



**City Council Agenda
March 7, 2023
5:30 P.M. - City Hall**

WELCOME AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PUBLIC COMMENT PERIOD

Items not already on the agenda may be brought before the Governing Body. Persons must sign in to be eligible. (**Three-minute maximum time limit**). After three minutes, items will then be voted on to see whether to place the item on the next agenda.

CONSENT AGENDA:

- Minutes from the Previous meeting: Pages 2 – 4
- Appropriations:
- Lake Cabin Transfer: N/A
- Liquor License Renewal: El Rancho Viejo Pages 5 - 7

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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OLD BUSINESS:

- BASE Grant: Update

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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- 3 Mile Extraterritorial: Update

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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NEW BUSINESS:

- City Lake Committee Recommendation: I-35 Bryan and Stacy Zeigler Pages 8 – 12

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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- Planning and Zoning Committee Recommendation: Alley Vacate Pages 13 - 21

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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- Procedures for Civil Rights Complaints Policy: CDBG Pages 22 – 23

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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- Procurement Procedure Policy: CDBG Pages 24 - 30

Motion:	Seconded:	Action:	Abstention:	Este. Cost:
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Governing Body Comments:

Adjournment:

City Council Meeting Minutes
February 21, 2023

WELCOME AND CALL TO ORDER

Mayor Debi Schwerdtfeger called the regular City Council Meeting to order. Council members present were Sean Honer, Sharon Haun, Jason Booker, Mark Berner, Denise Hartman, and Larry Siegrist also present were the City Administrator Nick Jones and City Attorney Brian Henderson. Others attending were Jan Sciacca, Josh Sciacca, Molly Priest, Chris Myers, Jake

PLEDGE OF ALLEGIANCE

INVOCATION: Jake Errickson

PUBLIC COMMENT PERIOD

N/A

CONSENT AGENDA

Councilperson Sean Honer made a motion to approve the Consent Agenda as presented in the packet. Councilperson Jason Booker seconded the motion. Motion Carried 6 – 0. The consent agenda consisted of:

- February 7, 2023, Minutes
- February 7, 2023, to Current Appropriations.

OLD BUSINESS

• **Water Tower: Update**

City Administrator Nick Jones updated the City Council on the Water Tower restoration. Administrator Jones said that a lot of the preliminary work was completed last year that required metal work and that Viking Industries will be here the middle to end of March to complete the remaining work with completion being on or before May 1st.

NEW BUSINESS

• **City Lake Committee Recommendation: Shannon Kimball C-0 116 Watersedge Loop:**

Councilperson Sean Honer presented the City Lake Committee recommendation to approve a driveway and gravel for Shannon Kimball, C-0 116 Watersedge Loop in order to access their property. Administrator Jones said that a lot of driveways at the City Lake give access to multiple lease holds and at some point a lateral field was put in that block access to C-0 from the original driveway. After discussion Councilperson Larry Siegrist made a motion to approve the City Lake Committee recommendation to allow gravel on city property for access to C-0. The motion was seconded by Councilperson Denise Hartman. Motion Carried 6 – 0

• **Building and Trades Board Recommendation:**

City Attorney Brian Henderson presented to the City Council the recommendation from the Building and Trades Board to add demolition safety to Article 16 Demolition, add the word Framing to 4-104(b), add a section (e) to 4-105 License categories for Framing Contractors. Add section (5) to 4-109 Training for Framing Contractors. Attorney Henderson said the demolition safety would require fencing, tape, or barricades on public of private property deeper than two feet when workers are not present. Attorney Henderson then went through adding Framing as a Licensed category and training for Framing Contractors. After discussion Councilperson Mark Berner made a motion to approve the Building and Trades Board recommendations for Demolition Safety and Framing. Councilperson Jason Booker seconded the motion. Motion Passed 5 – 1. Councilperson Sean Honer voted against the recommendation due to the demolition safety being to intrusive on private property.

• **Ordinances for Amending Demolition (#2259) and Amending Framing (#2260):**City

Attorney Brian Henderson presented Ordinances #2259 and #2260 to the City Council. Ordinance #2259 would amend: Chapter 4, Article 16, Demolition and requiring Fencing, Tape, or Barricades on all demolition work on public or private property deeper than two feet. Temporary walkways. If the demolition work is immediately bordering a walkway, sidewalk or thoroughfare, temporary foot walks beyond the curb shall be substantially constructed and provided with protection on both sides. In addition, on every demolition job or construction job above a sidewalk, a deck will be provided over the walkway to protect the pedestrians from falling objects. After Discussion Councilperson Jason Booker made a motion to approve

Ordinance #2259 Amending Demolition. The motion was seconded by Councilperson Sharon Haun. Motion Carried 4-2 with Councilperson Honer voting against the ordinance and Councilperson Hartman Abstaining.

Ordinance #2260 amending Chapter 4, Article 1. Licenses and Fees by adding licensing requirement, category and training for Framers. Framing contractor- Having the necessary technical knowledge to fabricate and install any wood, metal or composites product in a structure including, limited to, rough framing, structural and nonstructural work, trusses, roofing, sheathing, doors and windows, staircases, and all hardware incidental thereto. A framing contractor may not contract for or install, maintain, repair, or alter any concrete, masonry, or other work not specifically mentioned above. Further, the framing contractor may not act as a residential or commercial contractor or secure permits to build any structure. Framing – A certified test score 75% or higher on the ICC Kansas Framing Contractor (Exam ID: KGJ or 846) exam. The ICC National Standard Framing (F46, W46) exam may be considered if it can be verified to have a 75% or higher score and the exam outline precisely mirrors the outline content of ICC Exam ID: KGJ or 846. Other equivalent education can be approved by the City Inspector. After Discussion Councilperson Jason Booker made a motion to approve Ordinance #2260. The motion was seconded by Councilperson Sean Honer. Motion Carried 6 – 0

- **Blighted Structures/Nuisances Properties List:**

Mayor Debi Schwerdtfeger told the Council that she asked Administrator Jones to include the Blighted Structures/Nuisances Properties on the agenda, so everyone is aware of the properties the City Inspector is working on or has plans to work on. City Administrator Nick Jones pointed out that Blighted Structures and Nuisances Properties are not the same and that Blighted Structures deals with structural issues of a structure. The Nuisances Properties focus on junk in the yard, tall grass, vehicles, etc.

- **Police and Fire Committee Recommendation: Jon-Wesley O'Hara**

Mayor Debi Schwerdtfeger read the recommendation from to The Police and Fire Committee to appointment Jon-Wesley O'Hara to full-time Class B Police Officer at a payrate of \$16.50 with a 6-month probationary period. This appointment is contingent on passing drug test, physical, background check, and psychological examination. Mayor Schwerdtfeger asked for a motion to approve the appointment. A motion was made by Councilperson Sean Honer to approve the appointment. The motion was seconded by Councilperson Sharon Haun. Motion Carried 6 – 0

- **Rental of Fairmont Property Discussion:**

Mayor Debi Schwerdtfeger said at the time of the first request from 3C Dock Builders to rent the Fairmont Property that GMDC was still considering the property for development and sense then that is not longer the case. Administrator Nick Jones said that he and Councilperson Sean Honer (Co-Owner of 3C Dock Builders) had spoken about charging \$1,200 a year rental fee and that maintenance and upkeep would be the responsibility of 3C Dock Builders. Chris Meyers with 3C Dock Builders said the company would like to rent the property for clean storage and would make upgrades to the property such as gravel. Meyers said that they would like a long term lease and first right of refusal if the city choose to sell the property. Administrator Jones said the current leased property's have a 3 year term with 30 day notice to terminate the contract from either party and require insurance. Administrator Jones recommended that himself and City Attorney Brian Henderson come up with a lease agreement for leasing the property to 3C Dock Builders. After discussion Councilperson Denise Hartman made a motion to approve the request to lease the Fairmont property to 3C Dock Builders. The motion was seconded by Councilperson Mark Berner. Motion Carried 6 – 0

GOVERNING BODY COMMENTS

APPLICATION FOR CLUB LIQUOR LICENSE

Council Grove, Kansas Feb. 21, 2023

TO THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, MORRIS COUNTY, KANSAS

Council Members:

I hereby apply for a license to operate a Club, in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the operation of a Club: for the purpose of securing such license, I make the following Statements under oath.

1. Name of Proposed licensee: Jose Gonzalez
 Age of proposed licensee: 45
 Street and address of licensee (residence): 37 Orchard
 Phone Number of Proposed licensee: 620/803-1849
 How long have you been a resident of the State of Kansas? 10 years
 How long have you been a resident of Morris County? 3 years
 How long have you been a resident of Council Grove? 3 years

2. Name of business for which license is desired: El Rancho Viejo LLC
 Address of business for which license is desired: 209 West Main Street
 Telephone number of business for which license is desired: 620/767-6405
 Give Legal Description: Mexican Restaurant
 Describe Building: _____

3. Name and address of owner or owners of the premises upon which the place of business is located:

4. Are you a citizen of the United States? No By birth or naturalization? _____
 If naturalized, give place and date of naturalization: _____

5. Have you ever been convicted of a felony? No
 If so, when and where? _____

6. Have you ever been convicted of a crime involving moral turpitude? No
 If so, when and where? _____

7. Have you ever been convicted or adjudged guilty of drunkenness? No
 If so, when and where? _____

8. Have you ever been convicted or found guilty of Driving Under the Influence? No

If so, when and where? _____

9. Have you ever been convicted of a violation of any state or federal intoxication law? No

If so, when and where? _____

10. Is your place of business to be conducted by a manager or agent? No

If so, by whom? _____

11. What is your Kansas State Liquor License No.? 11718

What is the expiration date of your State Liquor License? 02/09/2025

PLEASE ATTACH A COPY OF YOUR STATE LIQUOR LICENSE

12. Please enclose the City Liquor License Fee of \$300.00 with your application Pd 2.21.23 # 2125

I, Jose Gonzalez, the above named applicant hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by you, and hereafter to be prescribed by you, relating to the sale or distribution of alcoholic beverages, and do hereby agree to purchase all alcoholic beverages from a wholesaler licensed and bonded under the laws of the State of Kansas, and do further consent to the immediate revocation of my alcohol beverage license, by proper officials, for the violation of such laws, rules or regulations.

Jose Gonzalez

Signature of Applicant

City Clerk

APPLICATION APPROVED ON THIS _____ day of _____, 20_____

by the Mayor and Governing Body of the City of Council Grove, Morris County, Kansas.

CITY LICENSE NUMBER _____

**Kansas Alcoholic Beverage Control Division
Liquor License**

Drinking Establishment

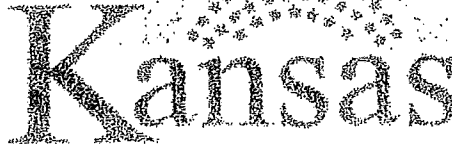
OWNER NAME: El Rancho Viejo, LLC
DBA: El Rancho Viejo Mexican Restaurant
ADDRESS: 209 W Main Street
Council Grove, KS 66846

LICENSE NO: 11718

The licensee named above has been granted a liquor license by the Kansas Department of Revenue, Alcoholic Beverage Control Division. This license is neither transferable nor assignable and is subject to suspension or revocation.

PRIVILEGES:

Allows the licensee to sell and serve alcoholic liquor for consumption on licensed premises; serve free samples of alcoholic liquor; redeem drink coupons in arrangement with a hotel; and other activities as authorized by K.S.A. 41-2642.



AGREEMENT:

By accepting this license, the licensee agrees to conduct business in compliance with all applicable federal, state, county and city statutes and regulations.

Debbi Beavers

Debbi Beavers
Director, Alcoholic Beverage Control

Mark A. Burghart

Mark A. Burghart
Secretary of Revenue

EFFECTIVE: 02/10/2023

EXPIRES: 02/09/2025

THIS LICENSE MUST BE FRAMED AND POSTED ON THE PREMISES IN A CONSPICUOUS PLACE

IMPORTANT INFORMATION

Contact the ABC Licensing Unit at 785-296-7015 or email Kdor_abc.licensing@ks.gov if you have any:

- questions regarding this license
- changes to your business name, location, ownership or officers
- questions about filing gallonage tax; if applicable

Contact your local ABC Enforcement Agent at 785-296-7015 or visit our website at <http://www.ksrevenue.gov/abccontact.html>

Contact the Miscellaneous Tax Segment at 785-368-8222 or email Kdor_miscellaneous.tax@ks.gov if you:

- need assistance with liquor drink or liquor enforcement taxes
- have questions about liquor drink tax bonds, bond relief or bond release

CLOSING YOUR BUSINESS

If you are closing your business, you must surrender your liquor license and complete the form at <https://www.ksrevenue.gov/pdf/abc824.pdf>

W2



CITY LAKE COMMITTEE

CITY COUNCIL MEETING RECOMMENDATION, March 7, 2023

RECOMMENDS THE COUNCIL APPROVE A BOUNDARY LINE ADJUSTMENT REQUEST of an additional 13 feet for garage.

Bryan and Stacy Zeigler, I-35

Variance request will not restrict or interfere with the neighboring cabins or access to the area. The neighboring leaseholds are aware of this request and have indicated such in writing.

LAKE COMMITTEE: Larry Siegrist
Sean Honer

CITY INSPECTOR: Dan Drube



CITY OF COUNCIL GROVE • 205 UNION STREET • PO BOX 313
COUNCIL GROVE, KS 66846 • 620-767-5417 • COUNCILGROVE.COM

APPLICATION FOR COUNCIL GROVE LAKE PARK BOUNDARY LINE ADJUSTMENT

Leasehold Location: Section Letter: I Site No.: 35 911 Address: 156 Blue Heron Pt, Council Grove, KS 66846

Name(s) of Lessee(s) / Prospective Lessee(s): BRYAN & Stacy ZEIGLER

Mailing Address: 156 Blue Heron Pt City: Council Grove State: KS Zip: 66846

Phone: _____ Cell Phone: 620-794-6659 Date: 2/14/23 Requested Linear Feet: 51.5 x 13 = 669.5

Signature(s) of Lessee(s) or Prospective Lessee(s): [Signature] Stacy Zeigler
(Must be same names as on lease)

The above signed do hereby request a Boundary Line Adjustment for the purpose of: GARAGE

The following items must be submitted with this application:

- elevation and plan drawings/sketches showing the dimensions of the proposed new dwelling or accessory structure
- a copy of the plot plan for the leasehold showing the location dimensions of the proposed new dwelling or accessory structure in relation to the existing dwelling
- signed letters from the adjoining leaseholders with their comments about the proposed boundary line adjustment
- a nonrefundable fee of \$70 to cover the cost of evaluating the request
- a completed leasehold transfer package, if the written request is from a prospective purchaser of the leasehold

NOTE: Boundaries shared by leaseholders are not eligible for a Boundary Line Adjustment.

OFFICE USE ONLY BELOW THIS LINE

Boundary Line Adjustment (BLA) determination criteria:

- prior agreements and understandings of adjoining leaseholders
- prior usage and expectations of adjoining leaseholders
- the physical configuration of lots
- equitable placement of the boundary considering the interest of present as well as future leaseholders
- equitable division of lake frontage and access
- ingress and egress to leaseholders
- location of existing access roads
- location of existing utilities
- equitable placement of the boundary considering the previously determined depths of adjoining lots
- any other factors deemed appropriate

Boundary Line Adjustment not validated until the BLA Fee has been paid.

BLA Linear Feet: 13" BLA FT²: 1669.5 BLA Rate: \$ 0.11 FT² BLA Fee: \$ 73.65

City's Designated Agent: BLA Recommended: (yes/no) Yes Date: 2-16-23 Signature: [Signature]

Governing Body Lake Committee: BLA Reviewed Date: 2-8-23

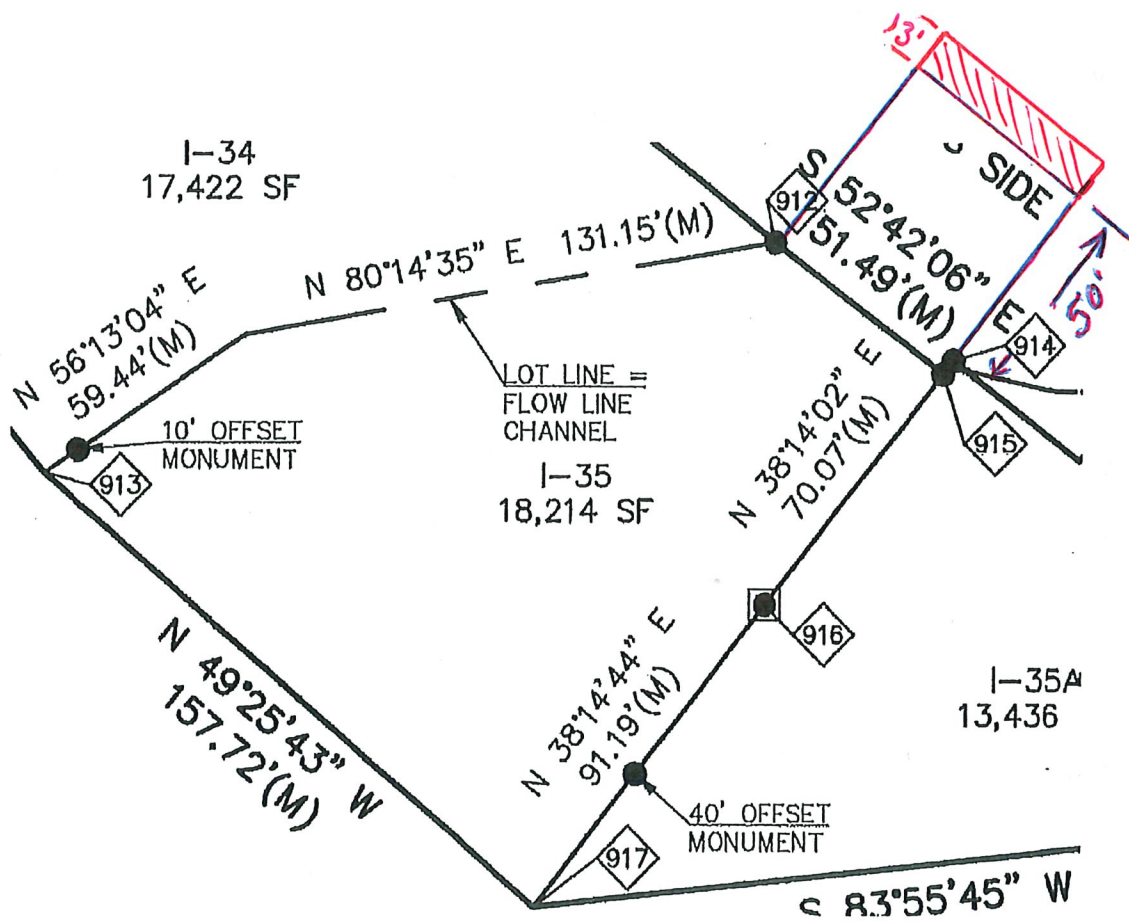
Governing Body: BLA Approved: (yes/no) _____ Date: _____

Land Survey of BLA: Surveyor: _____ Date: _____

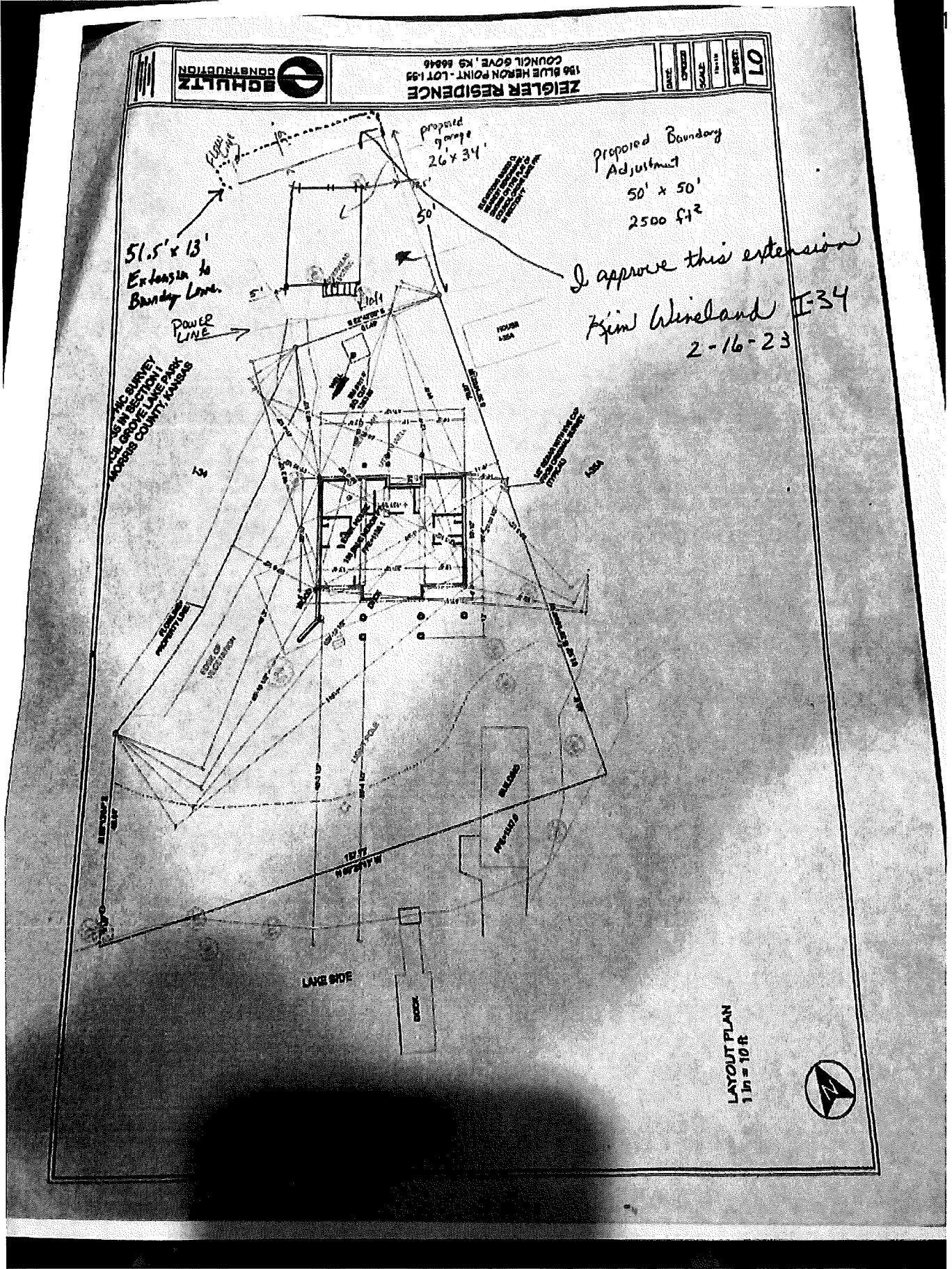
Land Survey Filed with Morris County Register of Deeds: _____ Date: _____ Filing Fee: \$ _____

REV 3-4-2021 JM

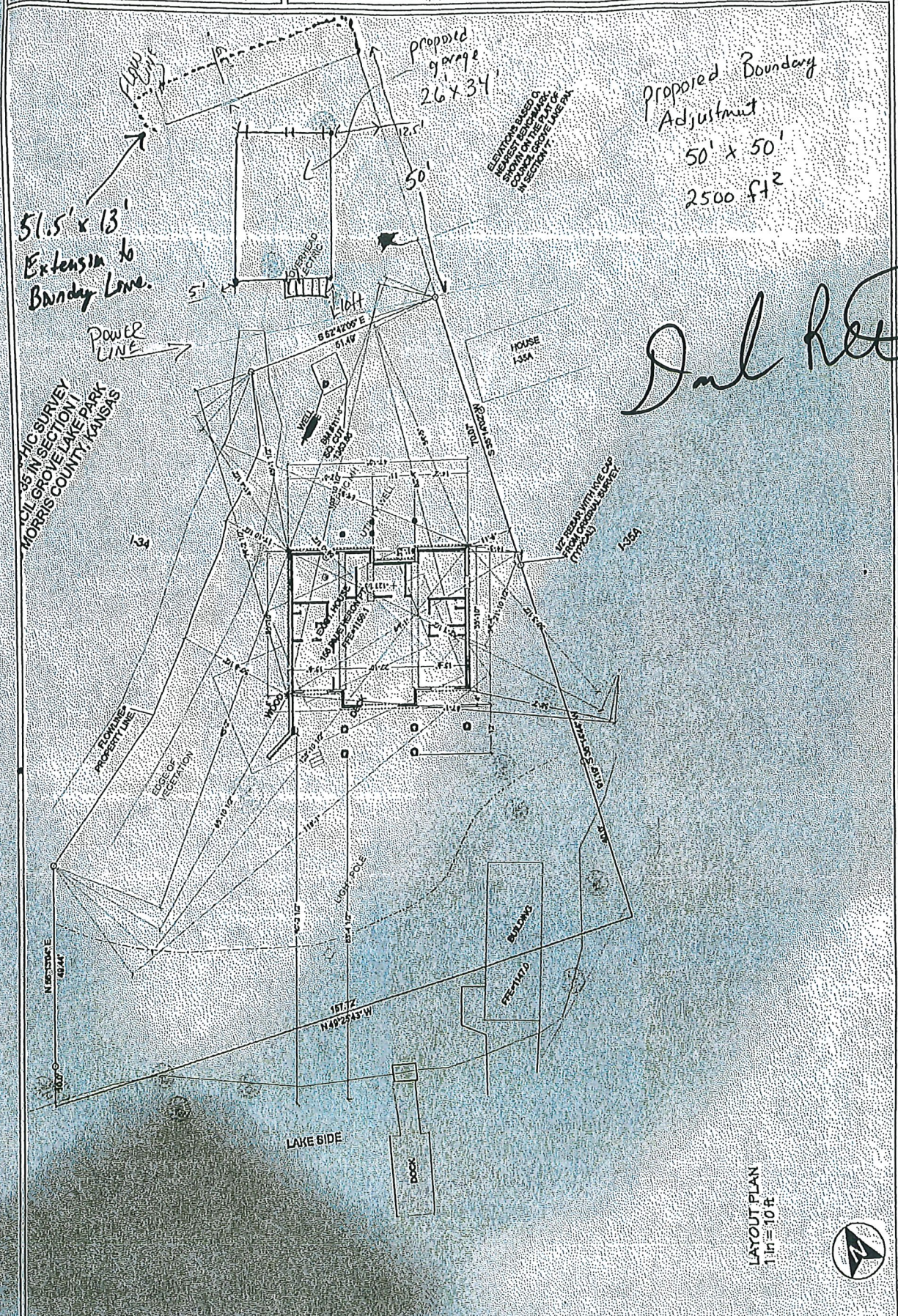
ROAD ACCESS SIDE



LAKE ACCESS SIDE



Sent from my iPhone. Please excuse any typos! Have a great day!



51.5' x 13'
Extension to
Boundary Line.

POWER
LINE

86 N SECTION 11
COUNCIL GROVE LAKE PARK
MORRIS COUNTY, KANSAS

Proposed
garage
26' x 34'

Proposed Boundary
Adjustment
50' x 50'
2500 ft²

Don Red

LAYOUT PLAN
1" = 10'





PLANNING AND ZONING COMMISSION

CITY COUNCIL MEETING RECOMMENDATION, MARCH 7, 2023

1. **RECOMMEND THE COUNCIL TO APPROVE**: A vacate of alley between 302 S 10th Street and 306 S 10th Street.

PLANNING COMMISSION VOTED 6-0 TO RECOMMEND THAT THE CITY COUNCIL APPROVE a vacate of an alley between 302 S 10th Street and 306 S 10th Street.

CITY INSPECTOR: Dan Drube

CITY OF COUNCIL GROVE

CITY COUNCIL

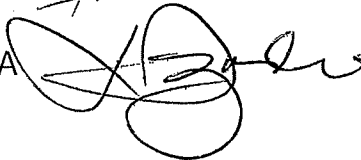
MARCH 1, 2023

We are seeking to vacate the alley between our properties 302 S 10th and 306 S 10th street. If we succeed, we give the City of Council Grove the right of way to travel and run utilities in the alley between our properties of 302 and 306 S 10th street.

ROBERTO TRILLO



LORENA QUEZADA



Property Details for PID: 0641261304003002000

Shareable link to
Property Information

[https://www.kansasgis.org/orka/permalinkprop.cfm?
parcelid=0641261304003002000](https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0641261304003002000)

Shareable link to
Map:

[https://www.kansasgis.org/orka/permalink.cfm?
parcelid=0641261304003002000](https://www.kansasgis.org/orka/permalink.cfm?parcelid=0641261304003002000)

QuickRef ID :

R3764

Owner Name :

TRILLO-QUEZADA, ROBERTO & QUEZADA-GARCIA,
LORENA

Location:

302 S TENTH ST, Council Grove, KS 66846

Abbreviated
Boundary
Description:

WHITCOMB SUB/CG, S13, T16, R08E, BLOCK 4, Lot 4 - 6

Owner Information:

Owner

TRILLO-QUEZADA, ROBERTO & QUEZADA-GARCIA,
LORENA

Mailing Address

302 S TENTH COUNCIL GROVE, KS 66846-1121

Property Details for PID: 0641261304003003000

Shareable link to
Property Information

[https://www.kansasgis.org/orka/permalinkprop.cfm?
parcelId=0641261304003003000](https://www.kansasgis.org/orka/permalinkprop.cfm?parcelId=0641261304003003000)

Shareable link to
Map:

[https://www.kansasgis.org/orka/permalink.cfm?
parcelId=0641261304003003000](https://www.kansasgis.org/orka/permalink.cfm?parcelId=0641261304003003000)

QuickRef ID :

R3765

Owner Name :

ROBERTO RENTALS, LLC

Location:

306 S TENTH ST, Council Grove, KS 66846

Abbreviated
Boundary
Description:

WHITCOMB SUB/CG, S13, T16, R08E, BLOCK 4, Lot 7 - 9

Owner Information:

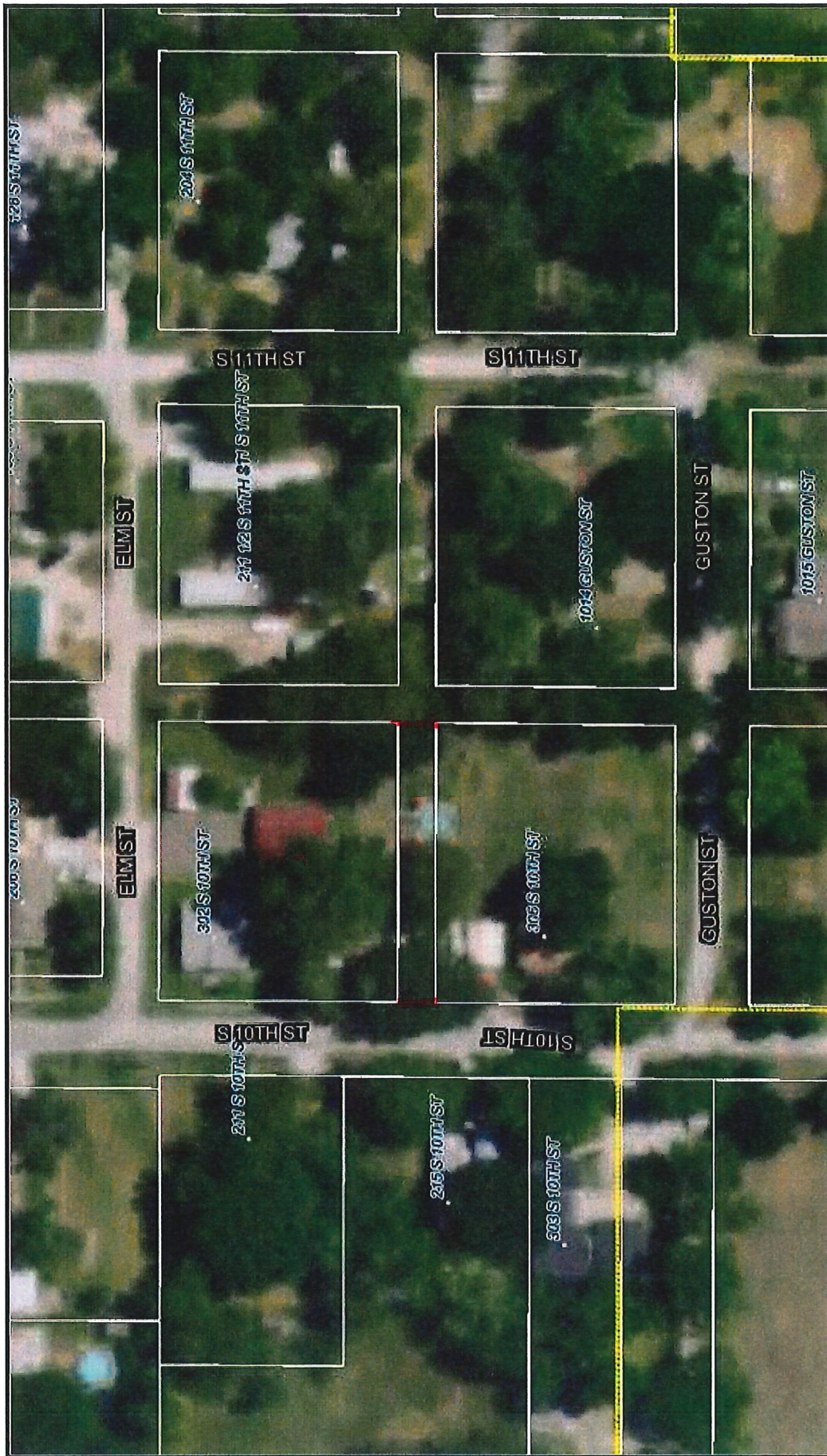
Owner

ROBERTO RENTALS, LLC

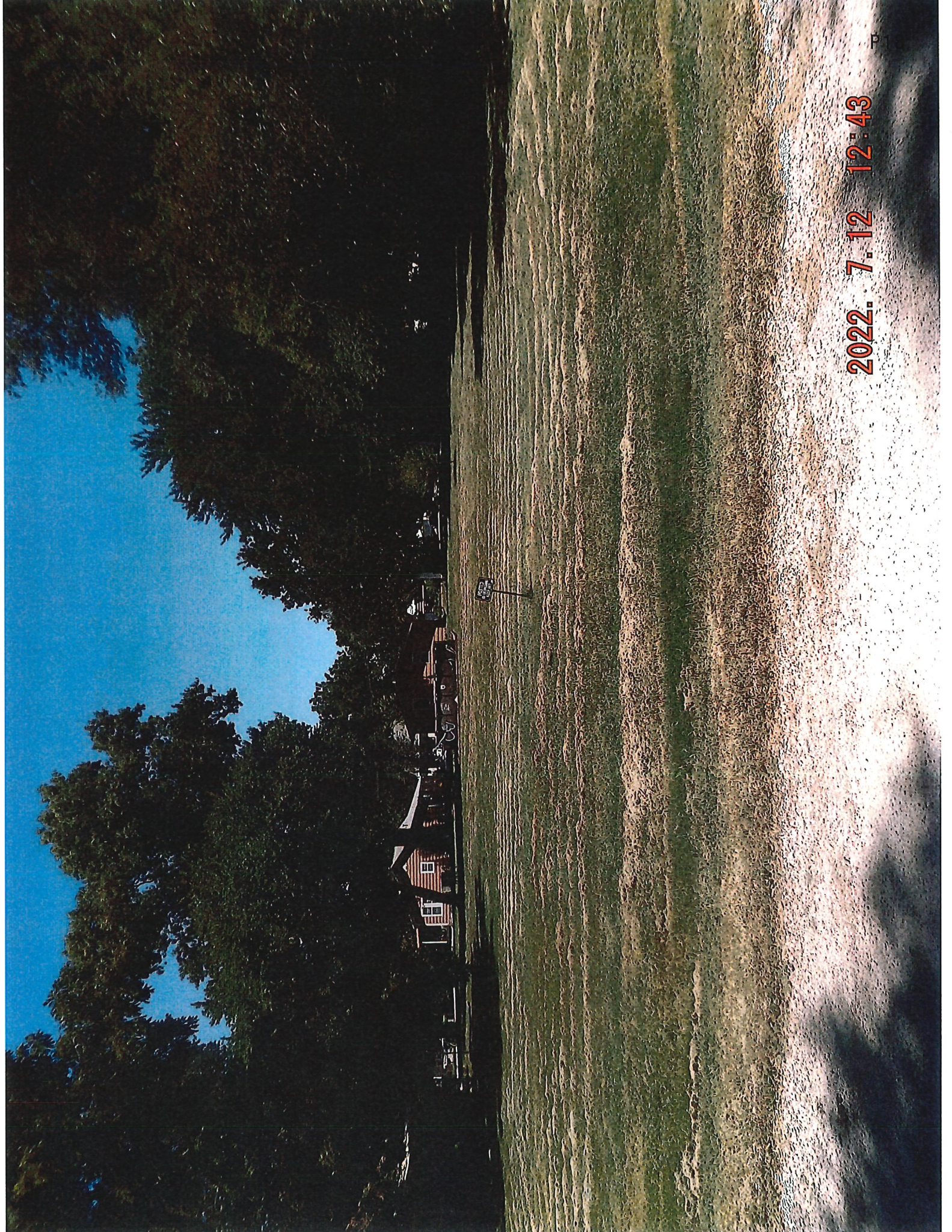
Mailing Address

302 S TENTH ST COUNCIL GROVE, KS 66846-1121

Property Information:

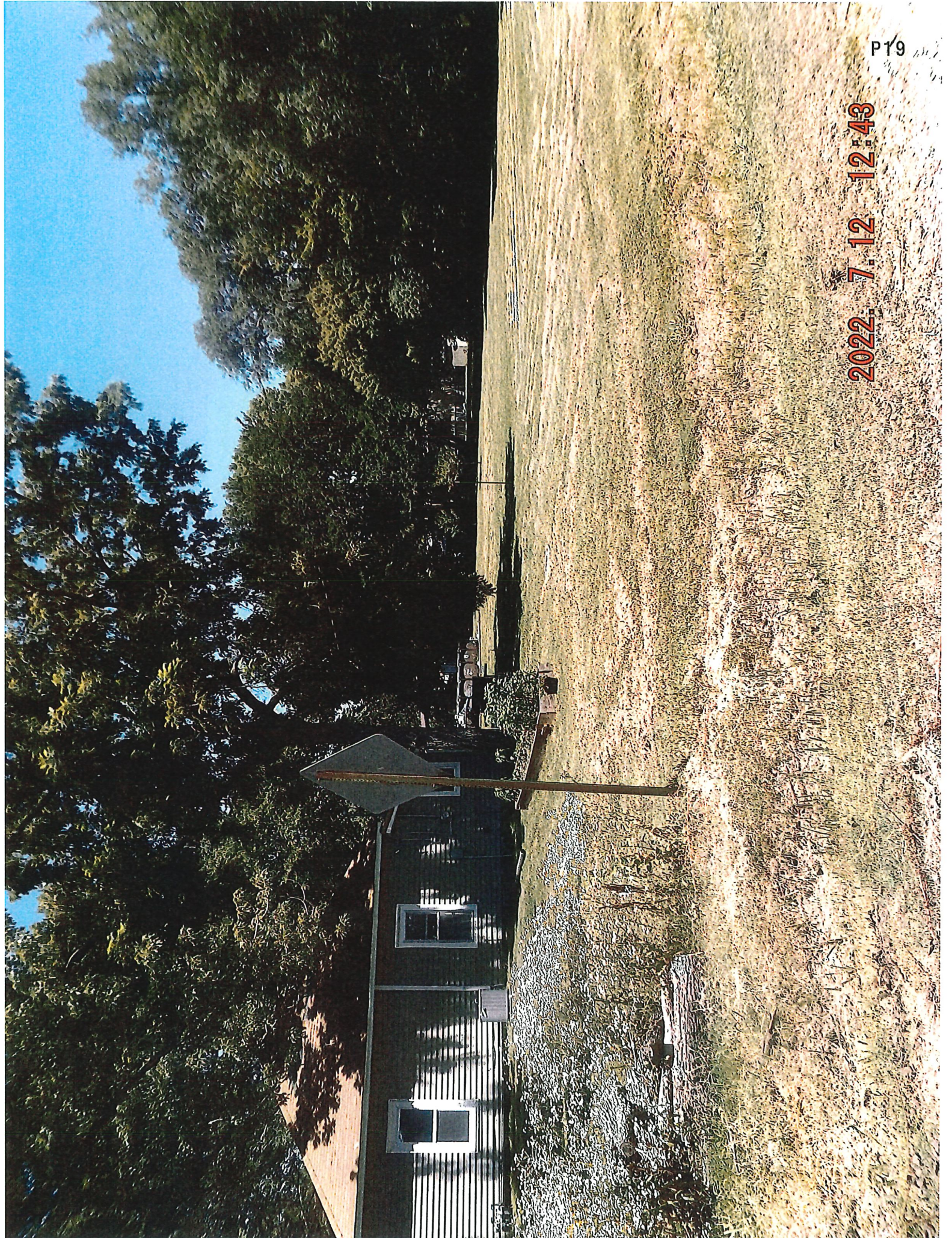


1/13/2023



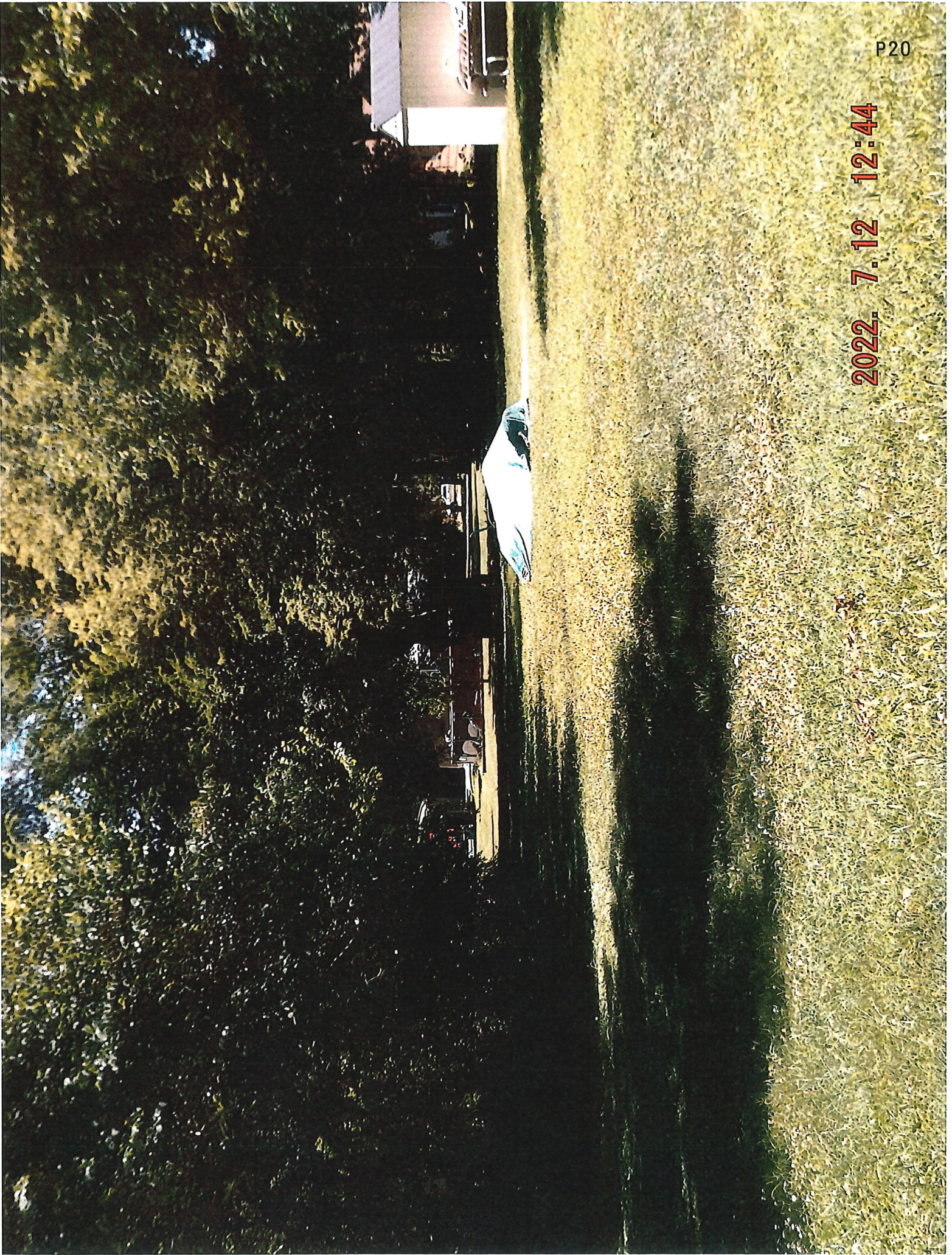
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2022. 7. 12 12:44





2022. 7. 12 12:43

COUNCIL GROVE, KS OFFICIAL PROCEDURES FOR CIVIL RIGHTS COMPLAINTS

Citizens' complaint procedures are an integral part of civil rights activities.

Civil rights complaints received by the city will be those complaints alleging violation of one or more of the following statutes:

*Title VI, Civil Rights

*Section 109, Housing and Community Development Act of 1974

*Section 504, Rehabilitation Act of 1973

*Age Discrimination Act of 1975

*Fair Housing Amendments Act of 1988

Several areas in which Housing Discrimination occurs under Title VIII are:

- 1) to refuse to show, rent, lease, sell or transfer housing,
- 2) to cause unequal terms, conditions and privileges of housing,
- 3) to cause unequal terms, conditions and privileges in obtaining and use of financial assistance for the purpose, construction or maintenance of housing,
- 4) to segregate and/or separate in the occupancy of housing,
- 5) to include or honor restrictive covenants which are discriminatory,
- 6) to advertise any discriminatory preference or limited housing,
- 7) to aid and abet in unfair housing practices,
- 8) retaliate against an employee or agent who complies with fair housing practices through such an action as demolition, discharge or unequal compensation,
- 9) to refuse to receive and transmit bona fide offers to buy, rent, sell or lease housing,
- 10) to practice blockbuster, red-lining or steering.

The city has established the following procedures for complaints or discrimination.

Should anyone feel their civil rights have been violated, that person shall contact the City Clerk in writing to register their complaint.

After receipt of this complaint the city will immediately make available a HUD 903 Form (OMB in 63-R-1226) to the complainant.

After the city receives the completed HUD 903 Form they will refer it to the City Attorney for his/her recommendations and comments.

The City Attorney will then present his recommendations to the Governing Body for final disposition to be sent to the Kansas Small Cities Program.

The City Attorney will submit each complaint with his legal comments to the U.S. Department of Housing and Urban Development, Kansas City Regional Office, Region VII, Office of Fair Housing and Equal Opportunity, Gateway Tower 11, 400 State Avenue, Kansas City, Kansas 66101.

Any complaints filed with the Kansas Small Cities Program alleging violation of E.O. 11246 (discrimination in employment by construction contractors) will be referred to the:

Office of Federal Contracts
Compliance Programs
Gateway Tower 11 – 400 State Ave.
Kansas City, Kansas 66101

Fair Housing Discrimination complaints will be submitted by the City Attorney with complainant's written complaint, HUD 903 Form, and the City Attorney's legal comments to HUD.

Department of Housing & Urban Development
Kansas City Regional Office
Office of Fair Housing & Equal Opportunity
Gateway Tower 11 – 400 State Ave.
Kansas City, Kansas 66101

The names of the complainants and the names of respondents will not be disclosed to any entity other than HUD.

The complainant will be advised they can also initiate housing discrimination complaints by calling the Hotline Number 1-800-669-9777.

Original copies of all Civil Rights complaints received by the City Clerk/Administrator (205 Union St, PO Box 313, Council Grove, KS 66846) will be retained in the Council Grove, Kansas grant file.

The city will adhere to all rules and regulations as pointed out in the "Kansas Commission on Civil Rights Complaint Procedures Handbook", which is available to all parties at the City Clerk's Office, which includes filing forms.

Mayor

City Clerk

(Seal)

DATE: _____

Council Grove, KS Procurement Procedure Policy

I. One of the following five procedures will be employed when procuring services:

a. Small Purchases

Small purchase is a relatively simple and informal method used where goods or services do not cost in the aggregate more than \$25,000.

- (1) Price or rate quotations will be obtained (either by phone or in writing) from an adequate number of qualified sources (generally at least three sources).
- (2) Documentation regarding the businesses contacted and the prices quoted will be maintained.
- (3) Written documentation regarding basis for selection and cost will be maintained if bids are taken or qualifications and proposals are requested.
- (4) Preparation and signing of a contract formalizing a scope of work and the terms of compensation will be required if over \$2,000. If costs are being paid from Local funds the county may follow their established purchasing agent policy.

b. Competitive Sealed Bids

Competitive sealed bids will be initiated by publishing an Invitation for Bids (IFB).

- (1) The IFB will be used when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost.
- (2) All bids received must be tabulated and reviewed according to defined selection criteria; the review must be in writing.
- (3) The contract awarded must be firm-fixed-price contract (lump sum or unit price).
- (4) Preparation and signing of a contract formalizing a scope of work and the terms of compensation will be required.

c. Competitive Negotiations

Competitive negotiations will be initiated by publishing a Request for Proposals (RFP) or a Request for Qualifications (RFQ). The RFP is used when price is a factor in selection; the RFQ is used when price is considered after selection (generally only for engineering services).

- (1) In both the RFP and RFQ, the services to be procured will be clearly defined, as will the factors to be used in evaluation and selection.

- (2) All proposals received are to be reviewed according to the defined selection criteria; the review should be in writing.
- (3) For RFQs, an invitation is made to one or more respondents to negotiate a price or fee.
- (4) For both RFPs and RFQs, selection is made on the basis of the most responsible offer or price and other factors considered.
- (5) Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.

d. Non-Competitive Negotiations

Non-competitive negotiations can be used only when (1) the use of competitive negotiations is not feasible, (2) there is some public emergency, or (3) the results of the competitive negotiations are inadequate.

- (1) Negotiations are conducted with the selected company regarding a scope of work and price.
- (2) Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.

e. Minority Solicitation for Small Purchases, Competitive Sealed Bids, Competitive Negotiations, and so forth:

If federal funds are being utilized for any of the above, the city will contact at least three (3) minority businesses for solicitation of services and materials, formalizing a scope of work and/or materials list.

II. Maintain Procurement Files

1. The city will establish procurement files for all contracts in excess of \$2,000. These files will include copies of advertisements, RFP/RFQ, a list of where bid packages were sent, copies of all bids or proposals received, and the county's written review of the proposals including cost data and the reasons for their selection. If a contract is non-competitively negotiated, the file should include your justification for negotiation. The file must always include cost and price detail documenting the reasonableness of cost and a written statement explaining the basis of selection. The primary requirement of OMB Circular A-102 Attachment O is that the process of securing services with federal funds is open and competitive and that it is documented.
2. After the city has received either statements of qualifications from a RFQ or proposals in response to a RFP, the county can start their review process according to the established selection criteria. It should be thorough, uniform and well documented. In fact, the preferred method is that the review be conducted by a committee composed of at least three people who have technical knowledge of the type of project the county is considering. However, these reviewers should have no potential conflicts of interest with any of the firms

or individuals under review such as family relationships, close friendships or business dealings. Some of the evaluation criteria the city should consider include:

- a. Specialized experience or technical expertise of the firm and its personnel in connection with the type of services to be provided and complexity of the project.
- b. Past record of performance on contracts with the locality and other clients, including quality of work, timeliness and cost control.
- c. Capacity of firm to perform the work within time limitation, taking into consideration the current and planned workload of the firm.
- d. Familiarity of the firm with the type of problems applicable to the project.

The relative importance of each of these factors can be determined beforehand by assigning values to each (for example, specialized experience may be assigned 40 points out of a total possible of 100 points). You may also wish to establish an evaluation consideration of local firms if familiarity with local conditions is an important element for a successful project.

III. Once a firm is chosen and the basis of selection is documented along with the reasonability of cost, the city will start the preparation of a contract with the successful individual or firm. The contract must include the following provisions:

a. General Administrative Provisions

- (1) Effective date of contract.
- (2) Names and addresses of the locality and firm.
- (3) Names of representatives of locality and firm who will act as liaison for administration of the contract.
- (4) Citation of the authority of the county under which the contract is entered into and source of funds.
- (5) Conditions and terms under which contract may be terminated by either part, both termination for cause and termination for convenience, and remedies for violation/breach of contract.

IV. Professional and Personal Services Contracts

1. It is recommended that the competitive negotiation method be used to procure professional services in excess of \$25,000.

- a. The city can issue a Request for Proposals (RFP) or a Request for Qualifications (RFQ). The RFP is used when price is a factor in selection; the RFQ is used when price is considered after selection (generally only for engineering/architectural services). The first step in both processes is to determine which services you need. The city must clearly define the services and the factors to be used in evaluation and selection.
- b. If statements of qualifications are used, the city must review and rank each according to your previously established selection criteria. This review must be

documented in writing. Upon determination of the best statements, an invitation is made to one or more respondents to negotiate a price or fee. The city must document the reason the firm is chosen and that the price established is reasonable.

- c. If the city chooses to issue an RFP, it should specify the scope of services to be provided and the type of contract to be used: cost reimbursement, fixed price, or per diem contract. Cost plus a percentage of cost contracts cannot be used.
- d. The RFP should also: specify that cost and price data is required to support the proposed cost, state anticipated start and completion dates, and list evaluation criteria that the city will use in ranking proposals. Additionally, the city should provide, or make available, any materials such as reports, maps and site plans to assist interested firms in preparing responsive proposals. If the project is complicated, the city may want to hold a pre-bid conference with qualified and interested parties to discuss the project.

2. Scope of Services

- a. Detailed description of extent and character of the work to be performed.
- b. Time for performance and completion of contract services, including project milestones, if any.
- c. Specification of materials or other services to be provided by both parties, e.g., maps, reports, printing, etc.

3. Method of Compensation

- a. Amount of contract.
- b. Provisions for compensation for services including fee and/or payment schedules and specification of maximum amount payable under contract.

4. State and Federal Standard Provisions

All professional contracts must state that the contracting firm will abide by the laws and regulations described in the "Applicable Laws and Regulations" sections of all federal and state program guidelines.

V. Other Contracts

When securing contract services other than personal or professional, it is recommended that the following steps be taken:

1. Written Procurement Procedures

- a. The competitive sealed bid is the method generally used to precede materials, supplies, equipment or contractors services other than personal or professional. Bidding should be employed for contracts over \$25,000 when specifications for the goods or services to be procured can be prepared and the primary basis for award is cost.
- b. The city can issue an Invitation for Bids (IFB) notice. This notice should be published at least once in a least one official newspaper or general circulation within the community. The city may also solicit bids from responsible prospective suppliers by sending them a copy of the notice. The advertisement for bids must allow enough time for preparation of bids by interested parties. If the project is complicated the city may want to hold a pre-bid conference with qualified and interested parties to discuss the project.
- c. The IFB should include a general description of the goods or services to be procured, the location where bid specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as: Section 3 of the 1968 Housing Act, Section 109 of the 1984 Housing and Community Development Act, the Civil Rights Act of 1964 and Executive Order 11246.
- d. The sealed bids should be opened in public at the time and place stated in the IFB and tabulated at that time.

2. Selection Procedures

After the city has received the bids the city can start their review process according to the established criteria. In addition to price, the following bid evaluation criteria may be used with varying weights dependent upon the particular procurement to be made.

- a. Character, integrity, reputation, judgment, and experience of the firm.
- b. Ability of the vendor to provide the material or service promptly or within the time specified.
- c. Quality of performance by the vendor on previous contracts, orders or services.
- d. Ability of the vendor to provide future maintenance and service for all equipment purchased from the vendor.

The criteria upon which a bid will be evaluated should be established by a review committee. The review should be thorough, uniform and well documented. The review committee will make a decision as to whom the contract should be awarded. All bidders must be informed of the bid award.

The estimated costs should be analyzed to determine whether the price of services required is reasonable. Comparative prices in the area for similar services could be used in the analysis. Professional organizations, boards of trade and unions could be consulted for assistance. Costs plus a percentage of cost and percentage of construction costs method of contracting shall not be used.

All procurement transactions must be documented. Regardless of the method of procurement chosen, the city must develop and retain records to demonstrate their reasons for choosing the method of procurement, consultant qualifications, contract specifications or scope of work and the basis for selection of scope of work and the basis for selection or rejection of the contractor. Contract records must also document the basis for the contract price, including the cost analysis used to determine the contract price.

When the city receives only one response to a competitive solicitation, the solicitation should be reviewed to determine whether it was unduly restrictive or geared to a particular contractor. The locality should document the file to show that such a review was done and indicate any steps taken to ensure that further solicitations do not preclude competition.

The city may cancel an Invitation for Bid or reject all bids if it is determined in writing that it is in the best interest of the county.

3. Contract Preparations

- a. Once a firm is chosen, the city may start preparation of a contract with the successful individual or firm. The contract must include all of the following provisions:
 - (1) Scope of Services
 - (2) Contract Amount
 - (3) Effective date of Contract
 - (4) Method of Compensation
 - (5) State and Federal standards described in the "Applicable Laws and Regulations" section of the Federal Program Guidelines.
- b. The statement of work should be prepared by the city in accordance with procurement procedures. It must describe as precisely as possible the tasks to be completed, specify timetables for completion, identify the products and/or services to be delivered and stipulate the method of payment. The statement of work could be used as a tool to measure performance, but only if the desired outcomes are clearly specified in measurable products.

Adopted by the Governing Body of the City of Council Grove, Kansas.

Mayor

City Clerk

(SEAL)

DATE: _____