

**City of Hurstbourne Acres, Kentucky**  
**Ordinance No. 1**  
**Series 2011**

Whereas, the City Commission of the City of Hurstbourne Acres, Kentucky has determined the necessity to establish a procurement policy BE IT NOW ORDAINED BY THE CITY OF HURSTBOURNE ACRES THAT:

**Section 1: Purpose and Intent**

The purpose of this ordinance is to simplify, clarify and modernize the procurement procedures utilized by the City of Hurstbourne Acres in order to preserve the public's confidence in the utilization of public funds and to safeguard the integrity of the City of Hurstbourne Acres, its elected officials and employees.

**Section 2: Adoption of the Kentucky Model Procurement Policy**

In compliance with Kentucky Revised Statutes 45A.343 the City of Hurstbourne Acres shall hereby adopt the Kentucky Model Procurement Model Procurement Code (sections 45A.345 to 45A.460) for all purchases exceeding a reasonably expected aggregate amount of \$20,000.00 in a fiscal year.

Pursuant to Kentucky Revised Statute 45A.360, this ordinance along with all provisions of Kentucky Revised Statute 45A.345 through 45A.455 and 45A.470 shall govern all procurement activities of the City of Hurstbourne Acres.

**Section 3: Responsibility and delegation of procurement authority**

The Mayor is responsible for the administration of the procurement function of the City of Hurstbourne Acres. The Mayor may delegate procurement authority to other City Elected Officials as he deems appropriate and necessary.

**Section 4: Obligation of Good Faith**

All purchases made on behalf of the City of Hurstbourne Acres shall be made in good faith for the best interest of the City of Hurstbourne Acres. No elected official, employee or other authorized purchaser shall make purchase decisions based upon personal gain or interest.

**Section 5: Use of Local Vendors**

Whenever practical, the City of Hurstbourne Acres will try to obtain service and/or product from vendors within the City of Hurstbourne Acres when said service and/or product are equal in quality, availability and price to those available from other vendors.

## **Section 6:** Definitions pertaining to procurement policy and procedures

Aggregate amount- the total dollar amount during a fiscal year of items of a like nature, function, and use, the need for which can reasonably be determined at the beginning of the fiscal year. Items, the need for which could not be determined reasonably established in advance or which were unavailable because of a failure of delivery need not be included in the aggregate amount.

Most advantageous- means overall to the benefit of the City of Hurstbourne Acres when all factors are taken into consideration, including but not limited to price, availability, quality, convenience and vendor reputation and past performance.

Price quotes- documented price at which required property or service can be obtained from a particular vendor. These quotes can be in the form of written quotes, printed catalog price, faxed pricing quotes, internet printout, etc.

Procurement- the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction services. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contracts, and all phase of contract administration.

## **Section 7:** Small Purchase Procedures

In compliance with Kentucky Revised Statute 45A.385 the City of Hurstbourne Acres shall create a small purchase procedures for purchases for which the determination is made that the aggregate amount of will not exceed twenty thousand dollars (\$20,000.00). The Small Purchase Procedures shall be as follows:

Purchase with an aggregate amount of \$1,000.00 or less may be made by authorized personnel from vendor(s) of choice based upon convenience and availability.

Purchases with an aggregate amount greater than \$1,000.00 but less than \$20,000.00 shall be made at or below state contract price whenever possible. When state contract pricing is not available, then three (3) quotes shall be obtained for separate vendors. The quote which is deemed the most advantageous to the city by the Mayor or his designee shall be selected.

## **Section 8:**

In compliance with Kentucky Revised Statute 45A.380 the City of Hurstbourne Acres may contract or purchase through noncompetitive negotiation only when a written determination is made by the Mayor or his designee, that competition is not feasible and that:

- (1) An emergency exists which will cause public harm as a result of the delay in competitive procedures; or
- (2) There is a single source within a reasonable geographical area of the product or service to be procured; or
- (3) The contract is for the services of a licensed professional, such as an attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse, or educational specialist; a technician such as a plumber, electrician, carpenter, or mechanic, or an artist such as a sculptor, aesthetic painter, or musician, provided however, that this provision shall not apply to architects or engineers providing construction management services rather than professional architect or engineer services; or
- (4) The contract is for replacement parts where the need cannot be reasonably anticipated and stockpiling is not feasible;
- (5) The contract or purchase is for expenditures made on authorized trips outside of the boundaries of Jefferson County; or
- (6) The contract is for the purchases of supplies which are sold at public auction or by receiving sealed bids; or
- (7) The contract is for group insurance, group health and accident insurance, group professional liability insurance, worker's compensation, and unemployment insurance; or
- (8) The contract is for a sale of supplies at reduced prices that will afford a purchase at savings to the local public agency.

**Section 8A:** Amounts of contracts to be within amount budgeted and appropriated

No contract will be awarded for an amount which exceeds the sum budgeted and appropriate for procurement by the City Commission.


**Section 9:** Grant requirements

Nothing in this ordinance shall be construed in such a manner as to relieve the City of Hurstbourne Acres of the responsibility to comply with any procurement requirements imposed by an agency from which the city may receive funds, including but not limited to state and federal agencies.

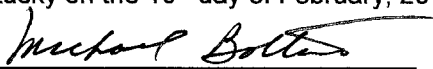
**Section 10:**

First Reading: January 13<sup>th</sup> 2011

Second Reading: February 10<sup>th</sup> 2011

By:   
Sean P. Fore, Mayor  
City of Hurstbourne Acres, Kentucky

Attest: To be a true ordinance enacted by the City Commission of the City of Hurstbourne Acres, Kentucky on the 10<sup>th</sup> day of February, 2011

By:   
Michael Bolten, City Clerk  
City of Hurstbourne Acres, Kentucky