

CITY OF INDEPENDENCE, MISSOURI

PROPOSED COUNCIL CONTRACT REVIEW, PROCUREMENT COMPLIANCE AND ACCOUNTABILITY POLICY

Working Draft — October 8, 2026

Submitted for Council Discussion and Review

Section 1. Purpose

The purpose of this policy is to establish clear, consistent, enforceable, and accountable procedures for City procurement, contract review, and Council oversight.

The policy is intended to:

1. Ensure compliance with applicable laws, the City Charter, City Code, adopted procurement policies, and published solicitation requirements.
2. Require consistent enforcement of mandatory bid specifications and procurement procedures.
3. Prevent materially nonresponsive bids from being recommended for award without lawful resolution.
4. Provide Council with sufficient information to understand contracts and financial commitments before authorizing them.
5. Establish clear responsibility for compliance verification, documentation, corrective action, and accountability.
6. Preserve the City Manager's administrative authority and Council's governing and oversight responsibilities.
7. Promote efficient procurement without unnecessary delays or administrative burdens.
8. Protect taxpayers through fair competition, transparency, and responsible financial oversight.
9. Establish a documented process for addressing repeated unsuccessful solicitations without creating unauthorized exceptions.
10. Preserve the City's ability to respond promptly to genuine emergencies under applicable law.
11. Prevent conflicts of interest, unauthorized work, improper commitments, and circumvention of procurement requirements.

12. Establish a fair process for reviewing procurement protests and good-faith reports of irregularities.
13. Identify and correct recurring compliance problems before they become established practices.
14. Ensure Council receives complete and accurate material information before making contract decisions.

Statement of Intent

The intent of this policy is not to complicate City operations, interfere with the City Manager's administrative responsibilities, or create unnecessary paperwork.

It is to ensure that procurement requirements are established clearly, followed consistently, and enforced before contracts are presented to Council for approval.

Council is responsible for establishing policy, authorizing expenditures within its authority, and exercising appropriate oversight. The City Manager is responsible for administering and enforcing those policies, and City staff are responsible for carrying them out.

When the City publishes mandatory bidding requirements, those requirements must be applied fairly and consistently. Longstanding informal exceptions do not replace adopted rules, and the anticipated cost or inconvenience of correcting a procurement problem does not, by itself, justify disregarding a material requirement.

When deficiencies occur, the City should identify them promptly, determine the lawful corrective action, and resolve them before requesting contract approval.

When repeated competitive solicitations fail to produce qualified bids, the City should have a clearly defined process for evaluating lawful alternatives, supported by written findings, independent verification, and legal review. Repeated failure shall not automatically excuse compliance with mandatory requirements.

Genuine emergencies must be addressed promptly, but emergency authority shall not become a substitute for adequate planning or ordinary procurement procedures.

The policy shall also ensure that conflicts of interest are disclosed, work does not begin without required authorization, procurement concerns can be reported and reviewed, and recurring deficiencies receive appropriate corrective attention.

Council should receive clear, timely, and complete information regarding contract costs, obligations, risks, compliance, and material exceptions without having to discover unresolved procurement concerns during the meeting at which approval is requested.

The objective is straightforward: Follow the rules, enforce them consistently, hold those responsible accountable, and give Council the information it needs to protect the taxpayers of Independence.

Section 2. Mandatory Compliance With Procurement Rules

All City departments, divisions, employees, officials, and authorized representatives participating in procurement shall comply with applicable federal and state laws, the City Charter, City Code, adopted procurement policies, and published solicitation requirements.

Mandatory bid specifications and material submission requirements shall be enforced consistently.

A bid determined to be materially nonresponsive shall not be recommended for award unless a lawful procurement procedure permits the deficiency to be resolved without compromising competitive fairness.

Material requirements shall not be waived, rewritten, or selectively modified after bid closing to accommodate a particular bidder.

A history of making exceptions, administrative convenience, anticipated additional costs, or a preference for a particular contractor shall not independently establish authority to disregard procurement requirements.

The City Manager shall ensure that practices inconsistent with governing procurement requirements are reviewed and corrected.

Nothing in this policy shall authorize the exemption of an individual contract or purchase from competitive bidding where prohibited by the City Charter.

Section 3. Procurement Preparation and Pre-Bid Clarification

Before issuing a solicitation, the requesting department and Procurement Division shall verify, as applicable:

1. The appropriate procurement method.
2. The accuracy, necessity, and clarity of mandatory specifications.
3. Available funding and anticipated total cost.
4. Bidder qualification and evaluation requirements.
5. Whether requirements unnecessarily restrict competition.
6. Applicable legal, operational, safety, and performance standards.

7. The procedure for receiving and answering bidder questions.
8. Whether the solicitation includes appropriate conflict-of-interest and disclosure requirements.
9. Whether the anticipated procurement requires enhanced Council review.

Vendors shall have a reasonable opportunity, consistent with the solicitation, to request clarification before bid closing.

Material clarifications or changes shall be communicated to prospective bidders through appropriate written addenda.

The objective is to identify and correct avoidable specification problems before bids are submitted.

Section 4. Changes to Published Bid Requirements

Material changes to published solicitation requirements shall be made through written addenda issued before the submission deadline, with adequate notice and opportunity for bidders to respond.

After bid closing, the City shall not materially alter mandatory requirements or evaluation standards in a manner that compromises competitive fairness.

If a material error or ambiguity is discovered after bid closing, Procurement shall determine the appropriate lawful remedy, which may include rejection of bids, cancellation, correction, or resolicitation.

Any such decision shall be documented.

No material post-closing change shall be justified solely by the desire to avoid rebidding or to accommodate a preferred bidder.

Section 5. Limited Waiver of Minor Irregularities and Determination of Materiality

The City may waive a minor bid irregularity only when authorized by applicable law and procurement requirements.

A permissible waiver shall not:

1. Change the substance of the bid.
2. Eliminate or materially alter a mandatory specification.
3. Provide an unfair competitive advantage.

4. Affect the basis upon which competing bids are evaluated.
5. Convert a materially nonresponsive bid into an eligible bid through an unauthorized exception.

Each waiver shall be supported by a written explanation identifying the irregularity, the authority permitting the waiver, and the reason competitive fairness is not compromised.

Determination of Materiality

When a submitted bid fails to satisfy a published requirement, the Procurement Division shall document whether the deviation is material or nonmaterial, the basis for that determination, and the applicable procurement authority.

A determination that a deviation is nonmaterial shall not rest solely on historical practice, anticipated rebidding costs, administrative convenience, or a preference for a particular vendor.

Disputed determinations involving material requirements shall be referred to the City Counselor before an award recommendation proceeds.

The written determination shall be retained in the procurement record and disclosed to Council when material to a proposed award requiring its approval.

Section 6. Independent Procurement Compliance Verification

Before an ordinary procurement award recommendation is submitted to Council, the Procurement Division shall independently verify and document that:

1. The appropriate procurement procedure was followed.
2. Published requirements were applied consistently.
3. The recommended bidder satisfies applicable material requirements.
4. Any permitted minor waivers were properly documented.
5. Material compliance concerns were lawfully resolved.
6. Required conflict-of-interest disclosures were addressed.
7. The proposed award is supported by the procurement record.
8. Required approvals and authorizations have been identified.
9. Any alternative procurement method is supported by the applicable legal authority and required documentation.

The requesting department shall not serve as the sole authority certifying compliance with its own solicitation.

Disputed legal questions involving material requirements shall be referred to the City Counselor.

The City Manager or designated Procurement official shall ensure completion of the compliance certification before an ordinary award recommendation proceeds.

A certification shall not be issued when known material deficiencies remain unresolved.

Section 7. Mandatory Stop-and-Correct Procedure

When a material procurement deficiency is identified before award, the ordinary award recommendation process shall be paused until the deficiency has been reviewed and lawfully resolved.

A materially nonresponsive bid shall not be recommended for award solely because rejecting the bid, canceling the solicitation, or rebidding may increase costs or delay a project.

The City shall identify available lawful corrective options and document the selected course of action.

When an initial solicitation and a subsequent solicitation fail to produce an eligible award, the City may evaluate an alternative procurement method only under the written verification, legal review, and approval requirements established in Section 9.

Council approval shall not be treated as retroactive authorization to disregard procurement requirements that applicable law does not permit the Council to waive.

Nothing in this section prevents lawful emergency procurement under Section 10.

Section 8. Unsuccessful Bids and Prompt Corrective Action

When no submitted bid satisfies applicable material requirements, Procurement shall document the procurement failure and available corrective options within five business days after that determination, unless a different period is required by law or documented circumstances reasonably prevent completion.

The documentation shall address:

1. The reason the submitted bids were unsuccessful.
2. Whether this was the first or a subsequent unsuccessful solicitation for the same procurement need.

3. Whether specifications were unclear, unnecessarily restrictive, or otherwise contributed to the problem.
4. Whether cancellation, revision, rebidding, or another lawful procedure is appropriate.
5. Anticipated cost and schedule consequences.
6. The responsible department and next steps.
7. Whether review under Section 9 may be appropriate.
8. Whether any recurring deficiencies require additional corrective action under Section 22.

The five-business-day requirement applies to the initial assessment and corrective-action recommendation, not completion of a new solicitation.

Where Council approval is required, Council shall receive the material findings and recommended lawful options.

A second unsuccessful solicitation shall trigger the review procedures in Section 9 before an alternative procurement recommendation proceeds.

Genuine emergencies may be addressed under Section 10.

Section 9. Repeated Unsuccessful Solicitations and Limited Alternative Procurement

When the City has conducted an initial competitive solicitation and a subsequent corrected or renewed solicitation, and neither produces a materially responsive and responsible bid, the City may consider an alternative procurement method only to the extent expressly permitted by applicable law, the City Charter, and City Code.

Two unsuccessful solicitations shall not, by themselves, authorize an exception to mandatory specifications or competitive procurement requirements.

Before any alternative procurement recommendation proceeds, the Procurement Division shall prepare a written determination, reviewed by the City Manager and legally verified by the City Counselor, establishing:

1. **Two documented unsuccessful solicitations.** The City conducted an initial solicitation and at least one subsequent solicitation, and neither resulted in an eligible award.
2. **Review of specifications.** The City examined whether the requirements were necessary, reasonable, clearly stated, and appropriate for the procurement.

3. **Meaningful corrective action.** Unnecessary restrictions, ambiguities, or identified deficiencies were corrected before the subsequent solicitation when legally and operationally appropriate.
4. **Verification of bidder deficiencies.** The specific reasons submitted bids failed to satisfy material requirements were documented and independently reviewed.
5. **Competitive opportunity.** The City made reasonable efforts to obtain competition and did not structure or manipulate the solicitation to produce an unsuccessful result or favor a particular vendor.
6. **Legal authority.** The City Counselor identified the specific legal authority permitting the proposed alternative method and any applicable conditions or limitations.
7. **Financial justification.** Procurement documented anticipated cost, price reasonableness, available alternatives, and financial consequences.
8. **Written approval.** The City Manager approved the recommendation within the limits of the Manager's lawful authority, and the matter was submitted to Council when Council authorization was required.
9. **Scope limitation.** The proposed alternative is limited to the procurement need and circumstances for which lawful authority exists.
10. **Public accountability.** The material findings and justification shall be retained in the procurement record and disclosed as required by applicable law.

No alternative procurement method shall be used under this section without the required written determination, legal verification, and applicable authorization.

Repeated failure to obtain qualified bids shall not automatically convert a materially nonresponsive bid into a responsive bid or permit the City to disregard material requirements.

An alternative procurement method shall not be treated as a continuing exception or precedent for future solicitations.

The City shall not intentionally divide, manipulate, or repeat solicitations for the purpose of avoiding competitive procurement requirements.

Nothing in this section shall be construed to authorize Council, the City Manager, Procurement Division, or any other official to exempt an individual contract or purchase from competitive bidding where such exemption is prohibited by the City Charter or other controlling law.

Where applicable law requires additional competitive solicitation, prohibits the proposed alternative, or imposes other conditions, those requirements shall control.

This section does not restrict independently authorized emergency procurement under Section 10.

Section 10. Emergency Procurement and Limited Exceptions

Nothing in this policy shall prevent the City from taking immediate action during a genuine emergency when authorized by applicable law, the City Charter, or City Code.

Emergency procurement authority shall be exercised only when the circumstances satisfy governing legal requirements and shall be limited to what is reasonably necessary to address the emergency.

An emergency exception shall not be used merely to avoid ordinary procurement requirements, competition, Council review, or the consequences of a failed solicitation.

Administrative delays, inadequate planning, approaching deadlines, the inconvenience of rebidding, or the anticipated additional cost of rebidding shall not, by themselves, constitute an emergency.

When emergency procurement authority is exercised, the City Manager or authorized official shall document:

1. The nature and circumstances of the emergency.
2. The legal authority permitting emergency procurement.
3. Why ordinary procurement procedures could not reasonably be followed.
4. The goods, services, or work immediately required.
5. The basis for selecting the vendor or contractor.
6. The anticipated and actual financial commitments, as information becomes available.
7. The steps taken to limit the exception to the immediate emergency.
8. Any competition reasonably practicable under the circumstances.
9. Any required subsequent competitive procurement, Council authorization, or corrective action.

Documentation shall be prepared contemporaneously when practicable or as soon as reasonably possible when immediate action is necessary to protect public life, health, welfare, or safety.

The documentation shall be provided to Council as soon as reasonably practicable, consistent with applicable law.

Emergency authority shall not excuse compliance with legal requirements that remain applicable during emergencies.

Once the immediate emergency has been addressed, additional work or purchasing shall return to ordinary procurement procedures unless continued emergency authority is independently justified and legally permitted.

Section 11. Written Documentation of Exceptions

Every procurement exception permitted by applicable law or adopted policy shall be documented in writing.

The record shall identify:

1. The requirement affected.
2. The circumstances supporting the exception.
3. The legal or policy authority permitting it.
4. The official authorizing the action.
5. Any effect on competition, pricing, or contract performance.
6. Any required follow-up or corrective action.
7. Whether the exception has occurred previously in similar procurements.

Documentation shall be retained in the procurement record and disclosed to Council when material to a contract requiring its approval.

No exception shall be justified solely by the assertion that similar exceptions have been made in the past.

Repeated exceptions shall be reviewed under Section 22 to determine whether correction, training, or a formal policy amendment is needed.

Section 12. Resolution of Procurement Disputes

Disagreements between a requesting department and the Procurement Division regarding compliance shall be referred to the City Manager or authorized designee.

Disputed legal questions concerning material solicitation requirements, bid responsiveness, waiver authority, or proposed corrective action shall be referred to the City Counselor.

Unresolved material compliance concerns shall not be presented to Council as ordinary compliant award recommendations.

Where Council action is necessary, the issue shall be clearly identified, together with available lawful options and their consequences.

Section 13. Standard Council Contract Review

Each contract submitted for Council approval shall ordinarily be accompanied by a concise, plain-language summary addressing:

1. What Council is being asked to approve.
2. The purpose and expected benefit of the contract.
3. The total authorized financial commitment and funding source.
4. The contract term, renewal provisions, and termination rights.
5. Material financial, operational, and legal risks.
6. Principal deliverables and performance expectations.
7. The procurement method used and confirmation of applicable compliance.
8. Any material exceptions, disputes, or unresolved concerns requiring disclosure.
9. Any required approvals, contingencies, or conditions that must be satisfied before work begins.
10. Any known material deviations from published requirements and their documented resolution.

The summary should ordinarily be limited to approximately one page when the nature and complexity of the contract permit.

Complete contract documents, supporting materials, and procurement records shall remain available to Council as permitted by law.

The summary is intended to assist meaningful review, not replace the underlying agreement.

Section 14. Enhanced Review of Major Contracts

Contracts involving substantial financial commitments, significant public obligations, or long-term consequences shall receive enhanced Council review.

Categories may include:

1. Major capital projects.
2. Multiyear financial commitments.
3. Tax abatements, payment-in-lieu-of-taxes arrangements, and development incentives.
4. Utility capacity, supply, or infrastructure commitments.
5. Contracts with substantial ongoing maintenance or operating costs.
6. Material contract amendments and change orders.
7. Agreements creating significant financial, environmental, operational, or legal exposure.
8. Contracts containing substantial indemnification, liability, insurance, or termination obligations.

Enhanced review shall address, as applicable, total anticipated cost, long-term obligations, measurable public benefits, alternatives considered, material risks, and available safeguards.

Council shall establish appropriate financial thresholds and review criteria through the applicable governing process.

Contracts shall not be divided or structured for the purpose of avoiding enhanced review or required Council authorization.

Section 15. Advance Council Review and Late Agenda Items

Contract materials requiring Council approval should ordinarily be made available at least five business days before the scheduled Council meeting, subject to applicable agenda rules and legal requirements.

When a contract is submitted later, the accompanying materials shall explain:

1. Why advance submission was not possible.
2. Whether the delay resulted from circumstances that could reasonably have been anticipated.
3. The consequences of postponement.
4. Whether genuine emergency authority applies.
5. Any material issues requiring immediate Council attention.

A late agenda submission shall not, by itself, constitute an emergency or justify bypassing applicable procurement requirements.

Legally authorized emergency action may proceed as provided in Section 10.

Section 16. Council Questions and Additional Review

Council members may request clarification or supporting information concerning contracts presented for approval through established Council and City Manager procedures.

Material questions and responses should be shared with the full Council when relevant to its decision.

When significant financial, legal, performance, or procurement questions remain unanswered, a Council member may request additional review or postponement in accordance with applicable Council rules.

This provision does not grant an individual Council member unilateral authority to prevent a lawful contract award or direct City staff outside established administrative procedures.

Section 17. Contract Amendments and Change Orders

The City shall maintain records of material amendments, change orders, and cumulative changes to approved contracts.

Council approval shall be obtained when required by law, ordinance, adopted authorization limits, or the original contract approval.

Material changes in scope, price, duration, or risk shall be disclosed to Council when relevant to its oversight responsibilities.

Amendments and change orders shall not be used to evade competitive procurement requirements or established approval thresholds.

Cumulative changes shall be considered when determining whether a contract has exceeded its original authorization or requires additional Council review.

Section 18. Contract Performance and Completion

For major contracts, the responsible department shall maintain sufficient records to evaluate performance, costs, and completion.

As appropriate, reporting shall include:

1. Original authorized amount.
2. Approved amendments and change orders.
3. Final or current total cost.

4. Completion of material deliverables.
5. Significant delays, deficiencies, or disputes.
6. Outstanding obligations or corrective actions.

Periodic reporting may be provided for substantial ongoing agreements.

Existing administrative reporting systems should be used wherever practicable to avoid unnecessary duplication.

Section 19. City Manager Accountability and Enforcement

The City Manager shall be responsible for implementing and enforcing this policy through the City's administrative structure.

When a material procurement or contract compliance deficiency is identified, the City Manager shall ensure that it is reviewed and that appropriate corrective action is taken.

A corrective-action record shall identify, as applicable:

1. The nature of the deficiency.
2. The governing requirement involved.
3. The corrective action selected.
4. The responsible official or department.
5. The expected completion date.
6. Verification that corrective action was completed.

Repeated or intentional violations shall be addressed through established administrative and personnel procedures, consistent with applicable law.

Knowingly submitting a false or materially misleading procurement compliance certification, or knowingly withholding material noncompliance from the City Manager or Council, shall constitute a serious policy violation requiring investigation and appropriate corrective action, consistent with applicable law and personnel procedures.

Council shall receive appropriate information concerning significant compliance failures and corrective actions while respecting legally protected personnel and confidential information.

Section 20. Council Oversight and Administrative Authority

Council's responsibilities under this policy include establishing governing standards, authorizing contracts and expenditures within its authority, reviewing material financial commitments,

requesting appropriate reporting, and evaluating the City Manager's implementation of adopted policy.

The City Manager remains responsible for administration, employee supervision, operational procurement decisions, and enforcement through City departments.

Individual Council members shall not direct subordinate employees, independently negotiate City contracts, or substitute personal preferences for established procurement procedures.

This policy is intended to strengthen Council's governing oversight without transferring day-to-day administrative functions to Council.

Section 21. Review of Existing Procurement Practices

Within 90 days after adoption, or another period established by Council, the City Manager shall conduct or direct a review of existing procurement practices to identify:

1. Longstanding informal exceptions.
2. Practices inconsistent with written procurement requirements.
3. Unclear or conflicting procedures.
4. Recurring specification or bid-responsiveness problems.
5. Departments or procurement categories requiring additional training or oversight.
6. Needed amendments to ordinances, policies, or administrative procedures.
7. Existing conflict-of-interest disclosure procedures.
8. Existing vendor protest and complaint procedures.
9. Practices permitting work or purchasing commitments before required authorization.

Findings and proposed corrective actions shall be reported to Council.

This review shall not automatically invalidate previously executed contracts. Questions regarding existing contractual rights, obligations, or potential legal defects shall be referred to the City Counselor.

Section 22. Recurring Procurement Deficiencies and Mandatory Corrective Review

When the same department, procurement category, or administrative process repeatedly produces material deficiencies, unsuccessful solicitations, improper exceptions, or compliance concerns, the City Manager shall require a documented corrective review.

The review shall identify:

1. The nature and frequency of the recurring problem.
2. Whether existing requirements were unclear, inadequate, or not enforced.
3. Whether additional training, supervision, or procedural changes are necessary.
4. Whether an ordinance or policy amendment should be recommended.
5. The responsible department or official.
6. The corrective measures and expected completion dates.
7. The method for verifying that the problem has been corrected.

A repeated practice shall not become permissible merely because it has continued without prior correction.

Material recurring problems and their corrective status shall be reported to Council through appropriate oversight procedures.

Where corrective measures are unsuccessful, the City Manager shall determine whether additional independent review, legal consultation, or administrative action is warranted.

Section 23. Conflicts of Interest and Procurement Integrity

Employees, officials, evaluators, consultants, and other authorized participants in procurement shall disclose actual or potential conflicts of interest as required by applicable law and City policy.

Disclosures shall be made promptly and documented before the affected person participates further in a procurement decision, whenever practicable.

The City Manager or other legally authorized official shall determine appropriate action, including recusal, reassignment, additional review, or referral for legal guidance.

No person participating in procurement shall improperly influence specifications, evaluations, recommendations, or awards for personal benefit or to provide an unauthorized advantage to a vendor.

Conflict-of-interest disclosures and their resolution shall be retained in the appropriate record, subject to applicable confidentiality and disclosure laws.

Nothing in this section replaces or reduces existing ethics, disclosure, or conflict-of-interest obligations.

Section 24. Prohibition on Unauthorized Work and Commitments

Except as expressly permitted by applicable law and authorized emergency procedures, City employees and officials shall not direct, permit, or knowingly authorize a vendor or contractor to begin work before all required procurement, funding, contract, and approval conditions have been satisfied.

No purchase order, notice to proceed, verbal instruction, informal agreement, or other commitment shall be used to circumvent required authorization.

A department shall not create an unauthorized obligation and subsequently rely on the cost of stopping work, potential contractor claims, or project delays as justification for bypassing procurement requirements.

When unauthorized work or a commitment is discovered, the City Manager shall promptly direct an appropriate review, consult the City Counselor where necessary, and determine lawful corrective action.

This section does not determine or eliminate any legal rights or obligations arising from work already performed. Such matters shall be evaluated under applicable law.

Material incidents and corrective actions shall be reported to Council when relevant to its financial or oversight responsibilities.

Section 25. Vendor Protests, Complaints, and Good-Faith Reporting

The City shall maintain a documented procedure for receiving and reviewing procurement protests, vendor complaints, and good-faith reports of procurement irregularities.

The procedure shall establish:

1. The appropriate office or official to receive a protest or complaint.
2. Applicable filing deadlines and submission requirements.
3. Acknowledgment and documentation of the matter.
4. Review by personnel with appropriate independence from the disputed procurement decision.
5. Referral of material legal questions to the City Counselor.
6. Written findings or disposition, as appropriate.
7. Available review or appeal procedures, where authorized.
8. Preservation of relevant procurement records.

A protest shall not automatically suspend procurement unless required by applicable law, established procedure, or an authorized determination.

No employee shall be subjected to retaliation for making a good-faith report of suspected procurement misconduct, consistent with applicable law and City personnel policies.

Vendors shall not be subjected to improper retaliation for submitting a good-faith procurement protest or complaint.

This section shall not create appeal rights, remedies, or protest periods beyond those authorized by governing law unless established through an appropriate lawful process.

Section 26. Written Certification of Complete Material Disclosure to Council

Before a contract requiring Council approval is placed on the agenda for an ordinary award recommendation, the City Manager or designated authorized official shall ensure that a written certification accompanies the contract materials.

The certification shall confirm, based on reasonable review of the procurement record, that:

1. Applicable procurement compliance verification has been completed.
2. Known material deviations from published requirements have been disclosed and lawfully resolved.
3. Material exceptions and their supporting authority have been documented.
4. Known material legal, financial, or performance concerns have been identified.
5. Any unresolved material issues are expressly disclosed rather than represented as resolved.
6. Required approvals and material conditions have been identified.
7. The contract summary does not knowingly omit or materially misrepresent information necessary for Council's decision.

The certification shall not be interpreted as a guarantee against unknown facts or errors that could not reasonably have been identified.

A contract shall not be presented as fully compliant when the City knows of unresolved material procurement deficiencies.

Any later-discovered material error or omission shall be promptly brought to the attention of the City Manager and, where relevant to a pending or completed Council decision, disclosed to Council with recommended lawful corrective action.

Section 27. Procurement Performance and Efficiency

The City Manager shall establish reasonable measures to evaluate procurement compliance and operational efficiency.

Measures may include:

1. Solicitations receiving no materially responsive bids.
2. Frequency and reasons for cancellations or rebidding.
3. Material procurement exceptions.
4. Delays and additional costs associated with procurement deficiencies.
5. Repeated specification or compliance problems.
6. Completion of corrective actions.
7. Alternative procurement methods used following unsuccessful solicitations.
8. Emergency procurements and their documented justifications.
9. Material procurement protests and their disposition.
10. Incidents involving unauthorized commitments.

Periodic summaries shall be provided to Council using existing reporting systems where practicable.

The purpose is to identify preventable problems and improve procurement performance, not to create reporting requirements that outweigh their practical value.

Section 28. Independent Procurement Audits

The City shall establish an annual, risk-based review of a reasonable sample of procurement transactions, using existing audit or independent review resources where feasible.

The review should consider:

1. Compliance with mandatory procurement requirements.
2. Documented minor irregularity waivers.
3. Disputed materiality determinations.
4. Emergency procurement justifications and supporting records.
5. Alternative procurement determinations following repeated unsuccessful solicitations.

6. Contract amendments and change orders.
7. Recurring exceptions or deficiencies.
8. Completion and effectiveness of corrective actions.
9. Conflict-of-interest disclosures and resolution.
10. Unauthorized work or purchasing commitments.
11. Procurement protests and complaints.
12. Accuracy and completeness of material disclosures accompanying Council contract recommendations.

The review shall be conducted by personnel or an authorized independent reviewer sufficiently separate from the transactions being examined to provide meaningful oversight.

Findings shall be reported through appropriate channels, with public disclosure to the extent permitted by law.

The scope and frequency of review may be adjusted based on available resources and identified risk.

Section 29. Public Transparency

Nonconfidential procurement and contract information shall be made reasonably accessible through existing City agenda, records, and public information systems.

Information may include approved contract summaries, executed agreements, material exceptions, alternative procurement determinations, audit findings, and corrective-action reporting, subject to applicable disclosure laws.

This policy does not require disclosure of legally protected, confidential, privileged, or otherwise exempt information.

Records shall be retained according to applicable records-retention requirements and any lawful preservation obligations.

Section 30. Implementation and Evaluation

The City Manager, in coordination with Procurement, Finance, the City Counselor, and affected departments, shall develop appropriate administrative procedures to implement this policy.

Implementation shall include:

1. Identification of provisions already required by existing law or policy.

2. Identification of existing requirements needing improved enforcement.
3. Identification of provisions requiring ordinance amendments or other formal authorization.
4. Assignment of administrative responsibility.
5. Preparation of practical certification and documentation procedures.
6. Appropriate staff training.
7. Integration with existing procurement and agenda systems.
8. Review of implementation costs and available resources.

Implementation should prioritize existing systems, clear responsibility, and avoidance of unnecessary duplication.

Council should receive an implementation update approximately six months after adoption and an evaluation of the policy's effectiveness approximately twelve months after adoption.

The evaluation should identify whether the policy has improved compliance, reduced recurring procurement problems, strengthened Council review, and maintained reasonable operational efficiency.

Section 31. Governing Authority and Legal Limitations

This policy shall be interpreted and administered consistently with the City Charter, City Code, applicable Missouri and federal law, and governing Council procedures.

The City Charter's limitations on exempting individual contracts or purchases from competitive bidding shall be respected.

Any general exceptions to competitive bidding must be established and administered only through legally authorized procedures.

Where a provision requires an ordinance amendment, formal Council action, or another legally prescribed process, that process shall be followed before the provision becomes enforceable.

Nothing in this policy:

1. Authorizes waiver of a requirement imposed by superior law.
2. Creates an alternative procurement authority not otherwise legally permitted.
3. Expands emergency procurement authority beyond that provided by applicable law.

4. Permits an individual contract or purchase to be exempted from competitive bidding contrary to the City Charter.
5. Transfers administrative responsibilities from the City Manager to individual Council members.
6. Invalidates an existing contract without appropriate legal determination.
7. Eliminates rights or obligations established by applicable law.

If a provision conflicts with controlling law, the controlling law shall govern, and the remaining provisions shall continue to apply to the extent legally permissible.

END OF PROPOSED POLICY

Working draft submitted for Council consideration. Subject to review by the City Manager, Procurement Division, and City Counselor before formal adoption or implementation.