



Legislation Details (With Text)

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On agenda: **Final action:** 4/12/2011

Effective date:

Title: A substitute ordinance relating to the inclusion of reverse auctions in the purchasing appeals process.

Sponsors: ALD. BOHL, ALD. DONOVAN, ALD. WITKOWSKI

Indexes: PURCHASING PROCEDURES

Attachments: 1. Hearing Notice List, 2. Notice Published on 4-28-11

Date	Ver.	Action By	Action	Result	Tally
3/23/2011	0	COMMON COUNCIL	ASSIGNED TO		
4/5/2011	1	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
4/5/2011	1	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
4/5/2011	1	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
4/7/2011	1	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
4/12/2011	1	COMMON COUNCIL	PASSED	Pass	13:0
4/18/2011	1	MAYOR	SIGNED		
4/28/2011	1	CITY CLERK	PUBLISHED		

101429

SUBSTITUTE 1

ALD. BOHL, DONOVAN AND WITKOWSKI

A substitute ordinance relating to the inclusion of reverse auctions in the purchasing appeals process.

310-19-1-c am
310-19-3-a am
310-19-3-c-0 am
310-19-3-c-3 am
310-19-3-d am
310-19-4-a am

This ordinance adds reverse auctions to the purchasing appeals process consistent with

recently adopted charter ordinances giving the city purchasing director and the commissioner of public works the option of using reverse auctions when purchasing goods and services for the city.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 310-19-1-c, 3-a, 3-c, 3-c-3, 3-d and 4-a of the code is amended to read:
310-19. Purchasing Appeals Process.

1. DEFINITIONS. In this section:

c. "Recommendation" means a recommendation of the purchasing director as to the apparent low bidder which is made after a bid opening >>or a reverse auction <<but prior to the award of a bid.

3. SPECIFICATION APPEALS. a. Any potential bidder, common council member or city department which objects to the original or revised specifications on a bid may appeal the specifications by filing a written appeal with the purchasing director no later than 5 working days prior to bid opening>> or the beginning of a reverse auction<<. Appeals made by a potential bidder shall be filed with the fee specified in s. 81-102.3. No appeal received later than 5 working days prior to bid opening >>or the beginning of a reverse auction <<may be considered. Appeals shall be written, state specific objections to the specifications, be supported by technical data, test results and other information, and suggest alternate specifications.

c. The purchasing director shall schedule a hearing before the board to be held prior to the bid opening>> or the beginning of a reverse auction<<.

c-3. The board shall conduct the hearing and make a determination prior to adjournment and prior to bid opening >>or the beginning of a reverse auction <<as to whether to grant, in whole or in part, or deny the appeal. The board shall keep a tape recorded record of its deliberations and decisions.

d. If the appeal is granted, in whole or in part, the appellant and all parties notified under par. c-2 shall be notified in writing of the decision of the board, including any changes in specifications, any need to rebid and any rescheduled bid opening >>or reverse auction << date. If the appeal is denied, the appellant shall be notified in writing of the decision of the board.

4. APPEALS OF RECOMMENDATIONS. a. Following the opening of any bid>>or reverse auction<<, the purchasing staff shall make a written recommendation, based on the facts known at that point to the purchasing director, as to which bidder appears to be the lowest responsible bidder. All bidders shall be notified as to the contents of the recommendation as well as the date, time and place of the meeting at which the award will be considered.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB 126206-1

Aaron Cadle

03/30/11

Clerical corrections made -- jro -- 04/05/11

Clerical correction made -- jro -- 4/11/11

Clerical correction made -- lp -- 5/6/11