

4.26 CITY PURCHASING.

- (1) Council Authorization. This ordinance authorizes the City Comptroller, or the Mayor and City Clerk, to enter into contracts on behalf of the City of Madison if the contracts meet the criteria of the ordinance. Contracts that do not meet the criteria set forth in this ordinance, and are not otherwise authorized by law, rule or regulation, shall be authorized separately by the Common Council, by resolution or otherwise. This ordinance does not apply to public works contracts required to be bid pursuant to sec. 62.15, Wis. Stats.
- (2) Goods and Supplies. The City may purchase supplies, equipment, goods and materials when the costs of the same have been included in the approved City budget. Except as otherwise authorized by the Common Council, purchases shall be made by the Comptroller, under this section and sec. 4.27, MGO, pursuant to policies adopted by the Mayor or the Comptroller that include a competitive process, and on forms approved by the City Attorney. A contract that is for the purchase or rental of equipment and includes maintenance or repair services is considered a contract for the purchase of equipment.
- (3) Services. The City may contract for the purchase of services. Except as otherwise directed by the Common Council, contracts for the purchase of services may be entered into without Council resolution when all the following conditions are met:
 - (a) The funds for the services are included in the approved City budget.
 - (b) The City has engaged in a Request for Proposals (RFP) or other competitive bidding process that has been approved by the Comptroller, or the contract is exempt from such a requirement pursuant to sub. (4) of this ordinance.
 - (c) The City Attorney has approved the form of the contract.
 - (d) The contract complies with other laws, resolutions, and ordinances.
 - (e) The contract is for a period of one (1) year or less, or the contract is for a period of more than one (1) year but not more than three (3) years and the cost of the services does not average more than \$50,000 per year of the contract, provided that this subparagraph is subject to sub. (4)(b) of this ordinance for non-competitive contracts.
- (4) Exceptions to RFP Process. The City may enter into negotiated contracts without a competitive bidding process for the purchase of services if the following are met:
 - (a) One or more of the following criteria are present as found by the Comptroller:
 1. Public exigency will not permit the delay incident to advertising or other competitive processes;
 2. The service required is available from only one person or firm;
 3. The services are for professional services to be provided by attorneys;
 4. The services are to be rendered by a university, college, or other educational institution;
 5. No acceptable bids have been received after formal advertising;
 6. Service fees are established by law or professional code;
 7. A particular consultant has provided services to the City on a similar or continuing project in the recent past, and it would be economical to the City on the basis of time and money to retain the same consultant;
 8. The contract is for \$25,000 or less; or
 9. Otherwise authorized by law, rule, resolution, or regulation.
 - (b) If the aggregate amount of the fee for services will exceed twenty-five thousand dollars (\$25,000) and the contract was not subject to a competitive bidding process, the contract shall meet one of the other requirements of sub. (4)(a) and be approved by the Common Council by resolution.
- (5) Execution of Contracts. Except as otherwise authorized by resolution or ordinance, contracts shall be signed by the Mayor and the City Clerk. Contracts allowed under subs. (2), (3), or (4)(a) may be signed by the Comptroller or designee. All contracts shall be on forms approved by the City Attorney.

(Cr. by ORD-06-00180, 12-5-06)