

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
LAUREL COUNTY, KENTUCKY

ORDINANCE NO. 2013-04

AN ORDINANCE OF THE CITY OF LONDON, KENTUCKY,
ADOPTING THE KENTUCKY MODEL PROCUREMENT
CODE AS SET FORTH IN KRS 45A.343-45A.460 SAID
SECTIONS INCORPORATED IN FULL HEREIN BY
REFERENCE.

WHEREAS, the City of London hereby adopts the Local Model Procurement Code in order to promote the following underlying purposes and policies as set forth in KRS Chapter 45A;

- a) To simplify, clarify, and modernize the law governing purchasing by the City of London;
- b) To permit the continued development of purchasing policies and practices;
- c) To make as consistent as possible the purchasing laws among the various cities and states;
- d) To provide for increased public confidence in the procedures followed in public procurement;
- e) To insure the fair and equitable treatment of all persons who deal with the procurement system of the City of London;
- f) To provide increased economy in City procurement activities by fostering effective competition; and
- g) To provide safeguards for the maintenance of a procurement system of quality and integrity.

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY AS FOLLOWS:

- I. That the City of London by and through the City Council hereby adopts the Kentucky Model Procurement Code as set forth in KRS 45A.343-45A.460, along with any applicable amendments which the Kentucky General Assembly may adopt, said Code to be incorporated in full herein by reference. Said adopted Code is to be made available to the public and located in the City Clerk's office.
- II. In compliance with Kentucky Revised Statutes 45A.343 the City of London shall hereby adopt the Kentucky Model Procurement Code (sections 45A.345 to 45A.460) for all purchases exceeding a reasonably expected aggregate amount of twenty thousand dollars (\$20,000.00) in a fiscal year.
- III. Pursuant to Kentucky Revised Statute 45A.360, this ordinance along with all provisions of Kentucky Revised Statute 45A.345 through 45A.455 and 45A.470 shall govern all procurement activities of the City of London.
- IV. The Mayor is responsible for the administration of the procurement function of the City of London. The Mayor may delegate procurement authority to other City Elected Officials as he deems appropriate and necessary.
- V. All purchases made on behalf of the City of London shall be made in good faith for the best interest of the City of London. No elected official, employee or other authorized purchaser shall make purchase decisions based upon personal gain or interest.
- VI. Whenever practical, the City of London will try to obtain service and/or product from vendors within the City of London when said service and/or product are equal in quality, availability and price to those available from other vendors.

- VII. Aggregate amount – the total dollar amount during a fiscal year of items of a like nature, function, and use, the need for which can reasonably be determined at the beginning of the fiscal year. Items, the need for which could not be determined reasonably established in advance or which were unavailable because of a failure of delivery need not be included in the aggregate amount. Most advantageous – means overall to the benefit of the City of London when all factors are taken into consideration, including but not limited to price, availability, quality, convenience and vendor reputation and past performance. Price quotes – documented price at which required property or service can be obtained from a particular vendor. These quotes can be in the form of written quotes, printed catalog price, faxed pricing quotes, internet printout, etc. Procurement – the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction services. It also includes all functions that pertain to the obtaining of any supply, services, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contracts, and all phase of contract administration.
- VIII. In compliance with Kentucky Revised Statute 45A.385 the City of London shall create a small purchase procedures for purchases for which the determination is made that the aggregate amount of will not exceed twenty thousand dollars (\$20,000.00) The Small Purchase Procedures shall be as follows: Purchase with an aggregate amount of one thousand dollars (\$1,000.00) or less may be made by authorized personnel from vendor(s) of choice based upon convenience and availability. Purchases with an aggregate amount greater than one thousand dollars (\$1,000.00) but less than twenty thousand dollars (\$20,000.00) shall be made at or below state contract price whenever possible. When state contract pricing is not available, then three (3) quotes shall be obtained for separate vendors. The quote which is deemed the most advantageous to the city by the Mayor or his designee shall be selected.
- IX. In compliance with Kentucky Revised Statute 45A.380 the City of London may contract or purchase though noncompetitive negotiation only when a written determination is made by the Mayor or his designee, that competition is not feasible and that:
- 1) An emergency exists which will cause public harm as a result of the delay in competitive procedures; or
 - 2) There is a single source within a reasonable geographical area of the product or service to be procured; or
 - 3) The contract is for the services of a licensed professional, such as an attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse, or educational specialist; a technician such as a plumber, electrician, carpenter, or mechanic, or an artist such as a sculptor, aesthetic painter, or musician, provided however, that this provision shall not apply to architects or engineers providing construction management services rather than professional architect or engineer services; or
 - 4) The contract is for replacement parts where the need cannot be reasonably anticipated and stockpiling is not feasible;
 - 5) The contract or purchase is for expenditures made on authorized trips outside of the boundaries of Laurel County; or
 - 6) The contract is for the purchases of supplies which are sold at public auction or by receiving sealed bids; or
 - 7) The contract is for group insurance, group health and accident insurance, group professional liability insurance, worker's compensation, and unemployment insurance; or
 - 8) The contract is for a sale of supplies at reduced prices that will afford a purchase at savings to the local public agency.
 - a) No contract will be awarded for an amount which exceeds the sum budgeted and appropriate for procurement by the City Council.
- X. Nothing in this ordinance shall be construed in such a manner as to relieve the City of London of the responsibility to comply with any procurement requirements imposed by an agency from which the city may receive funds, including but not limited to state and federal agencies.

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- XI. If any of ~~this~~ Ordinance, or any of the above referenced adopted statutes, is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance, or the statutes, shall continue in full force and effect.
- XII. Any Ordinance, in conflict with this Ordinance is hereby repealed in so far as the same are in conflict herewith.
- XIII. This ordinance shall be effective upon publication.

Enacted this ____ day of _____, 2013, by the City of London.

CITY OF LONDON, KENTUCKY

Troy Rudder, Mayor

ATTESTED BY:

CAROLYN ADAMS
City Clerk

Date of First Reading: _____
Date of Second Reading: _____
Date Published: _____