

CITY OF BLOOMINGTON
CITY COUNCIL WORK SESSION
109 E. OLIVE ST.
MONDAY, DECEMBER 8, 2014, 5:45 P.M.

1. Park Trail Grant (*20 minutes*)
2. Solid Waste Funding Finances (*20 minutes*)
3. Proposed Procurement Ordinance (*20 minutes*)
4. Adjourn at 6:45 p.m.



FOR COUNCIL: December 8, 2014

SUBJECT: Recommended Project Ideas for \$750,000 legislation appropriation

RECOMMENDATION: Discussion purposes only.

BACKGROUND: As an introduction the following is a timeline of major events:
Effective July 1, 2009 SB1221, (appropriation of funds through Build Illinois Bond Fund) approved.

In January 2011, the City received the *Parks Master Plan Update* as presented by 3D Design Studio. The process for the update included input from a cross section of residents through surveys and meetings with stakeholders.

On August 13, 2014, Department of Commerce and Economic Opportunity (DCEO) informed the City that they would be administering a \$750,000 legislative appropriation.

On August 28, 2014, the City responded to the required DCEO grant survey. This step must be completed prior to entering into a contract with DCEO for expenditure of funds.

November 21, 2014, City staff presented a memorandum for the use of \$750,000 legislative appropriation.

On November 24, 2014, Council voted to not accept an agreement with Central Catholic High School. The proposed four (4) acre expansion of McGraw Park was denied. Staff was directed provide alternatives.

PARKS MASTER PLAN UPDATE RECOMMENDATIONS AND CONSIDERATIONS

All of the projects on the attached spreadsheet are recommended by the 2010 Parks Master Plan Update except for the Constitution Trail.

While parks and open space in general have an indirect and favorable impact on storm water retention, only the Miller Park roadway would have a storm water component. The Miller Park roadway is in need of resurfacing and the storm water component needs to be engineered. The grant amount could complete a portion of the roadway replacement, though not the entire roadway, due to cost and the timing of Zoo construction.

Staff reviewed all of the park and trail needs and projects which have not been previously funded, analyzed which projects could be completed within the two (2) year grant timeframe and within the \$750,000 budget and recommends the following:

Staff recommends that:

1. Approximately \$300,000 is allocated to the resurfacing and/or expansion of Constitution Trail (*Justification: 5,000 users/day residents' priority of maintaining what we have, potential expansion and necessary infrastructure improvement*).
2. Approximately \$250,000 is allocated toward resurfacing the cart paths at Prairie Vista Golf Course. These dollars would fix only the damaged sections and possibly add an overlay on the remaining sections to preserve them for a number of years. (*Justification: an average of 24,000 rounds played per year, priority of maintaining what we have, protects investment at a National Golf Foundation 4 star rated revenue producing facility*).
3. Approximately \$200,000 is allocated toward Sunnyside Park renovation through which a community build initiative is undertaken where stakeholders and neighbors are involved in the renovation. (*Justification: Need for infrastructure upgrade and community collaboration in low income neighborhood, need to establish park ownership by neighbors and users and spur positive community activities*).

FINANCIAL IMPACT: There is no financial impact to the City for construction. However staff time will be spent in the administration of the grant, preparation for bidding improvements, recommending action and supervising construction.

Respectfully submitted for Council consideration.

Prepared by: Bobbie Herakovich, Interim Parks, Recreation & Cultural Arts Director

Reviewed by: Jeff Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments: Project Listing

\$750,000 Grant Projects

<u>Project</u>	<u>Own Land</u>	<u>Description</u>	<u>Estimated Cost</u>	<u>Estimated Completion Date</u>
Constitution Trail				
Lincoln to Lafayette	No	Acquire and develop connection between Lincoln and Lafayette Streets (Behr Recycling). Trail and fencing cost only. Land cost unknown.	\$125,000	Fall 2015
Hershey to Airport	Yes	Resurfacing	\$125,000	Fall 2015
Streid to Eddy	Yes	Resurfacing	\$50,000	Fall 2015
Trail Park	No	Acquire and develop land adjacent to trail between Walnut and Empire for small park. Shelter, water fountain, parking and trail access	\$250,000	Fall 2016
Oneil Park/White Oak Park Trail	Yes	Path connecting Oneil and White Oak Parks	\$100,000	Fall 2015
Miller Park				
Pavilion Elevator	Yes	Install elevator in Miller Park Pavilion	\$500,000	Fall 2016
Road Repairs	Yes	Road repairs, curb and gutter upgrades at Miller Park	\$750,000	Fall 2016
Lincoln Leisure Center Parking Lot	Yes	Removal and replacement of parking lot	\$125,000	Fall 2015
Prairie Vista Cart Paths	Yes	Resurfacing of cart paths at Prairie Vista Golf Course	\$250,000	Fall 2015
Sunnyside Park Improvements	Yes	Update playground and basketball court. Add walking path	\$200,000	Fall 2016
Woodberry Park	Yes	Development of 1.4 acre park in West Bloomington Playground, trail and shelter	\$150,000	Fall 2016
Westwood Park	Yes	Development of 2.5 acre park in West Bloomington Playground, shelter, walk bridge	\$225,000	Fall 2016
Wittenberg Woods Park	Yes	Development of 4.2 acre park in West Bloomington Playground, Fishing Piers, Shelter and trail	\$350,000	Fall 2016

Item 2.

**Solid Waste Funding Finances
(20 minutes)**



FOR COUNCIL: December 8, 2014

SUBJECT: Proposed Procurement Ordinance

RECOMMENDATION/MOTION: Informational only.

STRATEGIC PLAN SIGNIFICANCE: Goal 1 Financially sound City providing quality basic services.

STRATEGIC OBJECTIVE: Objective 1.d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: Finance has reviewed procurement practices with stakeholders over the last year. It is clear when enforcing current practices that the necessary staff needed to comply with current ordinance language is unavailable and is not likely to be available in the near future. In addition, frustrations voiced by the vendor community are echoed regularly to the City's Procurement Division. Major complaints: bid limits are too low; no bid exemptions for non-biddable items; the cost of proposing to the City is too high; unclear authority, guidelines and procedures for City staff; contract terms need to be decided up front; other communities have higher bid limits, bid exemptions and more autonomy to purchase.

Finance undertook a multi-pronged action plan to resolving procurement issues:

1. Stabilize the Procurement division and understand the inner workings of the procurement cycles.
2. Meet with and interview internal and external stakeholders to understand potential deficiencies.
3. Evaluate complaints for validity and examine current procedures, practices for accuracy and efficiencies.
4. Understand the City's legal parameters and ordinances regarding contracts and procurement.
5. Make and implement recommendations for improvement.

To date Finance has:

1. Hired a seasoned Procurement Manager who has extensive background in city planning, grant administration, and engineering and construction procurement.
2. Developed a Procurement round table meeting to meet with staff and managers involved in the procurement process - to gather data, educate, and vet out procurement concerns.
3. Investigated vendor concerns/complaints to assess where, if any, break downs occurred.
4. Reviewed and evaluated procurement policies of other units of government
5. Collaborated with legal to identify procurement related statutes applicable to the City and revise and clarify City ordinances to include both legal and finance recommendations.

6. Developed a Proposed Ordinance on which City Council can comment.

Proposed Ordinance Revisions will:

1. Be the foundation for the development of new procurement regulations which will be approved by the City Manager.
2. Provide clear lines of authority to execute all procurement transactions increasing efficiencies and transparency.
3. Reduce the amount of formal proposals from vendors and reduce the cost of doing business.
4. Re-focus staff hours on high dollar, complex, procurement transactions.
5. Add more accountability for construction projects.
6. Ensure corporate counsel approves all formal contracts.
7. Raise the City's bid limit from \$10,000 to \$25,000 or .03 percent of the general fund budget.
8. Authorize the City Manager to approve procurement up to \$50,000 after bid requirements have been met - formerly, \$25,000.
9. Provide the authority to make routine payments that are approved in the budget that are not considered biddable: utilities, intergovernmental agreements, health insurance payments, contributions to agencies (CT Transit, CVB) and sole source issues.
10. Provide for specific and clear bid exemptions; currently there is no bid exemptions included in the City ordinances beyond the ability to generally waive the bid process. Specific exemptions for employment and professional services (i.e. legal) and limited source.
11. Add language for Construction Projects requiring the City Manager bring forth a project management plan for projects over \$500,000. Currently there is no such requirement.
12. Clarify the ability to use state bids or other joint purchasing agreements to satisfy bid requirements.
13. Language clarification on defining emergency procurement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Patti-Lynn Silva, Finance Director

Recommended by:



David A. Hales
City Manager

ORDINANCE 2014 - ____

AN ORDINANCE AMENDING THE CITY CODE PROVISIONS
ON PROCUREMENT AND COLLECTIONS

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1. That Chapter 2, Sections 39, 42, and 54A, and Chapter 16, Article IV, Sections 48, 49, 50, 52 and 58 Chapter of Bloomington City Code, 1960, as amended, shall be further amended as follows (unless otherwise noted, additions are indicated by underlines; deletions indicated by strikeouts):

CHAPTER 2 Administration

Section 39. Same – Powers and duties generally.

- H. The Manager shall examine and report on all proposed contracts to which the City may be a party, and ~~may~~ shall sign on behalf of the City any contract authorized by the City Council, excepting where the Council directs that some other officer or officers shall do so.
- J. The Manager shall be general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the Council, he shall make all purchases of construction, repair, maintenance, services, goods, supplies, materials, and equipment authorized by the Council, in the manner prescribed by and subject to the limitations imposed by law. No purchase shall be made or obligation incurred except upon authorization by the Council, and no expense shall be incurred except for purposes for which no prior appropriation is required by law if the amount thereof is not covered by an unexpended appropriation for the purpose.

Section 42: Mayor.

- D. Except where such matters are subject to a veto, the Mayor shall sign on behalf of the City any ~~contract~~ document or deed authorized by the Council.

Section 54A: Settlement of Litigation and Collections.

- (4) For any judgment obtained by the City or for any other amount owed to the City, the City Manager is authorized to enter into an agreement with one or more collection agencies for the collection of said debts.
- (5) The City Manager is authorized to enter into tax repayment agreements with individuals, corporations or businesses that are 30 days or more

behind in the payment of any City tax owed to the City for the collection said taxes.

Chapter 16 Department of Finance

Section 49: Approval of Contracts, Purchases, Open Market Orders and General Spending Levels Purchases Costing Less than Twenty-Five Thousand Dollars

~~The City Manager is hereby authorized to purchase, at his discretion, on the open market, commodities and supplies costing not more than Ten Thousand Dollars (\$10,000). For commodities and supplies costing more than Ten Thousand Dollars (\$10,000.00) but less than Twenty Five Thousand Dollars (\$25,000.00), the City Manager is authorized to purchase that item, at this discretion, on the open market, if the item to be purchased is included in the currently approved annual budget and the item will be purchased through a competitive bidding process.~~

- (a) The City Manager is hereby authorized to procure, at his discretion, on the open market, commodities, and supplies and services, and construction, repair and maintenance projects, costing not more than Fifty Thousand Dollars (\$50,000.00) per individual purchase, contract and/or procurement. This provision shall apply only to the extent the amount of the procurement is covered within the City's existing appropriation ordinance.
- (b) The City Manager's determination with respect to contracts, purchases or open market orders involving the expenditure of more than Fifty Thousand Dollars (\$50,000.00) per individual purchase, contract and/or procurement shall be approved by the Council before taking effect.
- (c) The approval of contracts, purchases and open market orders, whether within the authority of the City Manager or the Council shall remain subject to the applicable competitive procurement requirements of Section 50.
- (d) The City Manager shall establish regulations, as set forth in Chapter 2, Section 14, setting forth more detailed requirements and procedures for the procurement of commodities, supplies and services, and construction, repair and maintenance projects as well as when contracts shall be used for procurement and when purchase orders shall be used.
- (e) The City Manager may authorize payments of expenditures approved in the City's budget and appropriation ordinance that are routine in nature and otherwise required by an existing contract or intergovernmental agreement, utility payments, health insurance payments and other

contributions approved within the budget and appropriation ordinance. Any such expenditure shall be reported on the City's Bills and Payroll report.

(f) Nothing herein shall limit the ability of the City Manager to hire employees, enter into and sign employment contracts, and to sign contracts with employment agencies.

(g) The City Manager shall have the authority to execute a change order to any contract if either: (1) the amount of the change order is under \$5,000.00; or (2) the change order does not raise the total cost of the procurement more than \$50,000. For all other change orders, the City Council shall approve the change order or may give authority to the City Manager in the motion to approve the contract authority to execute change orders.

(h) All formal contracts shall be approved as to form by the Corporation Counsel.

Section 50: Competitive Procurement Requirements; Notice of Procurement; Waiver of Bids Qualifications of Bidder; Approval of Contracts; Purchases in Excess of Ten Thousand Dollars

~~All contracts or open market orders made by the City shall be awarded to the bidder whose bid is determined by the City Manager to serve best the interest of the City, taking into consideration the quality of the goods or services to be supplied, their conformity with the specifications, the price, delivery terms and the service reputation of the vendor, provided, that the City Manager's action with respect to purchases or contracts involving the expenditure of more than Ten Thousand Dollars (\$10,000.00) shall be approved by the Council before taking effect. All formal contracts shall be approved as to form by the Corporation Counsel.~~

~~All notices to bidders for procurement of goods or services in excess of Ten Thousand Dollars (\$10,000.00) shall be published no less than ten (10) days in advance of the date announced for the receiving of bids, in a daily newspaper of general circulation in the City, and shall simultaneously be available at the City Clerk's office in the City Hall. The newspaper notice required shall include a general description of the articles to be purchased, shall state where bid documents may be secured and the time and place for opening bids. In addition, sealed bids shall be solicited by mailing notices to prospective suppliers. All such contracts shall be awarded by the City Council. The City Council by Resolution adopted by a majority vote of the Councilmen elected, including the Mayor, may direct the City Manager to enter into such contracts or make such purchases by waiving the bidding process. In cases where the goods or services have already been approved through a state competitive bidding process or are being purchased~~

~~through a joint purchase agreement with one or more other governmental units, the City Council may approve the purchase without the request of a Resolution waiving the bidding process.~~

- (a) Requirements. Except as provided in Section 50(c), all contracts, purchases or open market orders in the amount of \$25,000 and above made by the City in shall be awarded to the vendor whose bid, quote or offer, after due notice is given as provided in subsection (b) below, is determined by the City Manager (for procurements between \$25,000 and \$50,000) or the Council (for procurements in excess of \$50,000) to serve best the interest of the City, taking into consideration the quality of the construction, repair, maintenance, services, goods, supplies, materials, and equipment supplied, their conformity with the specifications, the price, delivery terms and the service reputation of the vendor, and such other criteria as may be specified in the documents seeking the bid, quote or offer. This process shall be known as “competitive procurement.”

- (b) Notices. All notices to bidders or responders for procurement of construction, repair, or maintenance, equipment, supplies, materials, goods or services estimated to be Twenty-Five Thousand Dollars (\$25,000.00) or more shall be published no less than ten (10) days in advance of the date announced for the receiving of bids or responses, in a daily newspaper of general circulation in the City, and shall simultaneously be available at the City Clerk's office in the City Hall. The newspaper notice required shall include a general description of the articles to be purchased, shall state where the competitive procurement documents may be secured and the time and place for opening bids or responses. In addition, sealed bids or responses shall be solicited by mailing notices to prospective suppliers. For the procurement of construction, repair, or maintenance, equipment, supplies, materials, goods or services **estimated to be under Twenty-Five Thousand (\$25,000.00)**, the City Manager shall establish purchasing and/or bid procedures by regulation.

- (c) Waiver of Competitive Procurement Requirements. The competitive procurement requirements set forth in this Article may be waived in the following circumstances by either the City Manager or City Council, as applicable:
 - (i) Resolution Waiving. The City Council by Resolution adopted by a majority vote of the Councilmen elected, including the Mayor, may direct the City Manager to enter into contracts or to make purchases in excess of Twenty-Five Thousand Dollars (\$25,000.00) by waiving the competitive procurement process. A resolution waiving the competitive procurement requirements may be approved when the City Council determines the bid waiver to be in the best interests of the City and the waiver is for contracts

for construction, repair and maintenance, services, goods, supplies, materials and equipment and is authorized by two-thirds of the Councilmen elected; or

(ii) Joint Purchases. In cases where the construction, repair, or maintenance, equipment, supplies, materials, goods or services for amounts in excess of Twenty-Five Thousand Dollars (\$25,000.00) have already been approved through a state competitive bidding process or are being purchased through a joint purchase agreement with one or more other governmental units, the City Council or City Manager may approve the purchase without the adoption of a Resolution waiving the competitive procurement process. Nothing shall prevent the City from seeking quotes and bids, and making purchases, from suppliers or vendors who can provide lower prices than those available through joint purchasing programs for equivalent or better items. The City Manager is further authorized to enter into joint purchasing agreements without prior approval of the City Council and to exercise his or her spending authority without competitive procurement if the purchase is through a joint purchasing program.

(iii) Sole Source Procurement. Contracts for construction, repair and maintenance, services, goods, supplies, materials and equipment that are produced or provided by only one supplier or vendor may be awarded without engaging in the competitive procurement processes required by this Code and without adoption of a resolution by either the City Council or City Manager, as applicable. For this exception to apply, the following steps must followed:

(1) The City Manager, or his designee, shall perform due diligence to determine whether there is more than one possible vendor and shall document said efforts;

(2) The vendor shall provide a letter indicating its sole source status; and

(3) If the City Manager, or his designee, determines that there is only one supplier or vendor of the construction, repair and maintenance, services, goods, supplies, materials and equipment the City requires, the City Manager, or his designee, is authorized to negotiate and to recommend to the City Council for contacts and purchases in excess of \$50,000, as applicable, a contract with such supplier or vendor to purchase the construction, repair and maintenance, services, goods, supplies, materials and

equipment, at prices or on terms most advantageous to the City. In such a case, the City Manager, or his designee, shall make a written determination that such supplier or vendor is the sole source for such construction, repair and maintenance, services, goods, supplies, materials and equipment. For contracts or purchases between \$25,000 and \$50,000, the City Manager may proceed with the purchase without Council approval if all of the steps outlined herein are met.

(iv) Limited Source Procurement. Contracts for construction, repair and maintenance, services, goods, supplies, materials and equipment that are produced or provided by a specialized supplier or vendor, or where due to compatibility issues with existing equipment a limited source procurement is necessary, may be awarded without engaging in the competitive procurement processes required by this Code and without the adoption of a resolution. For this exception to apply, the following steps must followed:

(1) If the City Manager, or his designee, determines that a specialized supplier or vendor is needed or has been used in the past on a specific project for construction, repair and maintenance, services, goods, supplies, materials and equipment within the special parameters required by the City or pursuant to an overall plan for procurement to achieve improved public service or long term operational efficiencies for the City, the City Manager, or his designee, is authorized to negotiate and to recommend to the Council a contract with such supplier or vendor to purchase the construction, repair and maintenance, services, goods, supplies, materials and equipment, at prices or on terms most advantageous to the City. For contracts or purchases between \$25,000 and \$50,000, the City Manager may proceed with the purchase without Council approval if all of the steps outlined herein are met.

(2) In the case of a Limited Source Procurement, the City Manager, or his designee, shall make a written determination of the basis for the special City parameters or overall plan for procurement to achieve improved public service or long term operational efficiencies for the City and that such supplier or vendor is the single source for such construction, repair and maintenance, services, goods, supplies, materials and equipment.

- (v) Professional Services. Contracts, agreements or memberships in or with trade or professional organizations, lobbying groups, governmental services memberships, and professional services for legal and employment related services shall be exempt from the competitive procurement requirements as shall all employee contracts and hires and agreements with any collection agencies.
- (vi) Emergency Procurements. Emergency procurements pursuant to Section 52.

Section 52: Emergency Purchases; Report Required When More Than Twenty-Five Thousand Dollars

In the case of accident or other circumstances creating an emergency where necessary to protect life, the public health and safety, and public property, or in the case of the occurrence of any breakage or loss of equipment, or in other circumstances which could not reasonably be anticipated, whereby in which any necessary regular service of the City is, or is about to be, interrupted or whereby the City will suffer any great or continuing loss, the City Manager, upon the request of the department head, may negotiate an emergency purchase to address any such circumstance restore or maintain such service or to terminate such loss, without advertising for bids engaging in the competitive procurement process and in such amount as may be necessary in the circumstances. In the case of such emergency purchases involving amounts in excess of Fifty Thousand Dollars (\$50,000.00) of more than Twenty-Five Thousand Dollars (\$25,000.00), the City Manager shall, at the next meeting of the Council thereafter, render a full report on the case.

Section 58: Public Facility Construction.

The goal of the public construction of City facilities is to deliver public facilities that meet the needs of the citizens and the public employees that use them and that represent sound investments of tax dollars. High-quality, cost-effective design and construction services are key to achieving this goal on each public facility construction project. As part of any proposed new public facility construction project estimated to be in excess of \$500,000, the City Manager shall first propose to the City Council a project management plan for the design, construction and oversight of the project.

The project management plan may either be approved or rejected by a majority of the City Council and the project management plan ultimately approved shall govern the design, construction, oversight and general scope of the project. This plan shall include whether the project will be design-build or whether a general contractor will be utilized. The project management plan shall be approved prior to bidding the project, but may be altered or amended by a majority of the City Council after bidding. The project management plan shall include a schedule,

identify critical issues, outline any risks, estimates of cost, and budget. The project management plan shall provide for the transition of all record drawings, record of contractors and subcontractors, operation and maintenance manuals, training for the proper operation of the facility and equipment, and a record of warranties to City staff.

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 4. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5. This ordinance shall be effective immediately after the date of its publication as required by law.

SECTION 6. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this ____ day of ____, 2014.

APPROVED this ____ day of ____, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk