



MEMORANDUM

TO: Mayor Laurel L. Prussing and Members of City Council
FROM: William R. Gray, Public Works Director
DATE: August 8, 2013
RE: Emergency Purchase of Air Conditioning Equipment at Main Fire Station (400 South Vine Street) and Policy for Emergency Purchase of Equipment and/or Supply in Excess of Ten Thousand Dollars

Introduction

On July 22, 2013, the air conditioning compressor failed at the main fire station located at 400 South Vine Street. The unit is nineteen years old. Since this facility is used on a continuous basis and because of the time of year of the failure, staff considered this an emergency and sought proposals immediately to replace the compressor unit. The unit replacement and installation cost exceeds \$10,000. City purchasing procedures require an advertisement and formal bid to determine the lowest responsible bidder. This process can take four to six weeks. Calling known providers of this work and seeking proposals can be done in about one week. In an effort to expedite this repair the mayor seeks approval of the attached ordinance confirming a directive to undertake the purchase of this equipment and have it promptly installed.

Secondly, the Urbana Municipal Code does not permit such emergency purchasing without going through a formal advertisement and bid process. It is recommended that an ordinance be approved that would grant such emergency purchasing authority to the mayor or his/her designee and that the city council be notified in writing of such purchases at its next regularly scheduled meeting. Attached please find a second ordinance that would support this action. Local agencies commonly have emergency purchasing authority. This ordinance would provide clear direction to city staff how to address these matters in the future.

Recommendation

It is recommended that the two attached ordinances be approved.

ORDINANCE NO. 2013-08-072

**AN ORDINANCE AMENDING TO CREATE AN EMERGENCY
EXCEPTION TO THE ORDINANCE CONCERNING THE PURCHASE OF
EQUIPMENT AND/OR SUPPLY IN EXCESS OF TEN THOUSAND DOLLARS**

WHEREAS, the City of Urbana (“Urbana”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois;

WHEREAS, there currently exists within the Urbana Municipal Code (“Code”) an ordinance which governs the purchase of equipment and/or supply in excess of ten thousand dollars (\$10,000.00);

WHEREAS, Section 2-115 of the Code provides:

All contracts for the purchase of supplies or equipment requiring an expenditure of a sum in excess of ten thousand dollars (\$10,000.00) shall be advertised for bids and let to the lowest responsible bidder, the city council, however, reserving the right to reject all bids;

WHEREAS, the aforesaid Section contains no exception which would permit the City to purchase equipment and/or a supply in excess of ten thousand dollars (\$10,000.00) in order to address, remediate or resolve an emergency situation or condition which arises unexpectedly;

WHEREAS, the City Council of the City of Urbana (“Council”) deems it to be in the public interest to allow the purchase of equipment and/or a supply in order to address, remediate or resolve an emergency situation or condition without the delay of advertising for bidders which sell such equipment and/or supply; and

WHEREAS, the Council seeks to create a limited exemption to address the aforesaid public interest.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The language currently contained in Section 2-115 of the Urbana Municipal Code shall be stricken and in its place the following language shall be and hereby is inserted as Section 2-115:

(a) Except as otherwise provided in paragraph (b) of this Section, all contracts for the purchase of supplies or equipment requiring an expenditure of a sum in excess of ten thousand dollars (\$10,000.00) shall be advertised for bids and let to the lowest responsible bidder, the city council, however, reserving the right to reject all bids.

(b) Notwithstanding anything to the contrary contained in paragraph (a) of this section, the Mayor or his or her designee may authorize a purchase of equipment or supplies in excess of ten thousand dollars (\$10,000.00) to address or resolve an emergency which affects or which is expected to affect human life, health, safety, or welfare. The Mayor or his or her designee shall declare the emergency in writing setting forth the nature of the emergency and which identifies or describes the equipment and/or supply sought to be purchased. Such writing shall be directed to and retained by the Finance Department and the Mayor or his or her designee shall inform the City Council at its next regularly scheduled meeting of the purchase and the emergency situation or condition sought to be addressed or resolved thereby.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute on behalf of the City of Urbana, Illinois and deliver to the City Clerk of the City of Urbana, Illinois, the latter being and the same being hereby authorized to attest to said execution of this Ordinance.

PASSED BY THE CITY COUNCIL this _____ Day of _____, 2013.

Phyllis D. Clark, City Clerk.

APPROVED BY THE MAYOR OF THE CITY OF URBANA, ILLINOIS this ____ Day of _____, 2013.

Laurel Lunt Prussing, Mayor.

ORDINANCE NO. 2013-08-073

**AN ORDINANCE PROVIDING FOR RATIFICATION OF THE MAYOR'S
DIRECTIVE TO UNDERTAKE A PURCHASE OF EQUIPMENT WITH
A PURCHASE PRICE IN EXCESS OF TEN THOUSAND DOLLARS TO ADDRESS AN
EMERGENCY WITHOUT ADVERTISING FOR BIDS FOR SUCH EQUIPMENT**

WHEREAS, the City of Urbana ("Urbana") is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois;

WHEREAS, there currently exists within the Urbana Municipal Code ("Code") an ordinance which governs the purchase of equipment and/or supply in excess of ten thousand dollars (\$10,000.00);

WHEREAS, Section 2-115 of the Code provides:

All contracts for the purchase of supplies or equipment requiring an expenditure of a sum in excess of ten thousand dollars (\$10,000.00) shall be advertised for bids and let to the lowest responsible bidder, the city council, however, reserving the right to reject all bids;

WHEREAS, the aforesaid Section contains no exception which would permit the City to purchase equipment and/or a supply in excess of ten thousand dollars (\$10,000.00) in order to address, remediate or resolve an emergency situation or condition which arises unexpectedly;

WHEREAS, the air-conditioning unit needed to cool that section of the City Building located at 400 South Vine Street, Urbana, has ceased to function thereby making conditions in the firehouse located at the aforesaid location potential dangerous to human life, health, safety, and/or welfare;

WHEREAS, the Mayor, in order to address the above-described emergency, authorized the purchase of an air-conditioning unit to cool and maintain an appropriately safe temperature in the firehouse at the above-stated location without the advertising for bids for such equipment; and

WHEREAS, the City Council of the City of Urbana deems it necessary and appropriate to ratify and approve the Mayor's exercise of discretion to address remediate the emergency condition created by the failure of the firehouse air conditioner.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The action of the Mayor in directing the Public Works Department to replace the failed air conditioning unit which was intended to serve the firehouse located at 400 South Vine Street, Urbana, Illinois with a new air conditioning unit and to cause the installation of the said new air conditioning unit in the aforesaid location shall be and hereby ratified as if said directive had been submitted in advance to and approved by the City Council of the City of Urbana.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute on behalf of the City of Urbana, Illinois and deliver to the City Clerk of the City of Urbana, Illinois, the latter being and the same being hereby authorized to attest to said execution of this Ordinance.

PASSED BY THE CITY COUNCIL this _____ Day of _____, 2013.

Phyllis D. Clark, City Clerk.

APPROVED BY THE MAYOR OF THE CITY OF URBANA, ILLINOIS this ____ Day of _____, 2013.

Laurel Lunt Prussing, Mayor.