

**RESOLUTION NUMBER 1-13  
SMITHS GROVE, KENTUCKY CITY COMMISSION  
PROCUREMENT PROCEDURES**

**WHEREAS:** KRS 45A.345 through 45A.460 establishes the required procurement procedures in spending public funds by local governments, and

**WHEREAS:** Whenever possible the Smiths Grove City Commission, does, and intends to honor the minimums and establish even more demanding restrictions on spending than the State laws require, and

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF SMITHS GROVE;**

The adoption of this resolution will repeal Resolution 03-11 of January 24, 2011 and all conflicting resolutions of the City of Smiths Grove.

**Introduction:** The adoption of this resolution will insure compliance with the Kentucky Procurement Code - KRS 45A.345 through 45A.460.

The purpose of the code and this resolution is to:

- (1) establish purchasing processes which will maximize efficiencies in prudent use of tax dollars;
- (2) establish ethical standards for both public and private participants in the public purchasing arena; and
- (3) set forth those requirements clearly and completely in a single document.

**SECTION I: Delegation of Responsibility**

**1.1** The Commission is responsible for performance and administration of the procurement functions for the government of the city of Smiths Grove, Kentucky. All purchases made under this resolution are subject to a full explanation to the full Commission if demanded by any Commissioner or the Mayor.

**1.2** The Commission delegates authority to make small purchases in accordance with the following procedures:

The Mayor, Commissioners and the City Clerk are delegated authority to make small purchases of \$501.00 or less.

Purchases of more than \$501.00 shall have approval of the full Commission unless a written determination is made by the Mayor that an emergency exists which will result in danger to health, safety, or property. In the event that such a determination is made the Mayor is delegated authority to make purchases, but with a full explanation to the full Commission as soon as possible.

**1.3** Where practicable and feasible, for all purchases over \$501.00 preference will be given to having Commission approval of said purchases by roll call vote.

**1.4** All small purchases must be accompanied by receipts being given to the City Clerk.

**1.5** Abuse of the delegated authority shall terminate such delegation to the irresponsible party.

**SECTION II: Small Purchase Procedure** (as defined by State law a small purchase is \$20,000 or less): **Provisions of KRS 45A.385 shall be followed.**

**2.1** Purchases of less than \$501.00 shall be made from vendors who provide service and pricing most advantageous to the city without a formal bidding process.

**2.2** Purchases of more than \$501.00 shall be made after three price quotes, if three vendors or bidders are available for the product or service, have been obtained from vendors whenever practical and the one most advantageous to the city shall be selected. Where two or more, suppliers offer the same price preference may be given based on locality and service or purchases may be on a rotating basis. All purchases above \$501.00 will require approval of the Commission on Roll Call vote in a proper meeting.

**SECTION III: Sealed Bidding Procedures: Provisions of KRS 45A.365, 45A.390 through 415 and 45A.430 through 440 shall be followed.**

**3.1** The Commission, Mayor or their delegated agent shall prepare a bid proposal containing specifications, quantity, and delivery desired.

**3.2** The Commission shall approve the proposal and may set a maximum amount to be expended and any evaluation factors to be considered in the bid selection.

**3.3** The city clerk shall place an appropriate advertisement in the newspaper of largest circulation in the local jurisdiction at least once, not less than seven (7) days nor more than twenty-one (21) days before the date set for the opening of the bids. Also if the city clerk has a complete list of the vendors of a specific trade written notice via the US Postal service not less than seven (7) days nor more than twenty-one (21) days before the date set for the opening of the bids. Bids shall be opened publicly at the time and place stated in the advertisement.

**3.4** The city clerk shall submit all bid responsiveness to the Commission, which shall select the lowest or the lowest evaluated bid by a qualified bidder. The commission reserves the right to reject any and all bids. The City Clerk shall notify all bidders of the award.

**3.5** The Mayor or the Commissions designated agent shall sign a contract or issue a purchase order with the one receiving the award.

**SECTION IV: Negotiated Procedures: Provisions of KRS 45A.370-380 shall be followed.**

**4.1** Negotiated procedures may be used instead of sealed bids, when the Commission, Mayor or their designated agent makes a written determination of a finding in compliance with:

Competitive negotiations as defined in KRS 45A.370

Negotiations after competitive sealed bidding when all bids exceed available funds, as defined in KRS 45A.375

Non-competitive negotiations as defined in KRS 45A.380

**4.2** One copy of the determination shall be submitted to the city clerk and another copy placed in the file.

**4.3** When the prerequisites have been met for the use of negotiated procedures, the Commission, Mayor or their designee shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms.

**4.4** The best negotiated proposal shall be submitted to the Commission for approval and the clerk shall notify the person awarded the contract.

**4.5** The city clerk shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of each contract.

**SECTION V: Ethics:**

All provisions of KRS 45A.365 through 45A.455 shall be followed by Smiths Grove elected and appointed officials and employees of the Smiths Grove government. All are prohibited from participating in any proceeding or application of a contract of the government in which he has a personal interest or from receiving any gratuity or kickback from a contractor/vendor. It is also considered unethical to use confidential information for personal gain.

*Adopted on January 28, 2013*

SEAL

Approved: \_\_\_\_\_

Mayor (Bert E. Higginbotham)

Approved: \_\_\_\_\_

Commissioner (Terry Pierce)



Approved: David L. Stiffey  
Commissioner (David Stiffey)

Approved: Lawrence Stiffey  
Commissioner (Lawrence Stiffey)

Approved: Jesse Varner  
Commissioner (Jesse Varner)

Attested by: Deborah K. Brewer  
City Clerk (Deborah K. Brewer)