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2021-28690 ORDINANCE
07/29/2021 09:44:38 AM Pages: 8 Fees: \$15.00
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CAPTION HEADING:

Ordinance

Ordinance No. 419

Amending the San Luis City code Title III, Revenue and finance, Chapter 3.05 purchasing sections 3.05.010, in general, and 3.05.080 Professional services to change the amounts and procedures for purchases.



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 419

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING THE SAN LUIS CITY CODE, TITLE III, REVENUE AND FINANCE, CHAPTER 3.05 PURCHASING, SECTIONS 3.05.010, IN GENERAL, AND 3.05.080 PROFESSIONAL SERVICES TO CHANGE THE AMOUNTS AND PROCEDURES FOR PURCHASES; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona, as follows:

Section 1: Title III, Revenue and Finance, Chapter 3.05, Purchasing, Section 3.05.010, In General, of the City Code of the City of San Luis, Arizona is hereby amended to read as follows:

§ 3.05.010 IN GENERAL

(A) Generally. The city's purchasing agent shall be the Finance Director or such other person or persons as may be designated by the City Manager. No purchase or contract for services of any kind or description, payment for 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 §§ 36.01 through 36.12 and unless the purchase is in accordance with the adopted budget. In determining the cost of a purchase or contract, capital lease purchase or contract purchase agreements shall have their value estimated as the cumulative total value of the contract expense to the city. Operating leases shall be valued at the cumulative total of lease payments for the anticipated rental period or for one year from the start of the lease for long-term items, whichever is less. Contracts for services shall be valued at the cumulative total of payments for the anticipated services or for one year from the start of the service contract, whichever is less

(B) Under \$10,000. Whenever any contemplated purchase or contract for service is for the sum of less than \$10,000, the requisitioning

department shall submit a written quote, or with the approval of the purchasing agent, a verbal quote, and the purchasing agent may order the item as needed without further formality. No purchase or contract for service pursuant to this subsection shall be made before approval by the purchasing agent.

(C) \$10,000 to \$44,999.99. Whenever any contemplated purchase or contract service for the sum of at least \$10,000 but not more than \$44,999.99, the requisitioning department, with the assistance of the purchasing department, shall solicit three written quotations (inclusive of all cost) from vendors and submit them to the purchasing department, for awarding to the lowest responsive quote. If three written quotations cannot be obtained, documentation showing vendors contacted that did not offer price quotations or explaining why price quotations were not obtained shall be maintained with the purchasing documents. No purchase or contract for service pursuant to this subsection shall be made before approval by the purchasing agent.

(D) \$45,000 and above. Whenever any contemplated purchase except for professional services as defined in § 36.08, is for the sum of \$45,000 or more, the purchasing agent shall cause to be published in two issues of a newspaper of general circulation, notice inviting sealed bids or requests for proposals, which notice shall be published at least five days before the date set for the receipt of the bids or proposals. The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for the opening of bids or proposals. In addition, the purchasing agent shall post a notice inviting bids or proposals in the city hall. Bids or proposals will be presented to Mayor and Council for award.

(E) State or federal contracts. If either state or federal law or state or federal contract require or provide for a procedure for the acquisition of equipment, supplies, materials, goods, work, or services different than the procedures provided for in this chapter, the provisions of the state or federal law or contract will prevail and supersede the provisions of this chapter.

(F) Procedures waived. For good cause, with the approval of the Council, formal purchase procedures may be waived.

Section 2: Title III, Revenue and Finance, Chapter 3.05, Purchasing, Section 3.05.080, In General, of the City Code of the City of San Luis, Arizona is hereby amended to read as follows:

3.05.080 Professional services.

Unless required by the Mayor and Council, the provisions of this chapter

shall not apply to professional services. These services include, but are not limited to, the following: Administrative or appellate hearing officers, appraisal, architectural, bond and municipal improvement district consulting, certified public accountant, clergy, dental, economic and environmental assessments, educator, employee benefits provider, employment, engineering, entertainers, financial, fireworks, indigent defense attorneys, instructors, interim consulting positions for personnel services, judicial appointments, legal, medical, nursing, physician, psychologist, senior meal and senior transportation programs, surveying, tax software, technological, title insurance, travel and tourism center or marketing efforts, and veterinarian and any healthcare-related affiliations. It also includes consulting services of persons with unique skills, abilities, training or experience. Contracts for professional services in excess of \$45,000 must be approved by the Mayor and Council

Section 3: In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Whereas, this ordinance is immediately necessary to handle the city's financial matters efficiently, and it is necessary for the preservation of the peace, health and safety of the City of San Luis, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of the posting of this ordinance.

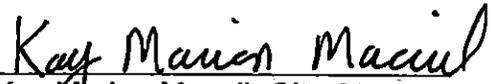
PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this 28th day of July, 2021.


Gerardo Sanchez, Mayor

ATTEST:


Sonia Cornelio, City Clerk

APPROVED AS TO FORM:


Kay Marion Macuil, City Attorney

Sub Section	Dollar Amount Currently	Dollar Amount Proposed	Current Procedure	Proposed Procedure
B	Under \$5,000.00	Under \$10,000.00	Purchasing Agent without Formality	A written quote or verbal quote with the permission of the Purchasing Agent. The Purchasing Agent must approve service contracts.
C	\$5,000 to \$14,999.99	\$10,000.00 to 44,999.99	Lowest Responsive of 3 Verbal Quotes	Lowest Responsive of 3 Written Quotes
D	\$15,000.00 to \$34,999.99		Lowest Responsive of 3 Written Quotes (except service Contracts)	N/A
	N/A	\$45,000.00 and above	NA	Formal Bid (except professional service contracts)
E	\$35,000.00 and above	N/A	Formal Bid (except professional service contracts) and Council Approval	N/A
F	\$15,000.00 and above	N/A	Service contracts Council Approval	N/A

3.05.010 In general.

(A) *Generally.* The purchasing agent of the City shall be the Finance Director or such other person or persons as may be designated by the City Manager. No purchase or contract for services of any kind or description, payment for 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 SLCC 3.05.010 through 3.05.120 and unless the purchase is in accordance with the adopted budget. In determining the cost of a purchase or contract, capital lease purchase or contract purchase agreements shall have their value estimated as the cumulative total value of the contract expense to the City. Operating leases shall be valued at the cumulative total of lease payments for the anticipated rental period or for one year from the start of the lease for long-term items, whichever is less.

(B) *Under \$5,000.* Whenever any contemplated purchase or contract for service is for the sum of less than \$5,000, the purchasing agent may order the item as needed without further formality.

(C) *\$5,000 to \$14,999.99 Inclusive.* Whenever any contemplated purchase is for the sum of at least \$5,000 but not more than \$14,999.99 the requisitioning department with the assistance of the Purchasing Department shall solicit three verbal quotes (inclusive of all cost) from vendors and submit them to the Purchasing Department, for awarding to the lowest responsive quote. Verbal quotes shall be documented and maintained on file in the purchasing records of the City. If three verbal quotations cannot be obtained, documentation showing vendors contacted that did not offer price quotations, or explaining why price quotations were not obtained, shall be maintained with the purchasing documents.

(D) *\$15,000 to \$34,999.99.* Whenever any contemplated purchase for the sum of at least \$15,000 but not more than \$35,000 the requisitioning department with the assistance of the Purchasing Department shall solicit three written quotations (inclusive of all cost) from vendors and submit them to the Purchasing Department, for awarding to the lowest responsive quote. If three written quotations cannot be obtained, documentation showing vendors contacted that did not offer price quotations, or explaining why price quotations were not obtained, shall be maintained with the purchasing documents.

(E) *\$35,000 and Above.* Whenever any contemplated purchase, except for professional services as defined in SLCC 3.05.080, is for the sum of \$35,000 or more, the purchasing agent shall cause to be published, in two issues of a newspaper of general circulation, notice inviting sealed bids or requests

for proposals, which notice shall be published at least five days prior to the date set for the receipt of the bids or proposals. The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for opening of bids or proposals. In addition, the purchasing agent shall post a notice inviting bids or proposals in the City Hall. Bids or proposals will be presented to Mayor and Council for award.

(F) *Mayor and Council.* No service contract of \$15,000 and above, or sealed bid or proposal above \$35,000 or more, shall be let except by the Mayor and Council. The purchasing agent shall present the bids or proposals to the Mayor and Council for the approval.

(G) *State or Federal Contracts.* In the event that either state or federal law or state or federal contract require or provide for a procedure for acquisition of equipment, supplies, materials, goods, work, or services different than the procedures provided for in this chapter, the provisions of the state or federal law or contract will prevail and supersede the provisions of this chapter.

(H) *Procedures Waived.* With the approval of the Council, formal purchase procedures may be waived. (Ord. 219 § 2, passed 1-12-2005; Res. 581 § 1, passed 1-12-2005. Code 1982 § 3-4-01. Code 2012 § 36.01.)

The San Luis City Code is current through Ordinance 408, passed January 13, 2021.

Disclaimer: The City Clerk's Office has the official version of the San Luis City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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City Website: www.sanluisaz.gov

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3.05.080 Professional services.

Unless required by the Mayor and Council, the provisions of this chapter shall not apply to professional services. These services include, but are not limited to, the following: physicians, attorneys, engineers and similar professions. Contracts for professional services in excess of \$15,000 must be approved by the Mayor and Council. (Ord. 219 § 2, passed 1-12-2005; Res. 581 § 1, passed 1-12-2005. Code 1982 § 3-4-08. Code 2012 § 36.08.)

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