

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170166

Amending Chapter 3, Code of Ordinances, by adding a new Section 3-2 to require ~~bidders on~~ certain criteria be included in the instructions to bidders for construction contracts ~~to be qualified and to establish criteria for determining qualified bidders over~~ \$300,000; and establishing an effective date.

~~WHEREAS, Section 1211(c) of the Charter requires contracts be let to the lowest and best bidder; and~~

~~WHEREAS, the Council wishes to implement a process for pre-qualifying bidders, to simplify the bidding process; and~~

~~WHEREAS, Chapter 3 of the Code of Ordinances governs contracts and leases; NOW, THEREFORE,~~

BE IT ORDAINED BY THE COUNCIL CITY OF KANSAS CITY:

Section 1. That Chapter 3, Code of Ordinances of the City of Kansas City, Missouri is hereby amended by adding a new Section 3-2, to read as follows:

Sec. 3-2. Qualified Instructions to Bidders.

(a) ~~Prior to bidding on~~For any construction contract solicited by the ~~City~~city with an estimated consideration in excess of \$300,000.00, ~~at the instructions to bidders shall contain provisions requiring any bidder must be show evidence of being qualified to abide by submitting an affidavit in a form approved by the City and supporting documentation showing compliance with the following criteria, provided however that the failure to include any required criteria in the instructions shall not invalidate any public improvement procurement or any contract:~~

- (1) Comply with all applicable laws prerequisite to doing business in the State of Missouri and the City of Kansas City, Missouri, including those related to business licenses.
- (2) Obtain a Federal Employer Tax Identification Number or, for sole proprietors, Social Security Number.
- (3) Comply with the equal opportunity clause set forth in the Code of Ordinances, chapter 38, article III, section 38-103.
- (4) Provide certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, and product liability.

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- (5) ~~Has~~Certify it has not been found in violation of the Missouri Prevailing Wage Act within the last three years, or has been found in such violation but has made restitution to affected workmen and complied with any statutory penalty.
- (6) Participate in an active training program approved by the city that ~~facilitate~~facilitates entry into the construction industry and which may include an on-the-job or in-house training program. Such training program shall provide:
- a. Job readiness training; or
 - b. Construction trades awareness; or
 - c. Construction trades training.

~~(7)~~ (7) — All bidders must provideCertify it has a workers compensation rating acceptable to the City.

~~(8)~~ Provide three (3) projects as being performed in the immediate past five (5) years with the name, address and telephone number of the ~~contract~~contact person having knowledge of the project

~~(b) Once a bidder has been shown evidence of qualification, the bidder shall retain that status for three years, after which time they shall resubmit evidence of compliance with the qualified bidder criteria. Notwithstanding the foregoing, a bidder shall have a duty to notify the city of any change in its compliance, at which time the city may revoke its qualified bidder status.~~

Nothing in this provision shall prohibit the City from requesting additional information in any instructions to bidders.

~~(e)(b)~~ The city manager is authorized to waive the requirement for any qualification criteria listed in subsection (a) when the city manager determines in writing that it is in the city's best interest to do so, ~~and is authorized to adopt rules and regulations to administer this section.~~

Section 2. That this ordinance shall become effective on ~~July~~September 1, 2017.

Section 3. That all contracts entered into by the city prior to the effective date of this ordinance shall continue in full force and effect and shall be carried to completion in accordance with the provisions of those ordinances in effect as of the date upon which such contracts became effective.

Section 4. That any contract solicitation or award having commenced prior to the effective date of this ordinance or otherwise pending or under consideration by the city council prior to the effective date of this ordinance shall remain unaffected and may be

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acted upon and disposed of as if they had originated and been introduced under the provisions of this ordinance.

Approved as to form and legality:

Katherine Chandler
Assistant City Attorney