



## *City Attorney*

**DATE:** February 11, 2021

**FROM:** Janelle Combs, City Attorney

**ITEM:** Ordinance 6450 regarding Competitive Bidding Required

### **REQUEST**

Consider introduction and call for a public hearing on Ordinance 6450 to amend Ordinance 7-01-03 regarding Competitive Bidding Required.

Please place this item on the 2/23/2021 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

Public Works –Services Director has requested changes to the ordinance regarding procurement rules. They have found items that appear on commercial cooperative purchasing organizations that are specifically for government entities but they are either not incorporated into another State’s bidding list nor are they an association cooperative. This change will allow the use of these private entities instead of a formal RFP, subject to their appearance for approval on a City Commission meeting.

### **RECOMMENDED CITY COMMISSION ACTION**

First reading and introduction of Ordinance 6450 and call for a public hearing.

### **STAFF CONTACT INFORMATION**

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**CITY OF BISMARCK**  
**Ordinance No. 6450**

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 7-01-03, COMPETITIVE BIDDING REQUIRED OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.) BY AMENDING THE SECTION RELATING TO COOPERATIVE BIDS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 7-01-03 of Competitive Bidding Required is hereby amended and re-enacted as follows:

**7-01-03. Competitive Bidding Required.**

\* \* \* \* \*

6. Any supplies, materials, equipment, or contractual services may be purchased through another State's cooperative purchasing venture, a cooperative purchasing organization for public sector procurement or professional Association cooperative purchasing venture, of which the City, or its Department, or an employee, is a member of the Association, upon approval by the City Commission.

*Reference: NDCC Sec. 44-08-01; 44-08-01.1; 40-11-04.  
(Ord. 4403 & 4404, 10-22-91; Ord. 4422, 03-24-92; Ord. 4592, 03-29-94; Ord. 6062, 06-10-14; Ord. 6093, 12-23-14; Ord. 6405, 02-08-20)*

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.