

## **ORDINANCE NO. 1433**

An Ordinance to Enact New Sub-Section (h) to Section 2-4-3 of the  
Mandan Code of Ordinances Relating to Cooperative Purchasing

Be it Ordained by the Board of City Commissioners as follows:

### **Sec. 2-4-3. – Competitive bidding required.**

- (a) All purchases of and contracts for supplies and contractual services, and all sales of property that have become obsolete or unusable must, except as otherwise provided in this article, be based on competitive bids.
- (b) All supplies and contractual services, except as otherwise provided in this article, when the estimated cost exceeds \$75,000.00 must be purchased at public sale from the lowest and best bid meeting or exceeding specifications pursuant to N.D.C.C. § 44-08-01.1 and subject to N.D.C.C. § 44-08-01.
- (c) All sales or dispositions of obsolete or unusable property, when the estimated value exceeds \$5,000.00, may be sold only at public sale pursuant to section 2-4-5.
- (d) Purchases of supplies and contractual services, when the estimated cost is \$10,000.00 or less, may be made in the open market without competitive bidding, unless otherwise required by law. Purchases of supplies and contractual services, when the estimated cost is more than \$10,000.00 but less than \$75,000.00, may be made in the open market without competitive bids, provided that documentation is submitted showing that prices or informal quotes were solicited from a minimum of three suppliers or, if fewer than three suppliers are available, from all available suppliers, unless otherwise required by law.
- (e) Any supplies, materials, equipment or contractual services previously competitively bid by the state or one of its agencies, for which the state or agency has made provision for participation by political subdivisions, may be purchased through the state or agency's bid letting upon approval by the board.
- (f) When the estimated costs for the construction of a public improvement is in excess of \$200,000.00, competitive bidding is required. (N.D.C.C. §§ 48-01.2-04, 48-01.2-02.1)
- (g) If the estimated cost for construction of a public improvement is in excess of \$200,000.00, plans, drawings and specifications for the improvement shall be procured from an architect or engineer. Plans, drawings, and specifications of an architect or engineer must be

stamped and sealed by the date of the initial bid advertisement. (N.D.C.C. §§ 48-01.2-02, 48-01.2-02.1)

- (h) With the approval of the board, the city may participate in cooperative purchasing agreements with the state, or another political subdivision of North Dakota or any other state, by executing a joint-powers agreement under chapter 54-40.3 of the North Dakota Century Code. This section does not apply to construction of a public improvement.

By: \_\_\_\_\_  
Tim Helbling, President, Board of  
City Commissioners

Attest:

\_\_\_\_\_  
James Neubauer, City Administrator

First Consideration: September 19, 2023  
Second Consideration and Final Passage: October 3, 2023