

ORDINANCE NO. 2004-60

AUTHORIZING THE PURCHASE OF SUPPLIES, MATERIALS AND LABOR BY REVERSE AUCTION ON THE INTERNET

WHEREAS, Council has determined that, from time to time, the use of a reverse auction would be advantageous to the City of Mason where the law requires the City of Mason to purchase supplies, materials and services by competitive sealed bidding or competitive sealed proposals; and

WHEREAS, a reverse auction is a purchasing process in which offerors of services, supplies or materials submit proposals in competing to sell those services, supplies, or materials in an open environment on the internet;

WHEREAS, under Article XVIII, Article 3 of the Ohio Constitution, the City of Mason has the authority to exercise all powers of local self-government as are not in conflict with general laws; and

WHEREAS, Section 9.314 of the Ohio Revised Code authorizes the City of Mason to purchase services, supplies or materials by reverse auction in accordance with rules that the City of Mason shall adopt;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That when it is determined to be advantageous to the City of Mason, the City Manager is hereby authorized, to purchase services, supplies or materials by reverse auction on the internet, after soliciting proposals for those services, supplies, or materials, including specifications about the services, supplies and materials needed, terms for delivery, other terms and conditions, and the relative importance of price and other evaluation factors. These proposals may require offerors to provide a performance bond, or another similar form of financial security, as the City Manager deems prudent. As used in this ordinance, "internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.

Section 2. That the City Manager is hereby authorized to solicit proposals through a request for proposals ("RFP"), which request shall be published by advertisement of the request for proposals ("RFP"), on the same day of each week for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City of Mason, and continuously posted in a conspicuous place in the atrium of the Mason Municipal Center, and on the City of Mason's website, from the time of the first advertisement of the request for proposals through the time that the proposals must have been submitted.

Section 3. To ensure full understanding of and responsiveness to solicitation requirements, the City Manager, or his designee may conduct discussions with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award. The City of Mason shall give offerors fair and equal treatment in any opportunity for discussion regarding any clarification, correction or revision of their proposals.

Section 4. If the expenditure of funds for the purchase of supplies or materials or to provide labor for any work to be performed under the proposal is less than, or equal to, the amount specified by ordinance of Council for which such purchases or work may be accomplished without advertisement and competitive bidding, The City Manager may award a contract to the offeror whose proposal the City of Mason determines to be the most advantageous to the City of Mason, taking into consideration factors such as price and the evaluation criteria stated in the request for proposals. If the expenditure of funds for the purchase of supplies or materials or to provide labor for any work to be performed under the proposal exceeds the amount specified by ordinance of Council for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by the Council. The City of Mason shall maintain a contract file which shall contain the basis on which the award is made.

That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 10th day of May, 2004.

Attest:


Clerk of Council


Mayor

4/8/2004

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