

RESOLUTION NO. A-_____

WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified electors at an election proposed by the City Council of the City of Lincoln, Nebraska:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That at the statewide primary election to be held in the City of Lincoln, Nebraska on Tuesday, the 10th day of May, 2016, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the following proposed amendment to the Charter of the City of Lincoln (hereinafter "PROPOSITION 1"):

PROPOSITION 1:

Amend Article VII, Section 2 of the Charter relating to contracts for professional services, to provide that the City Council may, by ordinance, establish procedures and criteria to be followed by the mayor, department heads, and the purchasing division in selecting persons, firms, or other entities to provide professional services and in making and approving awards and contracts therefor.

ARTICLE VII**CONTRACTS AND PURCHASES**

Sec. 2. Purchasing Division, Powers and Duties. The purchasing division, in making any purchase in the amount of \$25,000.00 or more, or any other department or agency, in making any contract committing the city to any expenditure of \$25,000.00 or more, shall advertise for formal sealed bids to be opened in public and to be the basis for awards. All advertisements soliciting bids shall be published at least once in the official paper of the city, if there be one, and if there be no official newspaper, then in at least one daily newspaper published and in general circulation in the city. Purchases and contracts involving the expenditure of less than \$25,000.00 may be made without calling for formal sealed bids, but at least three informal bids shall be secured and recorded if practicable.

Competitive bidding shall not be required in purchasing unique or noncompetitive articles or in contracting for professional services. Competitive bidding shall also not be required in contracting for professional services, but the council may, from time to time, by ordinance, establish procedures and criteria to be followed by the mayor, department heads, and the purchasing division in selecting persons, firms, or other entities to provide such professional services and making awards of contracts therefor, and may include therein (a) reasonable exceptions to compliance with such procedures and criteria and (b) monetary thresholds beyond which council approval is required to make such awards. The mayor, or council by the affirmative vote of six of its members, or by a unanimous vote, if fewer than six but at least four members are present, may waive the competitive bidding requirement if such waiver is necessary to meet an emergency threatening serious loss of life, health or property in the community.

The city council may by unanimous vote of the members present authorize the purchase of supplies or the expenditure of funds for the operation or maintenance of any utility operated by the city without estimate or advertising for bids, in which event supplies so authorized may be purchased in the open market. The mayor may, without formal sealed bids, authorize the construction of public works and utilities infrastructures by private entities when the city's payment of reimbursement or subsidies for such construction does not exceed \$100,000.00.

All awards shall be made to the lowest responsible bidder. The city council shall by ordinance establish those criteria to be considered in determining the lowest responsible bidder. The city shall always have the power to reject all bids and to readvertise if it wishes to do so. The mayor may delegate the execution of any purchase, contract award, or other document which has a direct financial impact to the city of less than \$25,000.00.

The city may require that successful bidders provide good and sufficient bonds of appropriate types to ensure deliveries and faithful performance in connection with the purchases or contracts involved.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary.

Said PROPOSITION 1 shall be submitted to the qualified electors as a Charter amendment of Article VII, Section 2 on the ballot and shall be printed on said ballot in the following form:

"CHARTER AMENDMENT -- AMEND ARTICLE VII, SECTION 2 OF THE CHARTER TO PROVIDE THAT THE CITY COUNCIL MAY, BY ORDINANCE, ESTABLISH PROCEDURES AND CRITERIA TO BE FOLLOWED BY THE MAYOR, DEPARTMENT HEADS, AND THE PURCHASING DIVISION IN SELECTING PERSONS, FIRMS, OR OTHER ENTITIES TO PROVIDE PROFESSIONAL SERVICES AND IN MAKING AND APPROVING AWARDS AND CONTRACTS THEREFOR.

SHALL ARTICLE VII, SECTION 2 OF THE CHARTER OF THE CITY OF LINCOLN BE AMENDED TO PROVIDE THAT THE CITY COUNCIL MAY, BY ORDINANCE, ESTABLISH PROCEDURES AND CRITERIA TO BE FOLLOWED BY THE MAYOR, DEPARTMENT HEADS, AND THE PURCHASING DIVISION

IN SELECTING PERSONS, FIRMS, OR OTHER ENTITIES TO PROVIDE PROFESSIONAL SERVICES AND IN MAKING AND APPROVING AWARDS AND CONTRACTS THEREFOR.

VOTE FOR or AGAINST

- I vote FOR the proposed amendment.
- I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with her official certification, three times, and a week apart, the full text of the PROPOSITION 1 to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be and hereby is directed to proclaim and give notice that at the statewide general election to be held in the City of Lincoln, Nebraska on Tuesday, the 8th day of November, 2016, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, PROPOSITION 1 set forth in Section 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to certify to the Election Commissioner of Lancaster County on or before March 1, 2016 the submission of PROPOSITION 1 for inclusion on the May 10, 2016 statewide Primary Election ballot and to procure the necessary ballots and to make all other arrangements for the same.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2016:

Mayor