer price index as may be approved by the Board of Aldermen by ordinance.

### **Section 130.150. Purchasing Procedures.**

- A. *Informal Bids.* For any purchase that requires an informal bid, the Purchasing Agent shall solicit three (3) oral or written bids for the supplies, and shall purchase the supplies from the lowest responsible bidder.
- B. *Formal Bids.* For any purchase that requires formal bids, the Purchasing Agent shall:
  1. Cause to be published in one (1) issue of a newspaper of general circulation in the City, and posted on the City's website and at a location in City Hall generally accessible to the public a notice inviting submission of bids.

- a. Notices shall be published at least ten (10) business days prior to the date set for receipt of the bids. The Purchasing Agent may allow more time for the preparation and submittal of bids whenever the contemplated purchase supplies indicates that a longer period of time will be required for bidders to complete and submit bids.
  - b. The notice shall include a description of the supplies to be purchased in general terms and the time and place for opening bids.
  - c. The Purchasing Agent may also solicit bids by mail or other reasonable method generally available to the public.
2. All bids shall be submitted sealed and delivered per the directions set forth on the solicitation for bids.
  3. Bids shall be awarded to the lowest responsible bidder.
  4. The Purchasing Agent and the Board of Aldermen shall each have the right and authority to reject any and all bids and advertise new bids, or purchase the required supplies on the open market if they can be so purchased at a better price.
  5. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the Purchasing Agent that time or other circumstances will not permit the delay required to resolicit competitive bids, the purchase of supplies may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the City. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.
- C. *Request for Proposal.* When the Purchasing Agent determines that use of formal bids is either not practicable or not advantageous to the City, supplies may be purchased by competitive proposals, as follows:
1. The Purchasing Agent shall cause to be published in one (1) issue of a newspaper of general circulation in the City and posted on the City's website and at a location in City Hall generally accessible to the public a notice inviting submission of proposal.
    - a. Notice shall be published at least ten (10) business days prior to the date set for receipt of the proposals. The Purchasing Agent may allow more time for the preparation and submittal of proposals whenever the contemplated purchase of goods or services indicates that a longer period of time will be required for vendors to complete and submit proposals.
    - b. The notice herein required shall include a description of the supplies to be purchased in general terms and the time and place for opening proposals.
    - c. The Purchasing Agent may also solicit bids by mail or other reasonable method generally available to the public.
  2. All proposals shall be submitted sealed and delivered per the directions set forth on the request for proposal.

3. Proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation.
  4. The contract for purchase of supplies shall be let to the lowest and best offeror as determined by the evaluation criteria established in the request for proposal and any subsequent negotiations conducted pursuant to this subsection. In determining the lowest and best offeror, as provided in the request for proposals, negotiations may be conducted with responsible offerors who submit proposals selected by the Purchasing Agent on the basis of reasonable criteria for the purpose of clarifying and assuring full understanding of and responsiveness to the request for proposal's requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiation and subsequent revision of proposals; however, a request for proposal may set forth the manner for determining which offerors are eligible for negotiation, including, but not limited to, the use of shortlisting. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting negotiations there shall be no disclosure of any information derived from proposals submitted by competing offerors.
  5. The Purchasing Agent and the Board of Aldermen shall each have the right to reject any or all proposals and advertise for new proposals or purchase the required supplies on the open market if they can be so purchased at a better price.
- D. *Request for Qualification.* Notwithstanding any provision of this Chapter to the contrary, purchases of professional services shall be made based upon capabilities, experience, credentials, or competence for the type of work specified by the Purchasing Agent.
1. Whenever a project requiring professional services is proposed, the Purchasing Agent shall evaluate current statements of qualifications and performance data of firms on file together with those that may be submitted by other firms regarding the proposed project or services required.
  2. In evaluating the qualifications of each firm, the Purchasing Agent shall use the following criteria:
    - a. The specialized experience and technical competence of the firm with respect to the type of services required;
    - b. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
    - c. The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules;
    - d. The firm's proximity to and familiarity with the area in which the project is located.
  3. Thereafter, the Purchasing Agent shall list three (3) highly qualified firms, then select the firm considered best qualified and capable of performing the desired work and negotiate a contract for the project with the firm selected.
  4. For a basis for negotiations the Purchasing Agent shall prepare a written description of the scope of the proposed services.

5. If the Purchasing Agent is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The Purchasing Agent shall then undertake negotiations with another of the qualified firms selected. If there is a failing of accord with the second firm, negotiations with such firm shall be terminated. The Purchasing Agent shall then undertake negotiations with the third qualified firm.
  6. If the Purchasing Agent is unable to negotiate a contract with any of the selected firms, the Purchasing Agent shall reevaluate the necessary professional services, including the scope and reasonable fee requirements, again compile a list of qualified firms, and proceed in accordance with the requirements set forth herein again.
- E. *Single Source Purchases.* The Purchasing Agent may waive the requirement of bids or proposals for supplies when the Purchasing Agent has determined in writing that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the Purchasing Agent shall rescind the waiver and proceed to procure the supplies through the procedures as described in this Chapter. A single feasible source exists when:
1. Supplies are proprietary and only available from the manufacturer or a single distributor; or
  2. Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
  3. Supplies are available at a discount from a single distributor for a limited period of time.
- Notwithstanding any other provision of this Code to the contrary, any single source purchase where the estimated expenditure shall exceed Ten Thousand Dollars (\$10,000.00) must be approved by the Board of Aldermen.
- F. *Cooperative Purchasing.* This Chapter, and the requirements herein, shall not apply to purchases made through or with the State of Missouri or any other cooperative procurement program that allows the City to purchase goods or services using existing contracts already solicited and awarded by other public agencies.
- G. *Performance Bond.* The Purchasing Agent shall have the authority to require a performance bond in cash or otherwise for such amount that he/she may deem sufficient to secure the execution of the contract for furnishing goods or services for the best interests of the City.
- H. *Real Property.* This Chapter, and the requirements herein, shall not apply to the purchase, lease, license, sale or other transactions involving real property.
- I. *Waiver.* The Board of Aldermen shall have the authority to waive any of the requirements of this Chapter, and the Board of Aldermen's approval of any agreement, purchase or expenditure made contrary to the procedures or other requirements of this Chapter will be considered a waiver of such requirements.

### **Section 130.155. Budget Approval of Purchases.**

All purchases of supplies pursuant to this Chapter must be authorized by inclusion in a category in the budget for the current fiscal year as approved by the Board of Aldermen. Any purchase of supplies not provided for in the current fiscal year budget

must receive the prior approval of the Board of Aldermen.

**Section 130.160.** The Purchasing Agent is hereby empowered to prescribe and maintain such forms and procedures as he/she finds necessary to accomplish his/her function. The Purchasing Agent and the Board of Aldermen are each authorized to reject any and all bids and waive any informalities or irregularities in order to safeguard the public interest and to deal effectively with conditions such as unsatisfactory bids and collusion.

Section 130.165. **RESERVED**

Section 130.170. **RESERVED**

Section 130.175. **RESERVED**

Section 130.180. **RESERVED**

**SECTION 2. Savings Clause.** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant, or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**SECTION 3. Severability Clause.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.


**SECTION 4. Effective Date.** This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.


Read two times, passed, and approved this 21<sup>st</sup> day of JANUARY 2026.

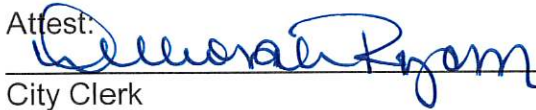
  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved this 21<sup>st</sup> day of JANUARY 2026.

  
\_\_\_\_\_  
Mayor

  
The seal is circular with a dotted border. The outer ring contains the text 'THE CITY OF DARDENNE PRAIRIE, MISSOURI'. The inner ring contains 'CORPORATE SEAL OF MISSOURI'. In the center, there is a smaller circle with 'DARDENNE PRAIRIE' and a logo featuring a plow and a sheaf of wheat.

Attest:  
  
\_\_\_\_\_  
City Clerk