

**TOWN OF DE BEQUE ORDINANCE NO. 536**

**SERIES 2023**

AN ORDINANCE AMENDING THE DE BEQUE MUNICIPAL CODE, CHAPTER 2.10, TO AUTHOIRIZE THE TOWN ADMINSTRATOR TO EXECUTE CONTRACTS ON BEHALF OF THE TOWN WITH A NOT TO EXCEED COST OF \$150,000 WHERE: THE CONTRACT IS WITHIN SUMS BUDGETED BY THE BOARD OF TRUSTEES OR AN OUTSIDE FUNDING SOURCE AUTHORIZED BY THE BOARD; AND WHERE ALL PROCUREMENT PROCESSES HAVE BEEN DULY COMPLETED.

The following describes the intent and purpose of this ordinance.

- a. The Town has adopted a comprehensive procurement process contained in Chapter 2.10 of the De Beque Municipal Code for the purpose of assuring that all goods, services, or other contracts of the Town are secured on the best possible terms for the residents of De Beque.
- b. Additionally, state law mandates that the Board of Trustees adopt a budget annually, and that all Town expenditures are within approved budget amounts.
- c. From time to time the Board of Trustees will seek grant or other funding from outside sources, including the State of Colorado, for specific capital projects or similar initiatives.
- d. Current ordinances generally require Board of Trustees approval of all contracts and expenditures in excess of \$10,000.
- e. Town staff are well versed in purchasing and budget procedures, and it is appropriate that they be given the authority to proceed with expenditures where the Trustees have made the necessary appropriations through budget approval or similar authorization, such as acceptance of grant funding.
- f. It is in the best interests of the Town that contracting is done efficiently, and that Board of Trustees resources are not burdened with routine purchasing decisions.

Therefore, the Town hereby amends Chapter 2.10 as follows (sections or subsections not referenced are left unchanged):

2.10.050

[opening two paragraphs remain as written]

A. Equipment

1. The Board of Trustees must approve all awards of contracts for acquisition of new equipment that exceed \$150,000.

B. Change Orders

1. The Town Administrator shall have authority to approve and execute written change orders with respect to any procurement authorized by this Chapter, provided that the aggregate sum of all change orders for a given contract shall not exceed \$30,000 without approval of the Board of Trustees. Alternatively, the Town Administrator has discretion to refer all change order requests to the Board of Trustees for consideration or approval.
2. The Board of Trustees, in its discretion, may approve a greater or lesser change order authority to be delegated to the Town Administrator by so designating that authority in any resolution approving a specific contract.
3. If a contract is approved through competitive bidding, and it one or more proposed change orders will increase the total contract price by more than 50% of the original contract price, then the Board of Trustees or Town Administrator, as applicable, may, elect to require the change order to be approved as a separate contract, subject to a new procurement process as otherwise provided in this Chapter.

C. Materials, Supplies, Nonprofessional and Technical Services

1. The Board of Trustees must approve all awards of contracts for materials, supplies, and for nonprofessional services (including information technology services) that exceed \$150,000.

D. Professional Services

1. Except for appointed positions addressed in subsection (3), below, the Board of Trustees must approve all awards of contracts for professional services anticipated to exceed \$150,000 per year for any single vendor.

E. Utility Services

The Purchasing Agent has the authority to secure utility services, including necessary equipment, using a sole source procedure, unless other procedures may result in more favorable terms to the Town.

F. Real Property

The Acquisition or conveyance of real property interests, including conveyances of land, easements, rights-of-way, water rights, or the like, is vested in the Discretion of the Board of Trustees, and shall be subject to approval by the Board of Trustees. In all such transactions the Town shall utilize open market procedures, and endeavor to convey or acquire real property interests on the terms most advantageous to the Town.

G. Town Administrator Approval/General Execution Procedures

Unless otherwise provided by this Chapter, the Town Administrator is authorized to execute contracts having a contract price not exceeding \$150,000, except that the Administrator has discretion to refer a contract for review and approval by the Board of Trustees. Prior to executing any contract, the applicable Purchasing Agent shall certify that: i) the Town adhered to the procurement process applicable under this Chapter; and ii) the contract is within sums budgeted or provided by outside funding sources authorized by the Board of Trustees. All contracts shall be executed by the Mayor (in the case of Board of Trustees Approval), or by the Town Administrator (if authorized by this Chapter), and countersigned by the Town Clerk. The Town Clerk countersignature denotes compliance with the terms of this Chapter and other applicable ordinances.

Approved by the Board of Trustees this 25<sup>th</sup> day of July, 2023. This ordinance shall take effect thirty (30) days from the date of publication.

TOWN OF DE BEQUE BOARD OF TRUSTEES:

Shanelle Hansen  
Shanelle Hansen, Mayor

7-25-23  
Date

ATTEST:

Lisa M. Rogers  
Lisa Rogers, Town Clerk

7-25-23  
Date



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