

**10.1100**

**CHAPTER 11  
CONTRACTS AND LEASES**

**10.1101**

**Sec. 11.1. PURCHASE AND SALE OF PROPERTY; RESTRICTIONS.**

- a. The city manager shall be responsible for the purchase and sale of all city property.
- b. Comparative prices shall be obtained for the purchase or sale in an amount not in excess of two thousand dollars, of all materials, supplies, and public improvements, except (1) in the employment of professional services and (2) when the city manager shall determine that no advantage to the city would result.
- c. In all sales or purchases in excess of two thousand dollars, (1) the sale or purchase shall be approved by the council, (2) sealed bids shall be obtained, except that where the council shall determine by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with, or purchase from, another unit of government, and (3) shall comply with the requirements of section 11.2. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The council may authorize the making of public improvements or the performance of any city work by any city agency, without competitive bidding.
- d. Purchase shall be made from the lowest qualified bidder meeting specifications, unless the council shall determine that the public interest will be better served by accepting a higher bid; sales shall be made to the bidder whose bid is most advantageous to the city. In any case where a bid, other than the lowest, is accepted, the council shall set forth its reasons therefor in its resolution accepting such bid.
- e. All purchases and sales shall be evidenced by written contract or purchase order.
- f. The city may not sell any park, cemetery, or any part thereof, except in accordance with restriction placed thereon by law.
- g. The city may not sell, exchange, or lease any real estate or any interest therein, except by the affirmative vote of five or more members of the council and subject to the referendary requirements of paragraph (h) of this section.
- h. Agreement or contracts for the sale, exchange or the lease of real estate or any interest therein shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the council but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the council at which such agreement or contract is authorized.  
(char. eff. Nov. 25, 1974)

**10.1102**      **Sec. 11.2. OPENING AND ACCEPTANCE OF BIDS.**

Except as provided by section 11.1 of this chapter, each contract for public improvement or for the purchase of personal property shall be let only after opportunity for competitive bidding. All bids shall be opened in public in the council room by the clerk or the purchasing officer at the time designated in the notice that such bids will be received and shall be reported by him to the council at its next meeting. The council may reject any or all bids or parts of bids, if deemed advisable.

When one or more parts of a bid are rejected, the council may accept any part or parts which are not rejected. If, after two or more opportunities for competitive bidding have been had, with like notice and opportunity for bidding in each case, no bids have been received or the bids that have been received were not satisfactory to the council and were rejected by it, the council may endeavor to obtain new bids or may authorize the purchasing officer or proper official of the city to negotiate in the open market for a contract. If the council shall accept any bid, other than the lowest bid according to specifications, the reason for such action shall be set forth in the resolution accepting such bid.

(char. eff. Nov. 25, 1974)

**10.1103**      **Sec. 11.3. CONTRACTS.**

- a.      The authority to contract on behalf of the city is vested in the council and shall be exercised in accordance with the provisions of the law; provided, that purchases and sales may be made by the city manager, subject to the provisions of Sec. 11.1.
- b.      Any contract or agreement in an amount of two thousand dollars or more, made with form or terms other than the standard city purchase form, shall, before execution, be submitted to the city attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed with the office of the clerk, together with a copy of the opinion.
- c.      Before any contract, agreement, or purchase order which obligates the city to pay an account of two thousand dollars or more is executed the accounting officer of the city shall first certify that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds, by special assessments, or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the city for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing or purchase of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase or construction of a public improvement. Certification by the accounting officer of the city shall be endorsed on each contract, agreement or purchase order requiring the same or shall be filed as an attachment or rider thereto.
- d.      No contract or purchase order shall be subdivided for the purpose of

circumventing the dollar value limitations contained in this section.

- e. No contract shall be altered or amended, after the same has been made, except upon the authority of the council; provided that, the city manager may alter or amend contracts for those purchases and sales made by him under authority of section 11.1.
- f. No compensation shall be paid to any contractor except in accordance with the terms of the contract made with him.
- g. No contract shall be made with any person who is in default to the city.  
(char. eff. Nov. 25, 1974)

**10.1104**

**Sec. 11.4. RESTRICTION ON POWERS TO LEASE PROPERTY.**

- a. Any agreement or contract for the renting or leasing of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinance passed by the council but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the council at which such agreement or contract is authorized.
- b. The transfer or assignment of any agreement or contract for such renting or leasing of public property may be made only upon approval of the council but the approval of such transfer or assignment shall not be subject to referendum.
- c. Rentals and leases, and renewals thereof, shall be for a fair consideration as determined by the council.  
(char. eff. Nov. 25, 1974)