



CITY OF BEL AIRE PURCHASING POLICY

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SECTION 1: GENERAL PROVISIONS

1) Policy Objective

It is the objective of the Governing Body to maximize the purchasing power and value of public funds and ensure the purchasing process is conducted in an ethical, fair and open manner.

2) Acquisition of Goods and Services

The acquisition of goods and services by or on behalf of the City of Bel Aire, its departments, officials and authorized agents, should be made in a manner and method which

- provides for the prudent expenditure of City funds
- provides the best value for the taxpayer
- prevents waste, conflict, and impropriety
- provides for equal access and opportunity in an open and competitive environment to all suppliers
- evaluates choices based on quality, cost and availability of the goods and services
- complies with all applicable federal, state and local laws, rules and regulations.

3) Self-imposed Constraints

Even though the Governing Body approves a level of expenditure for any given department, that approval, in and of itself, is neither a permit nor a directive to expend funds unless the purchase meets a current need and the goods or services to be purchased are within the budget limits.

4) Familiarity with Policy

All personnel of the City responsible for purchases must be familiar with and follow the City's policies and procedures as they relate to purchasing. Supervisors shall be cognizant of their respective budget limitations and only initiate purchases accordingly. It is the responsibility of the individual departments to anticipate requirements and initiate action to purchase goods and services in advance of the time they are needed. Inventory control and planning are expected supervisory skills across all departments.

5) Application

This Policy applies to all purchases and contracts entered into by the City. It shall apply to every expenditure of public funds for supplies, services, and materials by a City department for public purchasing irrespective of the source of the funds. Whenever City staff or resources are used in any manner, this policy shall apply. When the purchase involves the expenditure of federal or state assistance or contract funds, the purchase shall be conducted in accordance with any mandatory applicable federal and/or state laws and regulations. Nothing in this Policy shall prevent any City department from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

SECTION 2: DEFINITIONS

- 1) **CHANGE IN SCOPE OF WORK** – a modification or amendment that alters the project outcomes from those expressed in the contract documents.
- 2) **CHANGE ORDER** – a modification of the contract that changes the original contract time or contract price.
- 3) **CITY EMPLOYEE** – an individual drawing a salary or wages from the City who is not a Department Director or City Manager.
- 4) **CITY MANAGER** – the Chief Administrative Officer of the City hired by the Governing Body.
- 5) **CONSTRUCTION** – the process of planning, designing, building, altering, repairing, improving or demolishing any public structure or facility or other public improvement of any kind.
- 6) **CONTRACT** – a legally binding promise enforceable by law.
- 7) **DEPARTMENT DIRECTOR** – the individual designated by the City Manager to direct the administration of their department and is charged with certain duties and responsibilities.
- 8) **GOVERNING BODY** – the elected officials comprising the ruling body of the City that performs the legislative function for the City regarding policies and procedures; currently the City Council.
- 9) **MODIFICATION** – any written alteration to a provision of any contract accomplished by mutual agreement of the parties to the contract.
- 10) **PROFESSIONAL SERVICES** – Examples include architectural, engineering, specialized consulting, legal and accounting services.
- 11) **PURCHASING** – Buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, or construction.
- 12) **RESPONSIBLE BIDDER** – a contractor, business entity or individual who is fully capable to meet all the requirements of the solicitation and subsequent contract; who must possess the full capability, including financial and technical, to perform as contractually required; and who must be able to fully document the ability to provide good faith performance. Documented poor performance on prior contracts for goods or services may suspend a contractor from consideration for award.
- 13) **REQUEST FOR BIDS (RFB)** – all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids based on price.
- 14) **REQUEST FOR PROPOSALS (RFP)** – all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is a factor in selection.
- 15) **REQUEST FOR QUALIFICATIONS (RFQ)** – all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is considered

after selection. This is applicable for professional services including but not limited to engineering, architectural, consulting and other specialized or technical services.

16) SCOPE OF SERVICES – a detailed description of the tasks to be performed by the successful bidder.

17) SUBSTANTIAL INTEREST – Substantial Interest means any of the following:

- a) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.
- b) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- c) If an individual or an individual's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- d) If an individual or individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501(c)(3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States Code, the individual has a substantial interest in that business irrespective of the amount of compensation received by the individual or individual's spouse.
- e) If an individual or an individual's spouse received compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year. As used in this subsection, "client or customer" means a business or combination of businesses.

SECTION 3. PURCHASING AUTHORITY AND REQUIREMENTS FOR GOODS & NON-PROFESSIONAL SERVICES

1) City Employees

- a) Minor purchases up to \$1,000 can be made by City Employees with authorization from the Department Director or Designee. Quotes are encouraged but not required.
- b) Purchases of less than \$1,000 should be distributed equitably among suppliers if no loss in price or quality would result.

2) Department Directors

- a) Department Director's must authorize purchases above \$1,000 and up to \$5,000, with 3 written price quotations required.
- b) Inform subordinate City Employees of purchasing requirements and ensure adherence.
- c) Plan purchases above \$5,000 and up to \$15,000 to allow sufficient time for the City Manager to review and approve the purchase.
- d) Plan purchases over \$15,000 to allow sufficient time for the item to be bid through competitive sealed bidding process for City Council approval and award.

3) City Manager

- a) Authorize purchases above \$5,000 and up to \$15,000.
- b) Present purchasing recommendations to the City Council for purchases over \$15,000.
- c) Implement and enforce provisions of this purchasing policy.
- d) Exercise discretion and authority to override specific aspects of this policy when determined necessary to provide for the best interest of the City and inform the City Council of such decisions.

4) Governing Body

- a) Adopt the annual operating budget to determine levels of expenditure by fund, department, and program.
- b) Adopt a policy for the purchasing of all goods and services.
- c) Purchases over \$15,000 will be awarded by the Governing Body.

5) Emergency Purchases

- a) An emergency purchase is a purchase made when delaying the purchase would threaten:
 - i) The functioning of city government.
 - ii) The preservation or protection of property, machinery, or equipment,
 - iii) The health or safety of any person.
 - iv) Increasing cost to the City.
- b) In case of an emergency as defined above, the City Manager may waive all provisions for competitive bidding. Emergency needs shall be purchased by informal open-market procedure or negotiated.

6) Emergency Purchase Procedures

- a) During normal business hours, the department shall notify the City Manager of the emergency situation and request verbal approval to proceed with the emergency purchase. The department shall provide the following:
 - i) The nature of the emergency.
 - ii) The estimated cost of the services/goods required.
 - iii) The vendor recommended to receive the order.
- b) In the event of an emergency during non-working hours, the highest authority personnel on hand must contact their immediate supervisor, Department Director, or City Manager and obtain approval to purchase directly any supplies whose immediate procurement is essential as described above. For expenditures of \$5,001 or more, the Department Director shall submit by close of business the next workday a written report to the City Manager explaining the circumstances of the emergency.
- c) When emergency expenditures are \$15,001 or more, the City Manager will provide a report of the purchase and the circumstances necessitating the emergency action shall be given to the City Council at its next available meeting.

7) Split Purchasing or Order Splitting

- a) The deliberate practice of splitting a transaction, order or project into two or smaller parts to keep the purchase beneath the purchaser's approved purchasing threshold is expressly prohibited. Employees who violate this provision will be subject to discipline as outlined in the City of Bel Aire Personnel Policy Manual.

8) Unauthorized Purchases

- a) Any purchase of an item(s), which does not comply with this Policy shall be considered an unauthorized purchase and therefore voidable by the City Council. Anyone with knowledge of an unauthorized purchase being made, shall report the matter in writing to the Department Director or City Manager for investigative purposes.

9) Prohibited Purchases

- a) The following purchases cannot be made from City funds:
 - i) The purchase of any illegal substance or services, except when a purchase is pursuant to a criminal investigation or operation conducted by the Bel Aire Police Department.
 - ii) Gambling-related purchases.
 - iii) Purchases made for personal benefit with no value to the City.
- b) All prohibited purchases will be treated as unauthorized purchases.

10) Kansas Cash Basis Law (K.S.A. 10-1101 et seq.)

- a) Kansas law (K.S.A. 10-1101 et seq.) requires the City to operate on a cash basis. Except as otherwise provided by law, it is unlawful for the City to create any indebtedness in excess of the amount of funds actually on hand for such purpose. Any contract that would create financial obligations to the City beyond the current, fiscal year must include provisions for non-appropriation of funds, such as the following: The City's financial obligations contained herein are subject to annual appropriations of funding in the municipal budget during each calendar year the agreement remains in effect. The City shall make a good faith effort to fund said financial obligations on an annual basis. If the City determines not to do so, the agreement shall be cancelled as of the date of non-appropriation, without penalty or additional liability to either party.

SECTION 4. VENDOR SELECTION

1) Vendor Participation

- a) Vendors interested in receiving requests for bids and proposals should sign up for the Notify Me service on the City's website at www.belaireks.gov/bids. In an effort to attract bids from local and knowledgeable vendors, the requesting department is encouraged to notify vendors known to have adequate expertise. The City's notification software relies on email addresses to have been correctly input in the system by vendors. In the event of an error or change in personnel, a follow-up email by staff of the requesting department will provide reasonable notice of the opportunity and will encourage competition, thereby lowering the cost of goods and services to the City.

2) Irresponsible Vendors

- a) Any vendor who fails to comply with the terms of an awarded bid, quote or required specifications may be declared an irresponsible vendor upon recommendation of a Department Director and approval of the City Manager or his/her designee. Any vendor wishing to appeal this decision may request the City Manager or his/her designee present the appeal to the governing body for review and final determination. An appeal shall be submitted in writing within five (5) working days after the aggrieved knows or should have known of the facts. If Federal funds are utilized for acquisition of goods or services, the potential vendor, contractor, or subrecipients must not have a suspended or disbarred status on SAM.gov.

SECTION 5. COMPETITIVE SEALED BIDDING

1) Public Notice

- a) Request For Bids shall be prepared by the user department and submitted to the Finance Department designee for posting. The request shall be posted on the City's website, and vendors who have previously signed up for notification will receive an email alert for the posting. Requests shall be posted on the City's website no less than 15 business days in advance of the due date for submission. Items requiring publication in the newspaper shall also be published no less than 15 business days in advance of the due date for submission of responses. Notice shall be filed with the City Clerk or designee, and shall be open to public inspections.

2) Bid Opening

- a) Sealed bids shall be submitted as set forth in the published notice and shall be identified with the bid number written on the outside of the envelope and opened by the City Manager, or designee, in the presence of one or more witnesses at a time and place stated in the published notice. A tabulation of all bids received shall be open for public inspection at Bel Aire City Hall.

3) Product Specifications

- a) It is the responsibility of the department to write their specifications and establish the quality of the product or service required. Specifications shall be written to require competition at the manufacturer's level when possible. Use of a brand name specification shall include the designation "or an approved alternate." A "no substitute" request must be justified by the department as to why no other brand will meet the need.

4) Bid Evaluation

- a) Bids shall be evaluated based on requirements set forth in request, which may include criteria to determine acceptability, such as inspection, testing, quality, and suitability for a particular purpose. No criteria may be used in the bid evaluation that are not set forth in the Invitation to Bid.

5) Tie Bids

- a) If two (2) or more bids are received for the same total amount or unit price and all other applications being found equal, the Governing Body may accept either bid.

6) Late Bids

- a) Bids not submitted by the required deadline are ineligible for consideration and will not be opened.

7) Bid Award

- a) The contract shall be awarded or rejected with reasonable promptness. Awards shall be made to the lowest responsible bidder who submits a responsive bid which is most advantageous to the City.

8) Bid Rejection and Re-advertisement

- a) The Governing Body may, at its discretion, reject any and all bids and may re-advertise bids pursuant to the procedures prescribed by this policy.

9) Competitive Sealed Bidding over \$15,000 (requires Council approval)

- a) Unless otherwise exempted pursuant to this policy or state law, purchases or service contracts exceeding \$15,000 shall be awarded by the City Council through competitive bidding or a formal selection process unless it is determined by the City Manager that this method is not practical.
- b) Process for Obtaining Council Approval
 - i) Purchases totaling more than \$15,000 but less than \$50,000 in which the item is in the approved budget and the low bid is recommended shall be included in a consent agenda item for approval by the Governing Body.
 - ii) Budgeted purchases over \$50,000 shall require a regular agenda item for the City Council to consider.
 - iii) Non-budgeted purchases over \$15,000 shall require a regular agenda item for the City Council to consider.
 - iv) All contracts for construction of infrastructure will be placed on a regular agenda item.

SECTION 6. REQUEST FOR PROPOSAL (RFP) OR REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSQ)

1) Request for proposals

- a) Requests shall be prepared by the user department and submitted to the Finance Department designee for posting. The request for proposal shall be posted on the City's website, and vendors who have previously signed up for notification will receive an email alert of the posting. Requests shall be posted on the City's website no less than 15 business days in advance of the due date for submission. Items requiring publication in the newspaper shall also be published no less than 15 business days in advance of the due date for submission of responses. Notice shall be filed with the City Clerk or designee, and shall be open to public inspections.

2) Opening

- a) The opening of Requests for Proposals and Requests for Statement of Qualifications shall be performed as provided for in the request.

3) Evaluation

- a) Proposals shall be evaluated based on requirements set forth in the request, which may include criteria to determine acceptability, such as experience, ability, quality, and suitability for a particular purpose.

SECTION 7. PURCHASES NOT SUBJECT TO COMPETITIVE SEALED BIDDING

1) Purchases made under the following circumstances shall not require competitive sealed bidding:

- a)** When the purchase is of an emergency nature, as described in Section 3.
- b)** When the price or method of acquisition is prescribed by law.
- c)** Ongoing maintenance or software costs after initial approval.
- d)** When the supplier is the sole source of supply, as described below. A sole source letter from the supplier or a written explanation from the department Director must be submitted with the purchase request.
 - i)** Only one manufacturer makes the item meeting specifications; that manufacturer only sells direct/exclusively through one representative.
 - ii)** Items required must be similar to equipment already in use by the end user, to ensure compatibility of equipment, and the purchase of a different brand/style of equipment would negatively impact standardization requirements.
 - iii)** Proprietary content, which are only available from the patent or copyright holder.
- e)** When the good or service is available from another governmental entity.
- f)** When the purchase is made using a purchasing program at a price deemed less than commercially available. Cooperative purchasing is a process by which two or more jurisdictions cooperate to purchase items from the same vendor. This form of purchasing has the benefit of reducing administrative costs, eliminating duplication of effort, lowering prices, sharing information, and taking advantage of expertise and information that may be available in only one of the jurisdictions. General Services Administration (GSA) and Sourcwell are examples of purchasing programs.
- g)** Professional services. Examples include architectural, engineering, specialized consulting, legal and accounting services. A Request for Proposals (RFP) is routinely used to begin a process of selection based on qualifications, fit and value.
- h)** In the case of repairs of heavy equipment or vehicles when the extent of repair cannot be determined or when specifications cannot practically be prepared.
- i)** When a purchase can be made at reduced cost due to a project that is in progress.
- j)** When the purchase is of government surplus property and/or a purchase made through a public auction.
- k)** Utility bills for water, sewer, electricity, and natural gas consumption.

SECTION 8. CHANGE ORDERS

1) Change Orders

- a)** Change orders are issued to address changes in terms and conditions associated with unforeseen problems not addressed in the bid or contract document or changes/modifications recommended after a contract is awarded.
 - i)** Change orders for projects under \$1,000,000 can be approved by the City Manager up to an aggregate amount of \$25,000. All change orders approved by the City Manager will be included in the consent agenda at the next available City Council meeting for ratification.
 - ii)** Change orders for projects over \$1,000,000 can be approved by the City Manager up to an aggregate amount of \$50,000. All change orders approved by the City Manager will be included in the consent agenda at the next available City Council meeting for ratification.
- b)** Change orders must be approved by the City Council if:
 - i)** The change order significantly alters or increases the scope of the project.
 - ii)** The change order, whether singular or in aggregate, exceeds \$25,000 for projects under \$1,000,000.
 - iii)** The change order, whether singular or in aggregate, exceeds \$50,000 for projects over \$1,000,000.

2) Emergency Situations

- a)** In certain limited emergency situations or due to the state of construction in progress, to prevent a lengthy delay in a project, safety concerns, and the protection of City assets and resources, the City Manager, with notification to the Governing Body, can approve change orders over the thresholds stated in 8.1.

SECTION 9. GENERAL INSTRUCTIONS

1) Local Business Preferences

- a) Purchasing goods and services from local vendors is desired because it stimulates the local economy and recognizes that our local vendors are valued members of our community. Local vendors located within the corporate limits of the City of Bel Aire may receive preference in an amount up to 1 percent (1%) or \$500, whichever is higher, with a maximum bid difference of \$1,500 over the lowest, responsible, and responsive bid.

2) Other Considerations

- a) Goods and services purchased by the City shall be purchased from local merchants and businesses, unless:
 - i) Such goods of like quality and services are not immediately available locally; or
 - ii) The cost of such goods or services plus shipping and handling exceeds that allowed by the local preference limits; or
 - iii) Federal/State funds or other funds are used that prohibit the application of the preference; or
 - iv) The business entity has any outstanding liens, fines or violations or other debts with the City of Bel Aire.

3) City Attorney Review

- a) All agreements or quotes for goods and services over \$15,000 must be sent to the City Attorney for review and preparation of a purchase contract. The purchase contract will then be placed on the City Council agenda according to the applicable requirements within this Purchasing Policy for City Council consideration.

4) Municipal Tax Exemption

- a) The City is tax exempt as a political subdivision under Section 4221(b) of the IRS Code and K.S.A. 79-3606, except for personal property used in a business setting. Department Directors are responsible for obtaining the latest tax-exempt certificate and for remitting it to the appropriate vendor prior to every purchase.

5) State and Federal Laws

- b) The City will comply with all state statutes, federal laws, and regulations related to local government purchases.

SECTION 10. BUDGET

1) Annual Budget Approvals

- a) The Governing Body determines expenditure levels through the formulation and approval of the annual budget. In performing this policy-making function, the Governing Body establishes a set of goals, priorities, and performance standards by which the City organization directs its collective effort toward accomplishing. The adoption of the annual budget is the approval of a level of expenditure necessary to accomplish the goals and objectives that have been established for each City program. All purchases made by the City are presented for approval by the Governing Body through appropriation ordinances presented at each regular meeting of the Governing Body.

2) City Manager Authority

- a) The City Manager is delegated the responsibility by the Governing Body to carry out a program of services to the community. It is the City Manager's responsibility to manage the annual budget in such a way that the goals and priorities of the Governing Body are accomplished.

3) Department Director Authority

- a) Department Directors are responsible for meeting the goals and objectives established by City Management and are provided budgeted funds to attain those goals. Each Department Director has the responsibility and authority to make certain that purchases are within the scope of the adopted budget. Although City Management has established goals and levels of expenditure for each program, approved budget authority is not a permit nor a directive to expend funds, unless the need for the product continues to exist at the time of purchase and the price of the product is within the parameters of the budget as stated above. In addition, these criteria must be ultimately weighed against the availability of funds and the relationship of the department goals to overall City priorities.

4) Governing Body Authority

- a) No increases to dollar limitations or changes to the intent of this policy shall be made without approval of the Governing Body.

SECTION 11. DISPOSAL OF CITY ASSETS

1) K.S.A. 12-101

- a)** K.S.A. 12-101 allows cities to “sell and convey real or personal estate owned by the City.” When an item no longer is needed by a City Department, the respective Department Director should attempt to redistribute the item within City Departments. Should there be no need for the item across City departments, such items may be given to other local governmental agencies, local not-for-profit agencies, or may be sold or traded outside of the city. If sold, departments shall determine an applicable fair market value which is financially most advantageous to the City. Unusable property or parts that have a market value will be sold “as is” through available markets approved by City Management. Usable property which cannot be relocated across City departments will be disposed of in accordance with the following procedures:
- b)** Limitations. Any asset which, at the time of purchase, was paid by City warrant in the amount of \$2,500 or more, must receive approval by the City Manager.
- c)** Prohibitions. Under no circumstances will any employee, or family-member of an employee, have access to or ownership of any asset that is being disposed of in accordance with this policy unless such asset is being offered for sale to the general public and the process for such sale is open to any individual intending to offer a bid on such asset.
- d)** Documents. All documents will be disposed of in accordance with State policies governing the same. Any document which has, or appears to have, historical value will be separated for further examination by officials approved through the Kansas State Historical Society.
- e)** Computing Technology. The IT Department or current IT Managed Services Provider shall be responsible for disposing of City computing technology assets. It is the responsibility of the IT Department or current IT Managed Services Provider and their employees to see that all data residing on any type of storage device is removed from any computing technology prior to the equipment leaving their possession.

2) Notification

- a)** Prior to transferring or disposing of City assets, each Department Head will determine whether such asset is part of the City’s ongoing fixed asset inventory. If so, a complete description of the asset being transferred or disposed of, and all accompanying documentation, will be sent to the Finance Department.

SECTION 12. ETHICAL STANDARDS

1) General Standards of Ethical Conduct

- a) General Ethical Standard for Employees: Any attempt to realize personal gain through City employment by conduct inconsistent with the proper discharge of an employee's duties is a breach of public trust. Employees must comply with all conduct requirements as set forth in the Personnel Policy Manual.
- b) General Ethical Standard for Non-Employees: Any effort to influence City employees to breach the standards set forth in this policy is also a breach of ethical standards.
- c) **Employee Conflict of Interest**
 - i) Pursuant to K.S.A 75-4304, no City employee in his or her capacity as such employee, shall make or participate in the making of a contract with any person or business by which he or she is employed or in which he or she has a substantial interest. A City officer or employee does not make or participate in the making of a contract if he or she abstains from any action in regard to the contract. Department Directors should be notified of situations where a conflict of interest may exist prior to the bid request. The Department head should consult with the City Attorney to address any concerns.
 - ii) This section shall not apply to the following:
 - (1) Contracts let after competitive bidding has been advertised by published notice.
 - (2) Contracts for property or services for which the price or rate is fixed by law.
- d) **Employee Disclosure Requirements**
 - i) An employee who has or obtains any benefit from any City contract with a business in which the employee has a substantial financial interest shall report such benefit to the Finance Director. Any employee who knows or should have known of such benefit and fails to report such benefit to the Finance Director is in breach of ethical standards.
- e) **Gratuities and Kickbacks**
 - i) Gratuities. No vendor shall offer or give any employee or former employee a gratuity or an offer of employment in connection with a purchasing decision. It shall be a breach of ethical standards for any employee or former employee to solicit or accept a gratuity or an offer of employment in connection with any City purchasing decision. Gratuities shall not include pens, calendars, or other novelty items used for advertising purposes, or occasional meals.
 - ii) Kickbacks. It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor as an inducement for award of a subcontract or order.

f) Use of Confidential Information

- i) It shall be a breach of ethical standards for any employee or public official to knowingly use confidential information for actual or anticipated personal gain.

g) Remedies for Breach of Ethical Standards

- i) Remedies against Employees: In accordance with the Personnel Policy, employees who violate the ethical guidelines will be subject to the following:

- (1) Oral or written warnings or reprimands.
- (2) Suspension with or without pay for specified periods of time.
- (3) Termination of employment.

- ii) Remedies against Non-Employees: Violations of ethical guidelines by nonemployees involved in purchasing transactions with the City may result in any of the following:

- (1) Written warnings.
- (2) Termination of transactions.
- (3) Disbarment or suspension from contracting with the City.

iii) Recovery of Value Transferred or Received

- (1) The City reserves the right to pursue recovery of the value of anything transferred or received in breach of the ethical standards laid out in this policy from both employees and non-employees.

iv) Criminal Sanctions

- (1) To the extent that a violation of the ethical standards of conduct set forth in this section also constitutes a violation of federal, state, or city law, it shall be punishable as provided therein. Such sanctions shall be in addition to the remedies set forth in this policy.

SECTION 13. EQUAL OPPORTUNITY IN PUBLIC CONTRACTING

1) Equal Opportunity

- a) The City of Bel Aire shall comply with all applicable state and federal laws, executive orders, AND rules and regulations that govern equal employment opportunity and affirmative action in public contract, and shall only do business with contractors and vendors who also comply.

2) Kansas Act Against Discrimination

- a) The State of Kansas requires that all contracts entered into with the state or any political subdivision of the state for construction, alteration or repair of any public building or public work or for acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees to observe provisions of the Kansas Acts Against Discrimination. The Kansas Acts Against Discrimination (K.S.A. 44-1030, et seq.) requires that those entering into contracts with governmental entities shall not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry. Vendors subject to these statutes are those:
 - i) That employ four or more employees during the term of such contract; and
 - ii) Whose contracts with the City of Bel Aire cumulatively total more than \$5,000 during the City's fiscal year.

3) Failure to Comply

- a) Failure to comply with federal or state statutes and regulations governing equal opportunity and non-discrimination in public contracting shall be a material breach of contract. In addition, unless otherwise noted, failure to comply with state or federal provisions shall be a breach of the contract for which the city may suspend further performance under the contract or terminate the contract in whole or in part.

City of Bel Aire Purchasing Policy

Amount of Purchase	Type of Bid/Quote Required	In the Approved Budget?	Approval Required
Minor Purchases up to \$1,000	Quotes are encouraged but not required	N/A	Department Director or Designee
\$1,001 to \$5,000	Three written quotes	N/A	Department Director
\$5,001 to \$15,000	Three written quotes	N/A	City Manager
More than \$15,000	Competitive Bid Process	No	City Council – New Business Item
\$15,001 to \$50,000	Competitive Bid Process	Yes	City Council – Consent Agenda Item
More than \$50,000	Competitive Bid Process	Yes	City Council – New Business Item
Change Orders (CO) (applicable to all bids and contracts)	Each CO must be in writing and attached to the original contract	N/A	City Council approves change orders over an aggregate amount of \$25,000 for projects under \$1,000,000; over an aggregate amount of \$50,000 for projects over \$1,000,000