

AGENDA
Fiscal Committee

Monday, April 4, 2011

***4:30 PM
Carnegie

Town Hall

235 West

10th Street

***Committee Meeting will start immediately following the adjournment of the 4:00 p.m. Informational Meeting

1. Call To Order

2. Approval of Minutes

A. Friday, February 25, 2011

3. Reports and Updates

B. Discussion of the authorization of city contracts (SDCL9-1-5 and Sec. 34 1/2-1).

C. Budget Analyst Position (report only).

4. Open Discussion

5. Adjournment

Date: 2011-04-04
SIRE Meeting ID: 1464
Meeting Type: Committee Meeting
Subtype: Fiscal Committee
YouTube:<https://youtu.be/9zN-PdRCj38>
Agenda Item: Not Assigned
Item ID: 57742

The following document(s) are public records obtained from the
City of Sioux Falls.

Sec. 34 1/2-1. Mayor to sign contracts and agreements.

The mayor or a person designated in writing by the mayor is authorized to sign all contracts and agreements on behalf of the city. Any contract or agreement for park purposes shall be reviewed by the parks and recreation board and signed by the mayor. The signature of the mayor or his designee shall be attested by the city clerk.

(Ord. No. 28-95, § 1, 2-21-95)

 **Sec. 34 1/2-2. Budget administration manuals required.**

The mayor shall develop, promulgate, and update a manual or manuals containing procedures for administering the budget, including but not limited to the following: budgeting, purchasing, accounting, and records retention.

(Ord. No. 28-95, § 1, 2-21-95)

 **Sec. 34 1/2-3. Claims to be published.**

No claim against the city shall be audited or allowed unless it be fully itemized and a memorandum of the same submitted to the mayor. The memorandum shall be published by the city clerk on a monthly basis by vendor, expense class (repair, equipment, professional service or other similar class), and amount.

(Ord. No. 28-95, § 1, 2-21-95)

 **Sec. 34 1/2-4. Return of deposit to unsuccessful bidders.**

(a) In considering contracts of the city to be awarded on competitive bids, no bidder shall be required either in the advertisement for bids or otherwise to leave the certified check or other guarantee or bid bond posted for a period longer than 30 days if the bid is not accepted. The certified check or other guarantee or bid bond of the successful bidder shall be returned upon the execution of the contract.

(b) The certified checks or bid bonds of all unsuccessful bidders shall be returned by the city to the respective makers thereof and not more than 30 days shall lapse between the opening of the bids and either the acceptance of the bid of the lowest responsible bidder or the rejection of all the bids presented.

(c) However, if an ordinance requiring a supplemental appropriation or a transfer of appropriations requiring council action is required to provide necessary funding for a project, not more than 30 days shall lapse between the opening of the bids and either the acceptance of the bid of the lowest responsible bidder or the rejection of all the bids presented.

(Ord. No. 28-95, § 1, 2-21-95; Ord. No. 119-05, § 1, 11-14-05; Ord. No. 51-10, § 1, 6-7-10)

Sec. 34 1/2-5. Remedies available to city.

After receiving notice of a contract award, the successful bidder shall enter into a contract with the city within the time specified in the invitation for bids or request for proposals. If any bidder fails to timely enter into the contract, the contract may be awarded to the next lowest responsible bidder unless all bids or proposals are rejected. The defaulting bidder shall be responsible for the difference in price.

If any successful bidder fails to fulfill the conditions of an awarded contract, the city may proceed to recover from the defaulting party whatever damages may have been sustained as a result of the default. The city shall have all remedies provided in the contract and provided by law.

(Ord. No. 51-10, § 2, 6-7-10)

Sec. 34 1/2-6. Contracts to be let to lowest bidder.

All contracts of the city whether for the construction of public improvements or contracts for the purchase, lease or rental of materials, supplies or equipment, when such contracts involved an expenditure equal to or in excess of the amount provided for in the bid laws of the state shall be awarded within 30 days of the bid opening by written notice to lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. The mayor may reject any and all bids and re-advertise for proposals if none of the bids are satisfactory, or if the mayor believes any agreement has been entered into by the bidders to prevent competition. If the low bidder is not responsible or the bid is not made in accordance with the requirements of the state competitive bid laws or the low bid is withdrawn as authorized by this section, the bid of the next lowest responsible and responsive bidder may be accepted.

(Ord. No. 28-95, § 1, 2-21-95; Ord. No. 51-10, § 3, 6-7-10)

Sec. 34 1/2-7. Publication of advertisement for bids.

If the city intends to enter into a contract for any public improvement that involves the expenditure of \$50,000.00 or more, or a contract for the purchase of supplies or services, other than professional services, that involves the expenditure of \$25,000.00 or more, the mayor shall cause advertisement of bids or proposals therefor to be printed at least twice, with the first publication at least ten days before the opening of bids or the deadline for the submission of proposals. Both publications shall be in the official newspaper of the city. The advertisement shall state the time and place where bids will be opened or the deadline for the submission of proposals. In all notices, the mayor shall reserve the right to reject any and all bids or proposals. If the city lists a bid on the centralized bid exchange of the state, the city need not make the second publication required by this section.

(Ord. No. 28-95, § 1, 2-21-95; Ord. No. 7-99, § 1, 1-4-99; Ord. No. 118-05, § 1, 11-14-05; Ord. No. 175-07, § 1, 11-13-07; Ord. No. 51-10, § 4, 6-7-10)

📖 Sec. 34 1/2-8. Emergency award of contract without advertising.

The mayor may make an emergency procurement without advertising the procurement if rentals are not practicable and there exists a threat to public health, welfare, or safety or for other urgent and compelling reasons. Failure to abide by the bid provisions in a timely manner is not an emergency. An emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of particular contractors shall be included in the contract file.

(Ord. No. 28-95, § 1, 2-21-95; Ord. No. 51-10, § 5, 6-7-10)

📖 Sec. 34 1/2-9. Negotiation of contract when no bids received.

If after advertising for bids for purchase of materials, supplies or equipment, no bids are received, the mayor may negotiate a contract for the purpose of the materials, supplies or equipment at the most advantageous price. However, the materials, supplies or equipment shall meet the specifications of the original advertisement bids. The mayor shall contact and attempt to obtain competitive quotations from at least three suppliers. The mayor shall maintain a record of the names of the suppliers, the quotations received and the procurement procedures used in purchasing. The contract may include a procedure for adjusting prices to meet changing market conditions not within the control of the vendor. The adjustments may not result in increases in the profit of the vendor and shall be supported by a written justification filed with the purchasing agent of the city.

(Ord. No. 28-95, § 1, 2-21-95)

📖 Sec. 34 1/2-10. Negotiation of contract when firm competitive bids not received.

If after advertising for bids for the purchase of materials, supplies or equipment, firm competitive bids are not received, the mayor may reject all bids and negotiate a contract for the purchase of the materials, supplies or equipment at the most advantageous price, provided that the materials, supplies or equipment meet the specifications of the original advertisement for bids. The mayor shall contract and attempt to obtain competitive quotations from at least three suppliers, the quotations received and the procurement procedures used in purchasing. The contract may include a procedure for adjusting prices to meet changing market conditions not within the control of the vendor. The adjustments may not result in increases in the profit of the vendor and shall be supported by written justification filed with the purchasing agent of the city.

(Ord. No. 28-95, § 1, 2-21-95)

📖 Sec. 34 1/2-11. Purchase from state price list.

The city may purchase, without advertising for bids, from a willing vendor, any commodities, materials, supplies, or equipment contained in the state price list established pursuant to SDCL 5-23-8.1, or from any willing vendor at a price at or below that shown on the state price list. The finance officer shall file with the mayor a memorandum describing what commodities, materials,


supplies, or equipment were purchased from the state price list and shall further note the identity and address of the vendor and the price paid. If an item is purchased at a price lower than that found on the state price list, the finance officer shall note that fact in his memorandum and show the identity and address of the vendor and the price paid.

(Ord. No. 28-95, § 1, 2-21-95; Ord. No. 16-03, §1, 2-10-03; Ord. No. 117-05, § 1, 11-14-05)

 **Sec. 34 1/2-12. Items exempt from competitive bidding.**

The city may purchase or lease storm-caused debris removal services, sewer clean up services, art as defined by SDCL 1-22-9, chemical products, biological products, laboratory apparatus and appliances, library books, medical supplies, lubricating oils and grease, snow removal services, personal computers, telecommunication equipment, any equipment repair, tableware or perishable foods, surplus property from another municipality, any animals, asbestos removal and emergency response action, services provided by individuals or firms for consultants, audits, legal services, ambulance services, architectural services and engineering, insurance, real estate services, auction services, peripheral computer hardware, printers, networking components, software, and related connectivity without advertising for competitive bids.

(Ord. No. 25-96, § 1, 2-20-96; Ord. No. 49-97, § 1, 7-7-97; Ord. No. 8-99, § 1, 1-4-99; Ord. No. 95-99, § 1, 9-20-99; Ord. No. 55-00, § 1, 6-19-00; Ord. No. 102-01, § 1, 11-13-01; Ord. No. 8-03, § 2, 1-21-03; Ord. No. 41-04, § 1, 4-19-04; Ord. No. 51-10, § 6, 6-7-10)

 **Sec. 34 1/2-13. Capital program.**

The capital program required by Article V of the Charter shall be a five-year plan for annual capital acquisitions to meet capital needs for the city. It shall identify and project funding to finance each project.

(1) Capital improvements consist of capital acquisitions including, but not limited to, land, buildings, equipment, and infrastructure improvements. Capital improvements shall be defined within the city's accounting manual and become capital assets on the city's balance sheets.

(2) All pooled development driven street projects shall be prioritized by the capital improvement program committee and approved by the city council.

(3) The city council may amend the current capital program by resolution.

(Ord. No. 83-96, § 1, 8-5-96; Ord. No. 25-01, § 1, 3-12-01; Ord. No. 13-04, § 1, 2-9-04; Ord. No. 82-05, § 1, 8-5-05)

 **Sec. 34 1/2-14. Design-build contracts.**

The performance criteria for any public improvement for which a design-build contract has been authorized by the city council may include the acquisition through deed or lease of the real property upon which the improvement is located.

(Ord. No. 102-99, § 1, 10-4-99)

 **Sec. 34 1/2-15. Construction manager-at-risk authorized.**

Notwithstanding any other provision of law, the city may construct public improvements using the construction manager-at-risk method of project delivery. The mayor shall, by executive order, establish rules for the administration of the construction manager-at-risk method of project delivery.

(Ord. No. 110-00, § 1, 12-18-00)

 **Sec. 34 1/2-16. Construction manager-at-risk defined.**

Construction manager-at-risk means a city project delivery system in which:


- (1) The city provides design services or there is a separate contract for design services, and there is a separate contract for construction services.
- (2) The contract for construction services may be entered into at the same time as the contract for design services or at a later time.
- (3) Design and construction of a project may be in sequential phases or concurrent phases.
- (4) Labor, materials, and other construction services, including financial services, maintenance services, operation's services, preconstruction services, and other related services may be included in contracts with construction managers-at-risk.
- (5) Construction services which are not competitively bid may be negotiated.

(Ord. No. 110-00, § 1, 12-18-00)

 **Sec. 34 1/2-17. Compatibility with other laws.**

The city shall follow the procedures of the laws governing public improvement construction contracts to the extent such laws are compatible with the use of construction manager-at-risk contracts.

(Ord. No. 110-00, § 1, 12-18-00)

 **Sec. 34 1/2-18. City council authorization.**

The city council shall, for each public improvement performed using the construction manager-at-risk method, determine by resolution that it is in the best interest of the public to enter into such a contract to complete the public improvement.

(Ord. No. 110-00, § 1, 12-18-00)

Date: 2011-04-04
SIRE Meeting ID: 1464
Meeting Type: Committee Meeting
Subtype: Fiscal Committee
YouTube:<https://youtu.be/9zN-PdRCj38>
Agenda Item: Not Assigned
Item ID: 57742

The following document(s) are public records obtained from the
City of Sioux Falls.

1st Reading: _____
2nd Reading: _____
Date Adopted: _____
Date Published: _____
Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY AMENDING THE PROCESS FOR THE APPROVAL OF CONTRACTS.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 34 ½-1 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 34 ½-1. Authorization of contracts and agreements.

In addition to provisions in city charter section 2.12, 2.11(c), 34 ½ 1.1 and 34 ½ 1.2, contracts, agreements and amendments to contracts and agreements in excess of \$20,000 per vendor, for each calendar year, shall be approved by the city council, except for contracts subject to city ordinance sections 34 ½-8, 34 ½-11, and contracts for any public improvement that involves the expenditure of \$50,000 or more, and contracts for the purchase of supplies or services, other than professional services, that involves the expenditure of \$25,000 or more. Each contract or agreement of the city shall be executed in the name of the municipality by the mayor, or his or her designee, and shall be attested by the city clerk. The city clerk shall affix the corporate seal. Any contract or agreement for park purposes shall be reviewed by the parks and recreation board prior to council consideration. Contracts in excess of \$20,000 that are entered into by the mayor and are not subject to council approval shall be noticed to the city council on the consent agenda under communications. Change orders to contracts shall be noticed to city council on the consent agenda under communications.

All contracts of the City shall contain a provision that contractors shall not, in the performance of the contract, discriminate or permit discrimination in violation of Federal or State laws or local ordinances because of race, color, sex, age, political or religious opinions, affiliations, or national origin.

Section 2. That Section 34 ½-1.1 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 34 ½-1.1. Contracts involving public facilities.

No contract pertaining to the management of the city's public facilities will be valid unless the contract has been authorized by a vote of the city council at a duly assembled meeting. Contracts for public facilities shall be listed on the regular agenda for separate consideration. Prior to contract negotiations, the city council will be given notice by the administration in writing.

Section 3. That Section 34 ½-1.2 of the Revised Ordinances of Sioux Falls, SD is hereby amended to read as follows:

Section 34 ½-1.2. Approval of contracts for longer than one year.

In addition to provisions in city charter section 2.12, all contracts involving the payment of money from appropriations of more than one fiscal year of the city shall be approved by ordinance. No contract involving the payment of money from appropriations of more than one fiscal year of the city shall be made for a period of more than five years with an option to renew or renegotiate for subsequent up to five-year periods subject to the approval of the council in office at the time of said option or renegotiations is put into effect, nor shall such contract, option, or renegotiation be valid unless approved by ordinance.

Section 3. That Section 34 ½-2 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 34 1/2-2. Budget administration manuals required.

Subject to the city council approval, the mayor shall develop, promulgate, and update a manual or manuals containing procedures for administering the budget, including but not limited to the following: budgeting, purchasing, and accounting...

Section 4. That Section 34 ½-8 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 34 ½-8. Emergency award of contract without advertising.

The mayor, or his or her designee, may make an emergency procurement without advertising the procurement if rentals are not practicable and there exists a threat to public health, welfare, or safety or for other urgent and compelling reasons. Failure to abide by the bid provisions in a timely manner is not an emergency. An emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of particular contractors shall be included in the contract file and shall be provided to the city council within seven days of the award of the contract.

Section 5. That Section 34 ½-9 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 34 ½-9. Negotiation of contract when no bids received.

If after advertising for bids for purchase of materials, supplies or equipment, no bids are received, the mayor, or his or her designee, may negotiate a contract for the purpose of the

materials, supplies or equipment at the most advantageous price. However, the materials, supplies or equipment shall meet the specifications of the original advertisement bids. The mayor, or his or her designee, shall contact and attempt to obtain competitive quotations from at least three suppliers. The mayor shall maintain a record of the names of the suppliers, the quotations received and the procurement procedures used in purchasing. The contract may include a procedure for adjusting prices to meet changing market conditions not within the control of the vendor. The adjustments may not result in increases in the profit of the vendor and shall be supported by a written justification filed with the purchasing agent of the city.

Section 6. That Section 34 1/2-18 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 34 1/2-10. Negotiation of contract when firm competitive bids not received.

If after advertising for bids for the purchase of materials, supplies or equipment, firm competitive bids are not received, the mayor, or his or her designee, may reject all bids and negotiate a contract for the purchase of the materials, supplies or equipment at the most advantageous price, provided that the materials, supplies or equipment meet the specifications of the original advertisement for bids. The mayor, or his or her designee, shall contract and attempt to obtain competitive quotations from at least three suppliers, the quotations received and the procurement procedures used in purchasing. The contract may include a procedure for adjusting prices to meet changing market conditions not within the control of the vendor. The adjustments may not result in increases in the profit of the vendor and shall be supported by written justification filed with the purchasing agent of the city.

Date adopted: _____

Mayor

ATTEST:

City Clerk

Date: 2011-04-04
SIRE Meeting ID: 1464
Meeting Type: Committee Meeting
Subtype: Fiscal Committee
YouTube:<https://youtu.be/9zN-PdRCj38>
Agenda Item: Not Assigned
Item ID: 57781

The following document(s) are public records obtained from the
City of Sioux Falls.

**City of Sioux Falls/City Council
Job Description**

Band	Grade	Subgrade
C	4	2

Job Classification	Department/Employee Group
Budget Analyst	City Council/Appointive

FLSA Category	Pension System
Exempt	Employee's Retirement System—General Division

Title of Immediate Supervisor
City Clerk/Chief of Council Operations

Job Summary
 Coordinate and provide financial research and analytical support for the activities of specific programs in support of the mission of the City Council.

Task No.	Description	Frequency
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1. Assist City Clerk/Chief of Council Operations in compiling the annual City Council budget, analyzing submission and requests and identifying problems and proposing solutions.
2. Assist in preparing reports relative to budget requests.
3. Analyze complex financial data, extracts and defines relevant performance information, develops critical decision-making reports, and assists in the communication of results.
4. Develop complex financial and accounting reports, budgets, forecasting and cash flow models, trending information, statistical data, and technical specifications.
5. Monitor budget performance, financial forecasts and rate models, statistical data points, debt service covenants, and investment performance; and reports to City Council about current trends and developments.
6. Monitor and analyze financial systems and reports to ensure that financial transactions are properly recorded and results from operations are properly reported.
7. Evaluate and assess the true costs associated with the procurement of capital equipment and other goods and services.

8. Advise council of fiscal impacts of legislation requiring council action.
9. Perform other such duties and functions as are outlined for this position as directed by the City Clerk/Chief of Council Operations and City Council.

Minimum Qualifications

Graduation from a college or university with a degree in accounting, finance, economics, or business administration and a minimum of two (2) years' highly relevant experience in finance; or any such combination of education, experience, and training as may be acceptable to the hiring authority.

Knowledge, Skills, and Abilities

Knowledge of the principles of accounting, finance, cash management, investment, and statistics and ability to apply those principles to perform a variety of financial functions.

Ability to transform financial data into financial information and effectively communicate that information to a variety of audiences.

Knowledge of Generally Accepted Accounting Principles.

Ability to establish and maintain effective working relationships within the City Council department and throughout all city departments.

Skill in using financial systems and financial worksheets.

Ability to communicate effectively both orally and in writing.

Demonstrates effective public speaking and presentation skills.

Knowledge of and ability to understand current laws, rules, regulations, administrative policies, and procedures relating to the city budget practices.

Demonstrates an understanding of job-required software applications, the internet and department specific procedures, and utilizes these tools in completing daily assignments.

Demonstrates a commitment to customer service and an understanding of services provided and assists in setting the service standard.

Demonstrates self management and accountability to assigned work group by exhibiting flexibility and adaptability, maintaining a positive work image and producing quality work products in a timely manner.