

## ORDINANCE 625

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, AMENDING THE CITY CODE CHAPTER 3, "ADMINISTRATION", ARTICLE 3-2, "OFFICERS" SECTION 3-2-1, "MANAGER" SUBSECTION (F)(1)(h), ADDRESSING THE CITY MANAGER'S AUTHORITY TO EXECUTE CONTRACTS, AND CITY CODE CHAPTER 20, "PROCUREMENT CODE", SECTION 20-3-6, "SMALL PURCHASES," SUBSECTION 20-3-6, INCREASING THE NUMBER OF CONTRACTS THAT CAN BE LET WITH LIMITED COMPETITION AND INCREASING THE PROCUREMENT DIRECTOR'S AUTHORITY TO EXECUTE CONTRACTS, INCREASING EACH LIMIT TO FIFTY THOUSAND DOLLARS (\$30,000.00)**

WHEREAS, the Mayor and Council of the City of Benson are authorized by statute to incur expenses for the general operation of the City; and

WHEREAS, the Mayor and Council of the City of Benson have previously adopted ordinances codified as the Benson City Code that delegates operational management of the City to the City Manager; and

WHEREAS, in addition to delegating day-to-day City operations the Mayor and Council have also authorized the City Manager and the City Manager acting as the City Procurement Director to be able to execute certain City contracts; and

WHEREAS, the original delegation to the City Manager of authority to execute contracts has not been updated in many years, and Staff recommends increasing the City Manager's authority; and

WHEREAS, in addition to increasing the number of contracts the City Manager can execute, Staff recommends other small changes to the City Procurement Code to increase the clarity of the Code, to promote more efficient operations of the City, and to eliminate duplicate Code provisions. The proposed changes more closely parallel the provision of the State Procurement Code than do the current, outdated, provision; and

WHEREAS, the Mayor and Council hereby determine that revising certain provisions of the City Code relating to contract execution authority and small purchases in general will promote more efficient operations of the City of Benson.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA:

SECTION 1: The previously-enacted Benson City Code Chapter 3, "Administration", Article 3-2, "Officers" Section 3-2-1, "Manager" Subsection (F)(1)(h), is hereby amended as follows, with additions shown in underlined text and deletions shown in strikeout.

- H. The city manager shall supervise and safeguard the purchase and use of all materials, supplies and equipment for which funds are provided for the budget; let contracts necessary for operation or maintenance of city services for amounts up to and including **thirty twenty** thousand dollars (**\$30,000.00** ~~20,000.00~~); receive bids for purchases or contracts in excess of **thirty twenty** thousand dollars (**\$30,000.00**~~20,000.00~~) and present them to the council for approval, and advise the council on the advantages or disadvantages of contract or bid proposals. No contract in excess of **thirty twenty** thousand dollars (**\$30,000.00**~~20,000.00~~) ~~and no contract for new construction shall be~~ let except by the council. The manager may issue such rules governing purchasing procedures within the administrative organization as the council shall approve.

SECTION 2: The previously-enacted Benson City Code Chapter 20, "Procurement Code", Section 20-3-6, "Small Purchases," is hereby amended as follows, with additions shown in underlined text and deletions shown in strikethrough:

- A. General. Any contract not exceeding **thirty thousand dollars** (**\$30,000.00**~~20,000.00~~) may be made by the Director or a designee in accordance with the small purchase procedures authorized in this Section. ~~Contract requirements shall not be artificially divided so as to constitute a small purchase under this Section.~~
- B. **Small Purchases of \$20,000 (inclusive) or less over \$5000. The Director shall use reasonable judgment in awarding contracts of \$20,000 and less that are advantageous to the City. The agency chief procurement officer may but is not required to request quotations.**

~~Insofar as it is practical for small purchases in excess of \$5,000 but less than \$20,000, no less than three businesses shall be solicited to submit quotations. Award shall be made to the responsible bidder submitting the quotation, which is most advantageous to the City and conforms in all material respects to the solicitation. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded and maintained as a public record.~~

- C. **Small Purchases over \$20,000 but less than \$30,000 Under \$5,000. The Director shall adopt operational procedures for making small purchases of \$5,000 or less.. Insofar as it is practical for small purchases estimated to exceed \$20,000, no less than three businesses shall be solicited to submit quotations. Award shall be made to the responsible bidder submitting the quotation most advantageous to the City and conforming in all material respects to the solicitation. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded and maintained as a public record.**




- D. Procurement requirements shall not be artificially divided or fragmented so as to constitute a purchase under this section ~~and or~~ to circumvent the source selection procedures required by ~~Sections §20-3-2 entitled Methods of Source Selection or §20-3-3 Competitive Sealed Proposals or be artificially combined to circumvent any sections in this Chapter.~~

SECTION 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the public record adopted herein by reference 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 portion thereof.

SECTION 5: Pursuant to A.R.S. §9-812 and §39-204, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation and, further, to post a copy of this Ordinance in three (3) or more public places within the City.


PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 9th day of October, 2023.

  
JOE A. KONRAD, Mayor

ATTEST:

  
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

  
DeConcini McDonald Yetwin & Lacy, P.C.  
By PAUL A. LOUCKS  
City's Attorney