

ORDINANCE NO. 3479

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2 ADMINISTRATION, ARTICLE VIII, PURCHASING, SECTION 2-116, GENERALLY; SECTION 2-118, BIDS REQUIRED; INVITATION; SECTION 2-125, WHEN BIDDING NOT REQUIRED; ARTICLE IX, SURPLUS PROPERTY, SECTION 2-130, BIDDING; AND ARTICLE X, PAYMENT OF MUNICIPAL OBLIGATIONS, SECTION 2-143, AUTHORITY TO INSTITUTE LEGAL ACTION AND SETTLE CLAIMS; PROVIDING FOR REPEALER, SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

**ORDINANCE**

**Section 1.** That the Midwest City Municipal Code, Chapter 2 Administration, Article VIII, Purchasing, Section 2-116, Generally; is hereby amended to read as follows:

(a) For the purpose of this article every city contract for the purchase of supplies, materials, equipment or personal services, or any combination thereof, that is greater than one hundred thousand dollars (\$100,000.00) shall require the prior approval of the city council, and under no circumstances may such contract or purchase be made without obtaining the approval of the city council.

(b) All city purchases of supplies, materials, equipment or personal services, or any combination thereof, for the various departments and agencies of the city government of one hundred thousand dollars (\$100,000.00), or less, shall be made by the city manager or other city personnel in accordance with the Charter and procedures established by the city manager.

**Section 2.** That the Midwest City Municipal Code, Chapter 2 Administration, Article VIII, Purchasing, Section 2-118, Bids required; invitation; is hereby amended to read as follows:

Every city contract for purchase of supplies, materials or equipment exceeding one hundred thousand dollars (\$100,000.00) shall be purchased from the lowest and best bidder after due notice inviting bids by this city or any other political subdivision in the state with similar or more stringent bidding requirements, or the city may avail itself of the provisions of the Oklahoma Central Purchasing Office as its agent for the purchase or procurement of any item provided under the Oklahoma Central Purchasing Act. If this city chooses to solicit bids and provides such notice, that notice shall be published in an official newspaper in the city at least ten (10) days prior to the date set for the receipt of the bids.

**Section 3.** That the Midwest City Municipal Code, Chapter 2 Administration, Article VIII, Purchasing, Section 2-125, When bidding not required; is hereby amended to read as follows:

Competitive bidding shall not be required for city contracts in the following cases:

1 (1) Supplies, materials or equipment which cost one hundred thousand dollars  
2 (\$100,000.00), or less.

3 (2) Supplies, materials or equipment purchased from another unit of government at a  
4 price determined below that obtainable for private dealers, including war surplus.

5 (3) Contractual services purchased from a public utility at a price or rate determined  
6 by proper governmental authority.

7 (4) Contractual services of a professional nature, such as engineering, architectural,  
8 legal, accounting, medical, laboratory testing or other such professional or skilled services.

9 (5) Any contract for goods, supplies, materials, equipment and/or services that meets  
10 the requirements and conditions of a sole source contract, as that term is defined and used in  
11 Oklahoma State Statutes. The City of Midwest City hereby adopts the requirements and  
12 procedures set forth in Oklahoma State Statute to determine whether a contract for goods,  
13 supplies, materials, equipment and/or services is a sole source contract.

14  
15 **Section 4.** That the Midwest City Municipal Code, Chapter 2 Administration, Article IX, Surplus  
16 Property, Section 2-130, Bidding; is hereby amended to read as follows:

17  
18 (a) Before any property, real or personal, shall be sold as surplus, the city manager shall review  
19 the list of property and may transfer an item or items of property to or between departments or  
20 agencies.

21 (b) If the city manager determines that the item or items no longer have a value to the city, he  
22 shall recommend to the city council that the item or items be declared surplus.

23 (c) After being declared surplus by the city council, the item or items shall be sold individually  
24 or as a lot or lots to the highest bidder either by auction or sealed bid; or the item or items may  
25 be, if authorized by the city council, traded for supplies, materials or equipment to be used by  
26 the city so long as said trade is advertised and, if required under article VIII of this chapter, the  
27 purchase of the supplies, materials or equipment is competitively bid.

28 (d) As used here an item or items shall mean supplies, materials, equipment, real or personal  
29 property.

30 (e) Real property donated to or bought by the city for promoting home ownership programs,  
31 pursuant to the guidelines or state and federal grant programs, shall be exempt from the  
32 requirement of selling the property by competitive bid. The property must first be declared  
33 surplus property in accordance with the procedures set forth in this section. The buyer of the  
34 properties must meet the guidelines and objectives of the federal and state housing grant  
35 programs and shall be subject to the oversight of the city manager or his designee. Any objections  
36 to the sale shall be heard by the council.

37  
38 **Section 5.** That the Midwest City Municipal Code, Chapter 2 Administration, Article X, Payment  
39 of Municipal Obligations, Section 2-143, Authority to institute legal action and settle claims; is  
40 hereby amended to read as follows:

41  
42 (a) The city manager has authorization to institute legal action in the appropriate legal forum  
43 of any jurisdiction on behalf of the city to recover any amount owed to the city.

44  
45 (b) The city manager has final authority to settle all claims and law suits of any sort or nature  
46 in an amount not to exceed one hundred thousand dollars (\$100,000.00).

1  
2 (c) All claims and law suit settlements in amounts in excess of one hundred thousand dollars  
3 (\$100,000.00) shall be presented to the city council for its approval or rejection of payment.  
4

5 **Section 6.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
6 repealed.  
7

8 **Section 7.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
9 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
10 of the ordinance.  
11

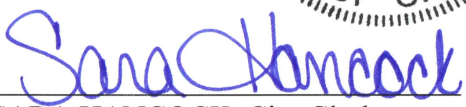
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
13 Oklahoma, this 10 day of May, 2022.  
14

15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

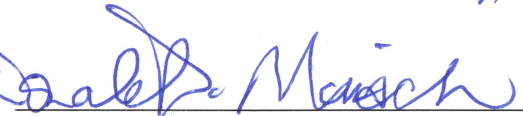


16  
17  
18   
19 MATTHEW D. DUKES, II, Mayor  
20

21 ATTEST:

22  
23   
24 SARA HANCOCK, City Clerk  
25  
26

27  
28 Approved as to form and legality this 15<sup>th</sup> day of May, 2022.  
29

30   
31 DONALD D. MAISCH, City Attorney  
32  
33  
34

1 **Section 8.** EMERGENCY. The City Council declares these ordinance amendments to be an  
2 emergency, it being immediately necessary for the preservation of the peace, health and safety of  
3 the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put  
4 into full force and effect, an emergency is hereby declared to exist by reason whereof this  
5 ordinance shall take effect and be in full force from and after its passage as provided by law.

6  
7 EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City  
8 of Midwest City, Oklahoma, this 10 day of MAY, 2022.

9  
10 **THE CITY OF MIDWEST CITY, OKLAHOMA**



11  
12  
13 Matthew D. Dukes, II  
14 MATTHEW D. DUKES, II, Mayor

15  
16 ATTEST:

17  
18 Sara Hancock  
19 SARA HANCOCK, City Clerk

20  
21  
22  
23 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

24