

**ORDINANCE 15-O-43** amending the Murfreesboro City Code, Chapter 2—Administration, Section 2-10 regarding the City's Procurement Code.

**WHEREAS**, Ordinance 13-O-38 amended Murfreesboro City Code, Section 2-10 by adopting a revised procurement code; and,

**WHEREAS**, subsequent to the effective date of Ordinance 13-O-38, the City has created a Purchasing Department, hired a Purchasing Director and purchased ERP software to centralize its purchasing functions; and,

**WHEREAS**, the State has adopted Chapter 457 of the Public Acts of 2015 which authorizes cities with centralized purchasing authority with a full time purchasing agent to increase the amounts over which three (3) written quotations shall be required to forty percent (40%) of the threshold over which public advertisement and sealed competitive bids or proposals are required, which will enable that threshold to change from \$7,500 to \$10,000; and,

**WHEREAS**, Section 42(10) of the Murfreesboro City Charter specifies that the City Manager shall "act as purchasing agent for the city and to purchase all materials, supplies and equipment for the proper conduct of the city government and its officers"; and,

**WHEREAS**, Section 57 of the Murfreesboro City Charter specifies that, except as otherwise provided by ordinance, the City Recorder shall regulate and pay all claims and creditors after having audited them and certified the balance, after approval and certification by the City Manager and the head of the department; and,

**WHEREAS**, the City Manager desires to change the roles of the City Recorder and the City Manager in certifying and approving claims and creditors in order to effectively utilize the Purchasing Department and the ERP and to empower department heads; and,

**WHEREAS**, since Section 57 of the Murfreesboro City Charter imposes personal liability on the City Manager and City Recorder for "all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the city", it is important that the Council acknowledge and approve the assignment of functions as proposed; and,

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** Section 2-10(B), *Roles and Responsibilities*, of the Murfreesboro City Code is hereby amended at subsection (2) by deleting the phrase, "all procurements and"; and by adding the following sentence to the end of the subsection: "The City Manager is not required to approve the issuance of purchase orders in amounts of \$25,000 or less."

**SECTION 2.** Section 2-10(B), *Roles and Responsibilities*, of the Murfreesboro City Code is hereby amended at subsection (3) by adding the following sentence to the end of the subsection: "The City Recorder is not required to approve the issuance of purchase orders in amounts of \$25,000 or less."

SECTION 3. Section 2-10(B), *Roles and Responsibilities*, of the Murfreesboro City Code is hereby amended at subsection (5) by deleting the text and substituting therefor: "It is the role and responsibility of the Purchasing Director to fulfill the duties established by this procurement code and administrative policies and procedures approved by the City Manager. These duties shall include establishing a purchasing policy under a centralized purchasing system for the procurement of goods, services and equipment which uses a variety of procurement methods to achieve purchases that meet quality, performance and delivery standards. These duties shall also include approving the specifications for the goods to be purchased or the scope of work for the services to be purchased; preparing or approving solicitations; ensuring that adequate and appropriate public notice or advertisement of solicitations is given; evaluating or establishing procedures for the evaluation of responses to solicitations; ensuring correct documentation of contract performance and payment; approving the issuance of purchase orders in amounts of \$25,000 or less; and, to issue a purchase order based on City Council's approval of a purchase of more than \$25,000."

SECTION 4. Section 2-10(B), *Roles and Responsibilities*, of the Murfreesboro City Code is hereby amended by adding a new subsection (6) stating: "(6) It is the role and responsibility of each department head to fulfill the duties established in this procurement code and the policies and procedures established by the Purchasing Director including but not limited to determining the availability of budgeted funds for all purchases, preparing specifications to be used in solicitations, and documenting and approving all purchases for the department."

SECTION 5. Section 2-10(D), *Methods of Procurement*, of the Murfreesboro City Code is hereby amended by substituting the word "types" for the word "methods", by renumbering the existing text as (1) and renumbering the existing subsections as (a) through (e), and by adding a new subsection (2) stating: "(2) The primary types of solicitations used for procurements are requests for qualifications, requests for information, requests for quotes, invitations to bid and requests for competitive sealed proposals."

SECTION 6. Section 2-10(E), *Purchases based on price competition*, of the Murfreesboro City Code is hereby amended at subsection (5) by substituting the words and figure of "ten thousand dollars (\$10,000)" for the words and figure of "seven thousand, five hundred dollars (\$7,500)".

SECTION 7. Section 2-10(F), *Sole Source Purchases*, of the Murfreesboro City Code is hereby amended by substituting inserting the phrase "the Purchasing Director" in the second sentence so that it reads: "The City Council shall be informed by the Purchasing Director of all reasons making the proposed sole source procurement appropriate if the item costs more than twenty-five thousand dollars (\$25,000)." and by substituting the phrase "the Purchasing Director" for the phrase "by the person authorizing the purchase" in the third sentence so that it reads, "If the item costs less than twenty-five thousand dollars (\$25,000), a record of such purchase specifying the amount paid, the item purchased and the vendor shall be made by the Purchasing

Director.”

SECTION 8. Section 2-10(G), *Emergency Purchases*, of the Murfreesboro City Code is hereby amended at subsection (3) by substituting the term “Purchasing Director” for the term “City Recorder” in the second sentence, so that it reads: “Such a report shall be made within two working days following the date of such purchase or purchase order and shall be kept on file in the office of the Purchasing Director and shall be open to public inspection.” This same subsection shall be further amended by inserting the term “by the Purchasing Director” in the third sentence so that it reads: “A copy of the report shall be presented to the Council by the Purchasing Director at or before the next regular Council meeting.”

SECTION 9. Section 2-10(H), *Competitive Sealed Proposal Purchases*, of the Murfreesboro City Code is hereby amended at subsection (1) by deleting the second sentence and substituting therefor: “Use of the competitive sealed proposal procurement method must be recommended by the Purchasing Director and approved by the City Council before the request for competitive sealed proposals is issued.”

SECTION 10. That this Ordinance shall take effect immediately after its passage upon third and final reading as an emergency exists, and the public welfare and the welfare of the City require its adoption as an emergency ordinance.

Passed:

  
Shane McFarland, Mayor

1<sup>st</sup> reading     June 25, 2015  
2<sup>nd</sup> reading     July 9, 2015  
3<sup>rd</sup> reading     July 30, 2015

ATTEST:

APPROVED AS TO FORM:

  
Melissa B. Wright  
City Recorder

  
Susan Emery McGannon  
City Attorney

SEAL