

**AN ORDINANCE AMENDING SECTION 131.050  
“PURCHASES GREATER THAN TEN THOUSAND  
DOLLARS” OF THE TWIN OAKS PURCHASING  
POLICY**

**Whereas**, the City of Twin Oaks, has found that the notice requirements in Chapter 131 of the Code of Ordinances of the City of Twin Oaks (“Purchasing Policy”) unnecessarily delays vital projects; and

**Whereas**, the City seeks to streamline the bidding process to allow flexibility for projects greater than ten thousand dollars on a per-project basis; and

**Whereas**, the Board of Aldermen finds it in the best interest of the City to amend the Purchasing Policy so that no additional notice prior to the invitation of sealed bids shall be required.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

**Section 1.** Section 131.050, entitled “Purchases Greater Than Ten Thousand Dollars” is hereby amended by adding the underlined words and deleting the ~~struck-through~~ words as follows:

**Section 131.050. Purchases Greater Than Ten Thousand Dollars.**

A. Whenever any contemplated purchase or contract for services is reasonably anticipated to cost more than ten thousand dollars (\$10,000.00), the ~~Village City~~ Administrator/Clerk shall cause to be published on the ~~Village Twin Oaks~~ website and in an issue of the St. Louis Edition of The Countian, or other newspaper, a notice inviting sealed bids; ~~said notice shall be published at least ten (10) days prior to the date set for receipt for bids.~~ The notice ~~herein required~~ shall include a general description of the articles to be purchased or the scope of services to be performed and the time and place for opening of sealed bids. At the direction of the City Administrator/Clerk a pre-bid meeting ~~will~~ may be held for the purposes of explaining and answering questions with respect to the scope of the project. In addition, when practicable, the notice shall be sent to at least ~~five (5)~~ three (3) responsible prospective suppliers of the item to be purchased or services to be performed, ~~including all suppliers of such items with whom the Village has done business within the preceding two (2) years.~~ Bid packets will be available in hard copy at the ~~Village City office and/or electronically~~ until the date set for the receipt of the bids. ~~If three (3) responsible suppliers cannot be reasonably located, the Village City Administrator/Clerk shall certify that fact at bid opening presentation. Notice of the invitation to bid shall be posted in a prominent place, visible to the public within or near the entry to the Village office. Inadvertent omission by the City of any of the steps set forth herein shall not invalidate the bidding process.~~

B. Sealed bids shall be received at the Village City office and shall be identified as bids on the envelope. The bids shall be opened in public at the time and place stated in the invitation to bid ~~and in any public notice~~ before at least two (2) Village City witnesses; and after the opening, the Village City Administrator/Clerk shall tabulate all bids received and shall file a written report of the bids with the Board of ~~Trustees~~ Aldermen together with his/her written recommendations as to whom the Village City should award the contract.

C. When deemed necessary by the Village City Administrator/Clerk, bid deposits shall be prescribed in inviting bids. A successful bidder shall forfeit any surety required by the Village City upon failure on the bidder's part to enter into a contract within ten (10) days after the award, and the invitation to bid shall so state. An unsuccessful bidder shall be entitled to return of his/her surety.

D. All bid documents will include an insurance clause as follows:

1. All bids shall include and cover the cost of Workers' Compensation insurance for all employees of the bidder and for all employees of all subcontractors. It is agreed that the successful contractor shall furnish the Village City with a certificate of insurance from an insurance company with a Best's rating of at least B+/VII, or greater if required by the Board of ~~Trustees~~ Aldermen, indicating statutory Workers' Compensation coverage and the minimum coverage amounts stated in Subsection (D)(2) of this Section. The policy of insurance shall have endorsed on it a requirement of at least thirty (30) days' written notice mailed to the Village City indicating any cancellation or material change in coverage. The Board of ~~Trustees~~ Aldermen may increase or decrease the minimum coverage amounts on a per project basis.

2. Minimum coverage amounts:

a. General liability:

(1) General aggregate	\$1,000,000.00
(2) Product, completed operations aggregate	\$1,000,000.00
(3) Personal injury	\$1,000,000.00
(4) Each occurrence	\$1,000,000.00
(5) Fire legal liability damage	\$100,000.00
(6) Medical expense	\$10,000.00

b. Automobile combined single limit \$1,000,000.00

c. Excess liability:

(1) Each occurrence \$1,000,000.00

d. Employer's liability:

(1) Each accident \$100,000.00

(2) Disease, policy limit \$500,000.00

(3) Disease, each employee \$100,000.00

3. The contractor shall indemnify and hold harmless the municipality and its elected and appointed officials and employees from and against all claims, damages, losses and expenses, including attorney's fees arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expenses:

a. Attributable to bodily injury, sickness, disease or death or to injury to or destruction of tangible property, other than the work itself, including the loss of use resulting therefrom, and

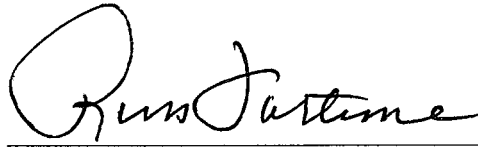
b. Caused in whole or in part by any negligent act or commission of the contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable regardless of whether or not it is caused in part by a party indemnified under this Chapter.

In any and all claims against any municipality or any of its agents or employees by any employee of the contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this Subsection shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits by or for the contractor or any subcontractor under Workers' Compensation acts, disability benefit acts or other employee benefit acts.

E. Upon Board approval, the ~~Village~~ City Administrator/Clerk shall award the contract to the lowest responsible bidder, but the Board of ~~Trustees~~ Aldermen reserves the right to reject any and all bids.

**Section 2.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

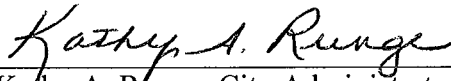
PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO  
PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI,  
THIS 1st DAY OF March, 2017.



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Russ Fortune, Mayor

Attest:



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Kathy A. Runge, City Administrator/Clerk