

**STUDY SESSION  
OF THE  
UNIVERSITY CITY COUNCIL  
CITY HALL, FIFTH FLOOR  
6801 Delmar Blvd., University City, Missouri 63130  
Monday, November 8, 2021  
5:30 p.m.**

On March 20, 2020, City Manager Gregory Rose declared a State of Emergency for the City of University City due to the COVID-19 Pandemic. Due to the ongoing efforts to limit the spread of the COVID-19 virus, those who are not fully vaccinated are asked to wear face coverings. To provide for social distancing during Council meetings **in-person public attendance will be limited to the first 25 people.**

**AGENDA**

Requested by the City Manager

**1. MEETING CALLED TO ORDER**

At the Study Session of the City Council of University City held on Monday, November 8, 2021, Mayor Terry Crow called the meeting to order at 5:30 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay  
Councilmember Aleta Klein  
Councilmember Steven McMahon  
Councilmember Jeffrey Hales  
Councilmember Tim Cusick  
Councilmember Bwayne Smotherson

Also in attendance were City Manager, Gregory Rose; Attorney, John F. Mulligan, Jr., and Director of Finance, Keith Cole.

**2. CHANGES TO REGULAR AGENDA**

*(No changes requested)*

**3. PURCHASING POLICY UPDATE**

Mr. Rose stated Mr. Cole will be providing Council with a presentation on the City's Purchasing Policy for its review and guidance moving forward.

**Mission:**

- To generate fair and open competition to receive the best prices, terms, and conditions on purchases for the City.

**Purpose:**

- Establish a policy for purchasing guidelines that will ensure the City of University City receives maximum value for every public dollar spent. This policy will clarify purchasing functions and outline purchasing regulations, as well as describe departmental responsibilities and participation in the procurement process.

**Vision:**

- To serve the citizens and customers of the City through greater efficiencies, both in terms of economy and services, and the procurement of quality supplies, equipment, and services.

**Goals:**

The basic goals of the purchasing policy are:

1. To comply with federal, state, and local statutes of public purchasing.
2. Ensure the integrity of public procurement.
3. Coordinate purchasing functions between various departments.
4. To receive maximum value for each public dollar spent by awarding purchases to the lowest responsible bidder, taking into consideration quality, past performance, technical support, and other relevant factors. Competitive prices should be secured whenever and wherever feasible.
5. Ensure consistent use of the purchasing procedures.
6. To provide each department with the goods, equipment, and services, at the time and place needed, and in the proper quantity and quality.

**What is Purchasing?**

- Purchasing is the process of identifying, selecting, and buying goods and services. Purchases are to be made as economically as possible within an acceptable time frame and meet the standards of quality and service required for your department.

**Why do we have a Purchasing Division?**

- The purpose of the Purchasing Division is to aid City departments in securing the best goods and services in the most economical and efficient way and to handle all purchases in a manner that ensures competitive bidding between potential vendors and contractors.

**Why do we need a Purchasing Policy?**

- Purchasing and accounting of the goods and services of a municipality can be numerous and complex. To comply with statutes and ordinances governing the City and to comply with an established system of internal controls.

**Purchasing Agent:**

- The City Manager, pursuant to the City's Charter and City Council, has appointed purchasing authority and responsibilities to the Purchasing Agent. The Purchasing Agent is an employee of the Finance Department. (*R.O. 2011 §2.10.040; Code 1950 §202.3; Prior Code §2-17*)

**Requisitions:**

- A Requisition is purchasing authority to initiate the procurement process. Each department has a designee who enters their Requisitions into the accounting software. All Requisitions must be approved by the Department Director.

**Purchase Orders:**

- The Purchase Order is the formal offer to buy specified commodities, materials, equipment, or service. Upon acceptance by the vendor, the Purchase Order becomes a legal and binding document obligating the City.

**General Guidelines:**

- Purchases for personal use by employees of 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.
- All employees of the City of University City have chosen to serve the public and therefore shall not accept, grant, or be influenced in their duties by any offer of payment, gift, or favor from any source other than their compensation from the City.

**Conflict of Interests: (Chapter 210, RSMo)**

- No officer or employee of the City shall participate in a contract for supplies or services when that person knows the officer, employee or any member of the officer's or employee's immediate family has a financial interest pertaining to the contract; or
- A business or organization in which the officer, employee, or any member of the officers or employee's immediate family, has a financial interest pertaining to the contract.

**Cooperative Procurement Programs/Contracts:**

- Departments are encouraged to use Cooperative Purchasing Contracts such as those available through the State of Missouri. These contracts allow the City to purchase items that other governmental agencies have secured through a competitively bidding process. St. Louis County and the State of Missouri offer various contracts to participating municipalities permitting procurement from vendors with whom they hold contracts.

**Competitive Bidding:**

- Before any purchases are made, ample opportunity shall be given for competitive bidding; i.e., RFP(s) and RFQ(s).

**Emergency Purchases:**

- Purchases of supplies and or services whose immediate procurement is essential to protect life or property. Emergency purchases should be kept to a minimum. Department Directors are authorized to make emergency purchases, provided prior approval of the Purchasing Agent has been obtained.
- The City Manager is authorized to approve contracts for professional services under \$25,000. Contracts exceeding \$25,000 require a formal Request for Proposal (RFP), or Request for Qualifications (RFQ), to be prepared and requires City Council approval.

**NEW POLICY - Minority/Women-Owned Business Enterprises:**

The City will cause its vendors, contractors, and subcontractors to take good-faith actions to achieve the M/WBE contract requirement.

**Personnel Requirements for Contractors with the City:**

1. Any person, firm, or corporation contracting with the City to provide services such as but not limited to, technical/professional services, street repairs, supplies, building maintenance, at a cost to the City of fifty thousand dollars (\$50,000.00)

or more and involving ten (10) or more employees in the workforce providing the contracted services, shall, as a condition precedent to the rendition of such services, certify by affidavit filed with the said City that at least twenty percent (20%) of the workforce providing the contracted services shall consist of workers generally classified as members of minorities and/or female workers.

2. Any person, firm, or corporation contracting with the City to provide services involving payment of one hundred thousand dollars (\$100,000.00) or more in which there are two (2) or more subcontractors shall agree with the City that at least fifteen percent (15%) of the total amount of the City's contract shall be allocated to subcontractors who employ workers generally classified as members of minorities and/or female workers.

❖ *Two of the City's current contractors, Highland Construction and Trivers have met the above requirements.*

#### **Personnel Requirements for Employees and Owners:**

1. As many as possible of the City contracts over one thousand dollars (\$1,000.00) shall be entered into with the following:
  - a) Individuals generally classified as members of minorities and/or female; and
  - b) Firms consisting of individuals generally classified as members of minorities and/or female; and
  - c) Corporations, the stock of which is owned by the individuals generally classified as members of minorities and/or females.
2. The City Manager shall take all reasonable steps to achieve compliance with this Section.
3. All minority and/or female firms, corporations, or individuals shall file an affidavit with the City, prior to commencing work, that they are a minority and/or female firm, corporation, or individual.

#### **Purchasing Guidelines:**

1. Purchases under \$1,999 can be purchased with a department-issued credit card in lieu of a Purchase Order unless required by the vendor. In these instances, the Department Director needs to be notified of these purchases, and the Department Director should designate employees who will be allowed to make these purchases.
2. Purchases of goods or services that equal or exceed \$2,000 require a Purchase Order; except for, City Council approved service contracts, Intergovernmental Agreements, insurance, banking/investment transactions, land acquisitions, lease payments, utilities, debt service, payroll (benefits, checks, taxes, and deductions), professional services as defined, and maintenance contracts associated with copyrighted software that has already been purchased by the City.
3. Purchases between \$2,000 to \$14,999.99 must have a minimum of three written bids to be solicited either through phone, mail, e-mail, or fax. These bids must be attached to the Requisition when entered in the financial management system as bids, uploaded documents, or notes.

If the department is unable to secure three verbal or written bids, or the bids were not returned, please add that to the notes of the Requisition when it is entered into the financial management system.

4. Purchases between \$15,000 to \$24,999.00 require a minimum of three written bids to be solicited. The departments are reminded that the use of written bids requires appropriate planning to ensure that adequate time is available to satisfy the purchasing requirements. These bids must be attached to the Requisitions when entered in the financial management system as bids, uploaded documents, or notes.
5. Purchases \$25,000 and over must be advertised and requested as sealed bids. The number of publications depends on the requirements of the funds, i.e., certain grants require more than one publication and place a condition on which publications can be used. These purchases are subject to City Council approval. (R.O. 2011 §2.10.060; Ord. No. 6715 §1, 2007)
6. All capital improvement projects require a Purchase Order.

#### **Unauthorized Purchases and Purchasing Ethics:**

- No employee has the authority to enter contractual relationships for the City without prior approval of the Purchasing Agent.
- No employee of the City or their immediate families shall have any financial interest in the award of a contract or purchase. All employees of the City shall keep themselves free of obligation by refusing to accept any significant gifts or entertainment by any of the present or potential vendors to the City.

#### **Terms and Conditions of the Invitation for Bids:**

- The right is reserved as the interest of the City may require rejecting any bid or all bids and to waive any minor informality or irregularity regarding bids received.
- The City may make an award on any item for a quantity less than the quantity bid.
- The City shall award a contract while conforming to the specifications and requirements whose bid will be most economically advantageous to the City.

Councilmember Clay posed the following questions to Mr. Cole:

**Q. Does U City provide any preferences for businesses located within their jurisdiction?**

*A. Although it was not highlighted in tonight's presentation, jurisdictional preferences are included within the details of this policy.*

**Q. Does the new policy regarding minority/women-owned business enterprises need to be approved by Council?**

*A. My understanding is that this updated policy needs to be affirmed by Council.*

Councilmember Cusick posed the following questions to Mr. Cole:

**Q. Are both the Police and Fire Departments governed by this policy?**

*A. Yes.*

**Q. Is the Library or other political subdivisions of the City, like the LSBD and Parkview Gardens governed by this policy?**

*A. While the intent is for all departments to be governed by this policy, he would have to get further clarification on these three.*

**Q. Can you provide any examples of purchases that were made under the emergency purchasing provision?**

*A. I am not aware of any purchases made under this provision.*

**Q. What type of oversight is in place to make sure subcontractors are fulfilling the terms of a contract?**

*A. The City relies on the prime contractor to supply the proper paperwork for its subcontractors and to ensure that all of the terms of their contract are being fulfilled.*

Mr. Rose stated the only two circumstances he is familiar with related to the use of the Emergency Purchasing Option are the purchase of an ambulance to facilitate Council's desire to resume the City's in-house ambulance services and several purchases associated with the pandemic. Because they were in an emergency situation, Mr. Rose stated he did not take the time to calculate whether collectively they exceeded \$25,000, since they were deemed as necessary purchases for the organization as a whole.

Councilmember Hales asked if there were any notable changes in this policy, outside of the Minority/Women-Owned Business Enterprise? Mr. Cole stated his review of other municipalities revealed that the dollar amounts in their purchasing guidelines fell under four categories, which began with; purchases under \$1,999 can be purchased with a department-issued credit card in lieu of a Purchase Order. So, the City's policy was amended from \$999.00 to \$1,999 to align with those guidelines.

Councilmember Smotherson asked who is the City's Purchasing Agent? Mr. Cole stated although technically, he would be considered the Purchasing Agent, there is a purchasing specialist within the Finance Department who reviews and approves all Requisitions and Purchase Orders, and he is the second signatory on those documents.

Mayor Crow asked if there was a percentage or dollar amount utilized to give local businesses a preference over non-local businesses? Mr. Cole stated to his knowledge, the language simply implies that the City's inclination should be to utilize local businesses whenever possible.

#### **4. ADJOURNMENT**

Mayor Crow thanked Mr. Cole for his presentation and adjourned the Study Session at 5:53 p.m.

LaRette Reese,  
City Clerk