

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, AMENDING CHAPTER 26 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 26-107.2 PERTAINING TO EXEMPTIONS FROM PROCUREMENT CODE; AND AMENDING SECTION 26-114 PERTAINING TO PROCUREMENT; SMALL DOLLAR PURCHASE PROCEDURES; AND BY AMENDING SECTION 26-115.1 PERTAINING TO PROCUREMENT OF INFRASTRUCTURE FACILITIES AND SERVICES; GENERAL; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 26 of the Peoria City Code (1992) is amended by amending Section 26-107.2 pertaining to Exemptions from the procurement code and which shall read as follows:

Sec. 26-107.2. – Exemptions from the procurement code.

~~This code does not apply to contracts between this City, other political subdivisions and the State of Arizona, except as provided in this code.~~

~~This code does not apply to development agreements, as defined in Arizona Revised Statutes or contracts for the purchase or sale of real property and ancillary services related thereto, such as title insurance, appraisals or environmental assessments.~~

This code does not apply to:

- (a) Contracts between this City, other political subdivisions and the State of Arizona, except as provided in this code;
- (b) Development agreements, as defined in Arizona Revised Statutes;
- (c) Contracts for the purchase or sale of real property and ancillary services related thereto, such as title insurance, appraisals or environmental assessments;
- (d) The rental or use of City facilities;
- (e) Advertising sponsorships less than \$10,000 for Spring Training and other Special Events;

- (f) Water and wastewater treatment plant specialized services, maintenance, and equipment not readily available from more than one supplier and that matches equipment or processes already installed at a water or wastewater treatment plant (does not include water treatment chemicals or new water treatment construction, rehabilitation, or repairs);
- (g) Utilities, where there is no reasonable basis for competitive procurement, for example, telephonic communications, electric power, water, solid waste and debris collection (if provided by City of Peoria) and sewage;
- (h) Advertising in all media, including radio, television, print and electronic;
- (i) Magazine subscriptions;
- (j) Works of art for display in public buildings or places or other creative artistic endeavors that require a particular and demonstrated skill or talent to include, but not limited to professional entertainers, artists, musicians, and writers.
- (k) Transactions such as dues, memberships, subscriptions (not including software subscriptions), conference registration fees, professional development training, and related approved travel expenses (as long as travel complies with City Travel Policy).
- (l) Books and periodicals from the publishers or copyright holders thereof;
- (m) Postage costs.

SECTION 2. Chapter 26 of the Peoria City Code (1992) is amended by amending Section 26-114 pertaining to Procurement; small dollar purchase procedures and which shall read as follows:

Sec. 26-114. – Procurement; small dollar purchase procedures.

- (1) A procurement that is less than one hundred thousand dollars (\$100,000.00) may be made in accordance with small purchase procedures, provided, however, that procurement requirement shall not be artificially divided so as to constitute a small purchase under this Section. All small dollar purchases will be conducted in accordance with established procurement guidelines.
- (2) The City Manager has the discretionary authority to enter into contracts/agreements that are less than fifty-one-hundred thousand dollars (\$5100,000.00) and based upon the best interest of the City, taking into account factors such as need, exigency, confidentiality, and City requirements shall be exempt from the competitive procurement requirements of this code.
- (3) All other procurements exceeding a value of one hundred thousand (\$100,000.00) dollars will be accomplished through the formal solicitation process.

SECTION 3. Chapter 26 of the Peoria City Code (1992) is amended by amending Section 26-115.1 pertaining to Procurement of infrastructure facilities and services; general and which shall read as follows:

Sec. 26-115.1. – Procurement of infrastructure facilities and services; general.

Any solicitations issued for new construction or renovation of existing infrastructure or the repair and maintenance related to public works shall be accomplished through the requirements of the appropriate Arizona Revised Statute. In the event of a conflict between the provisions of this code and the provisions of A.R.S. Title 34, the provisions of Title 34 shall govern. The provisions of A.R.S. Title 34, allow cities to establish limits on projects delivered under the Job Order Contracting delivery method. Therefore, the City adopts through this code a single project limit of ~~three~~ five million (\$35,000,000) dollars for work accomplished under a JOC.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 6th day of June, 2023.

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Jason Beck, Mayor

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Date Signed

ATTEST:

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Lori Dyckman, City Clerk

APPROVED AS TO FORM:

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Emily Jurmu, City Attorney

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