



Legislation Text

File #: 111422, Version: 3

111422

SUBSTITUTE 3

090352

ALD. BOHL, MURPHY AND DAVIS

A substitute charter ordinance relating to exceptions to bid requirements for city purchases.

16-05-3-b am

16-05-3-e cr

Current charter provisions allow exceptions to the general city bid requirements for city purchases, including the conditions under which the purchasing director may negotiate amendments to existing contracts and grant waivers. This ordinance eliminates provisions related to all single and sole source contracts and adds provisions relating to only single and sole source service contracts. The new provisions require that when a single or sole source service contract of \$50,000 or more is executed or an existing single or sole source service contract of less than \$50,000 is amended and the original amount of the contract added to the amended amount of the contract is \$50,000 or greater, the contract or amendment shall not be effective unless approved by the committee on finance and personnel. This requirement shall not apply to contracts or contract amendments, upon a written waiver by the city purchasing director, that are necessary to respond to emergency situations that threaten life, health or safety, or services provided by the actuary designated under s. 36-15-13. The purchasing director shall report the circumstances surrounding any such waiver to the committee on finance and personnel within the next 2 regularly scheduled common council cycles following the issuance of the waiver. In addition, no waiver granted may be for a contract of longer than one year in duration or may extend a service contract for longer than one year after issuance unless otherwise approved by the committee on finance and personnel.

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

Part 1. Section 16-05-3-b of the city charter is amended to read:

16-05. Purchasing.

3. EXCEPTION TO BID REQUIREMENTS.

b. The purchasing director may negotiate amendments to any existing contracts. ~~[[When an existing single or sole source contract of less than \$50,000 is amended and the original amount of the contract added to the amended amount of the contract is \$50,000 or greater, the single or sole source contract amendment shall not be effective unless approved by the finance and personnel committee. This requirement shall not apply to contract amendments, upon waiver by the city purchasing director, that are necessary to respond to emergency situations that threaten life, health, safety or the continuation of work.]]~~

Part 2. Section 16-05-3-e of the city charter is created to read:

e. When a single or sole source service contract of \$50,000 or more is executed or an existing single

or sole source service contract of less than \$50,000 is amended and the original amount of the contract added to the amended amount of the contract is \$50,000 or greater, the contract or amendment shall not be effective unless approved by the committee on finance and personnel. This requirement shall not apply to contracts or contract amendments, upon a written waiver by the city purchasing director, that are necessary to respond to emergency situations that threaten life, health or safety, or services provided by the actuary designated under s. 36-15-13. The purchasing director shall report the circumstances surrounding any such waiver to the committee on finance and personnel within the next 2 regularly scheduled common council cycles following the issuance of the waiver. No waiver granted may be for a contract of longer than one year in duration or may extend the contract for longer than one year after issuance unless otherwise approved by the committee on finance and personnel.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB137184-5

Mary E. Turk

Richard L. Withers

4/11/2012