

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

TO: Department and Division Heads, Agency Purchasing Contacts
FROM: Lara Mainella, Assistant City Attorney and Dave Schmiedicke, Finance Director
RE: Updated procedures for noncompetitive purchase of goods and services
DATE: **December 17, 2018 * UPDATES EFFECTIVE JANUARY 1, 2019 ***

This is an update to the procedure for resolutions for noncompetitive contracts for **goods and services of \$50,000 or more**. The attached sample resolutions are for contracts that will be effective January 1, 2019 or later.

PROCEDURES:

- (1) **Title of Resolution:** The resolution title must indicate whether a competitive process was used to select the contractor. ** Please use the attached sample Title language on page 3 **
See also full text of sample resolutions starting at page 4.
- (2) **Checklist Attached To Resolution:** You must attach a completed “Noncompetitive Selection Request Form” to the resolution in Legistar. Link to form: [Form](#)
- (3) Provide complete **Noncompetitive Selection Request Form** to your Budget Analyst with the resolution. A resolution for a noncompetitive contract will not be placed on the Finance Committee agenda if the title is wrong or without a completed Noncompetitive Selection Form.
- (4) Finance Committee and the Council will determine if the noncompetitive contract is justified, as part of their review of the resolution. Draft your resolution and the Form with enough detail.
- (5) Purchasing will continue to review noncompetitive purchases up to \$50k using the same form.

DEFINITIONS:

“Sole source” means the good or services are *truly* available from only one company or supplier. No other vendor or distributor can provide the goods or services in question.

“Competitive selection” means the contractor was chosen through a competitive process, usually a Request for Proposals (RFP) or Request for Bids (RFB), “piggybacking” from another government contract, buying through a purchasing consortium, or another competitive process approved by City Purchasing (such as 3 informal quotes for services under \$50k.)

“Noncompetitive selection” means that no competitive process was used. There are a variety of reasons for noncompetitive selection authorized in MGO 4.26, but only one of them is “sole source:”

1. **“EMERGENCY”** Public exigency will not permit the delay incident to advertising or other competitive processes;
2. **“SOLE SOURCE”** The service required is available from only one person or firm;
3. Services are for professional services to be provided by **attorneys**;
4. Services are to be rendered by a **university, college, other educational institution**;
5. No acceptable bids have been received after formal advertising;
6. Service fees are established by law or professional code;
7. **“PAST CONSULTANT/EFFICIENT”** A particular consultant has provided services to the City on a similar or continuing project in the recent past, and it would be economical to the City on the basis of time and money to retain the same consultant;
8. **\$50,000 OR MORE** – Services portion of contract is \$50K or more (see new rule for software)
9. Otherwise authorized by law, rule, resolution, or regulation, aka **“WE JUST WANT TO USE THIS CONTRACTOR BUT IT’S NOT REALLY A SOLE SOURCE”**

BASIC RULES:

If you are purchasing SERVICES of \$50,000 or more without competitive selection, your contract must meet one of the above exceptions from MGO 4.26(4)(a) and you need Common Council approval through a resolution.

If you are purchasing GOODS of \$50,000 or more without competitive selection, you also need Council approval through a resolution. See MGO 4.26(2), APM 1-4, and Finance Department Purchasing Guidelines.

In both cases, your resolution should provide all of the reasons that you need an exception, explain your efforts to use competitive selection or why it was not possible. Use the new Noncompetitive Selection Form for this.

*** IMPORTANT – only use the phrase “sole source” when there is truly only one contractor or supplier who can provide the goods or services in question. Once everyone is using the terminology correctly, and using the standard resolution titles and forms, there will be less confusion during the resolution approval process.*

Per APM 1-1, all contract resolutions must list the full, legal name of the contractor, the purpose of the contract, the price/cost of the contract, and the term (duration) of the contract, in the body of the resolution. Information should not be found only in the title or only in the fiscal note.

Sources of Authority:

- Service Contracts: MGO 4.26(3) and (4) [4.26 Link](#)
- Purchase of Goods: MGO 4.26(2) [4.26 Link](#)
- APM 1-1 and 1-4 <http://www.cityofmadison.com/mayor/apm/1-4.pdf>
- Purchasing Guidelines:
<http://www.cityofmadison.com/finance/documents/PurchasingGuidelines.pdf>

When DON'T you need a resolution for your service contract?

- Service contracts **under \$50,000** do NOT require a resolution, but require Purchasing approval, and are signed by Purchasing. If not competitively selected, Purchasing must approve it through the Noncompetitive Selection Form.
- Service contracts **up to 1 year in duration** – with competitive selection - do NOT require a resolution. Regardless of price. As long as the money is budgeted.
- Service contracts of **up to 5 years and less than \$100,000 per year average** – with competitive selection - do NOT require a resolution. These contracts are also signed by City Purchasing.
- You generally do NOT need a resolution to issue a Request for Proposals (services) or Bids (goods) as long as the money is in your budget. However, you may wish to seek advance approval for very large projects or work that could be controversial. Also - some departments may have special procedures that may require advance approval to put out an RFP or bid. (CDD, CDBG, etc.) If unsure, check with the OCA or Finance.

When DO you need a resolution?

- Services of \$50,000 or more, if not selected through a competitive process – see page 1 of this memo and follow the stated procedures. Consult City Purchasing.
- Service Contract of more than 5 years regardless of price or how selected.
- IGAs (intergovernmental agreements) almost always require a resolution and are signed by the Mayor and City Clerk, not Purchasing.
- Budget amendments: if you need to amend your budget for the money for your contract, you will need a resolution to accomplish the budget amendment regardless. You may or may not need the resolution to enter into the contract. It's OK to include authorization for the contract in a resolution authorizing the budget amendment. **Budget amendments require a 15-person vote per MGO 2.19.**

MANDATORY RESOLUTION TITLES - SAMPLES

SAMPLE #1 - SERVICES OF \$50,000 OR MORE - TRUE SOLE SOURCE CONTRACT:

A Resolution authorizing a sole source contract for services from Isthmus Architecture for planning and technical services associated with the renovation of Monona Terrace Community and Convention Center.

SAMPLE #1A – SOFTWARE MAINTENANCE/SUPPORT \$50,000 OR MORE-TRUE SOLE SOURCE:

A Resolution authorizing a 6-year sole source service contract with Tyler Technologies, Inc. as the only contractor who can provide support and maintenance services for their proprietary software product, MUNIS.

SAMPLE #2 - SERVICES OF \$50,000 OR MORE- NONCOMPETITIVE CONTRACT:

A Resolution Authorizing a noncompetitive service contract with Contractor ABC, Inc. for consulting services for super duper important municipal function.

SAMPLE #3 - SERVICES- PAST CONSULTANT YOU WOULD LIKE TO USE AGAIN. NONCOMPETITIVE CONTRACT MGO 4.26(4)(a)7.

Authorizing a noncompetitive contract with nTurner Software Solutions, a past consultant, to make changes to the City's tax billing system to allow for multiple installments of tax payments.

SAMPLE # 4 - SERVICES OF MORE THAN 5 YEARS, COMPETITIVE CONTRACT:

A Resolution authorizing the Mayor and City Clerk to enter into a competitively-selected, 5-year service contract with two optional 1-year renewal terms with Schmidt's Towing, Inc.

SAMPLE # 5 - SERVICES MORE THAN 1 YEAR AND MORE THAN \$100,000 AVERAGE PER YEAR, COMPETITIVE CONTRACT:

A RESOLUTION authorizing the Mayor and City Clerk to enter into a 2-year, competitively selected service contract with Awesome Consultants, LLC for important ongoing consulting services.

SAMPLE # 6 - GOODS OF \$50,000 OR MORE, TRUE SOLE SOURCE CONTRACT:

A Resolution Authorizing the noncompetitive purchase of more than \$50,000 in goods from Badger Meter Inc. as a sole source provider of water meters and meter equipment for the Madison Water Utility.

SAMPLE # 7 - GOODS OF \$50,000 OR MORE, NONCOMPETITIVE CONTRACT:

A Resolution Authorizing the noncompetitive purchase of more than \$50,000 in goods from Super Supplier, Inc. for the purchase of XYZ widgets.

REASON NOT LISTED ABOVE? CONSULT CITY ATTORNEY FOR HELP DRAFTING.

SAMPLE #1
Services of \$50,000 or more
NON COMPETITIVE CONTRACT - TRUE SOLE SOURCE
MGO 4.26(4)(a)2.

Note – the reasons you believe the vendor is a “true sole source” must be listed on the “Noncompetitive Selection Request Form,” which must be attached to the resolution in Legistar.

TITLE: A Resolution authorizing a sole source service contract with Isthmus Architecture, Inc. for the renovation of the Monona Terrace Community and Convention Center.

Body:

WHEREAS, Monona Terrace Community and Convention Center is a Frank Lloyd Wright designed facility and desires to uphold the Frank Lloyd Wright design principles and intent as well as the iconic reputation of the facility; and

WHEREAS, Monona Terrace is undergoing a renovation to include carpet and furniture replacement which must be consistent with the architectural design of the facility; and

WHEREAS, Peter Rott of Isthmus Architecture is a licensed architect and the first recipient of a Master’s Degree from the Frank Lloyd Wright School of Architecture; and

WHEREAS, Isthmus Architecture has hired Tony Puttnam, a student of Frank Lloyd Wright, and a Taliesin Fellow to serve as a design consultant; and

This is an example of one contract that was approved as a true sole source. Under the new procedure, these reasons are to be listed on the Noncompetitive Selection Request Form & need not be repeated in the body of the resolution:

WHEREAS, Isthmus Architecture and Tony Puttnam have intimate knowledge of the standards and specifications required to maintain a Frank Lloyd Wright facility; and

WHEREAS, there are no other architecture firms in the area with the specific knowledge of Frank Lloyd Wright’s principles who can provide this service and Monona Terrace Community and Convention Center wishes to utilize the skills and knowledge of Isthmus Architecture for consultation on consistency with Wright’s principles, intensions and vision; and

WHEREAS, Monona Terrace desires to enter into a contract with Isthmus Architecture in an amount not to exceed \$68,000 to provide design services for the 2014 renovation; and

WHEREAS, under MGO 4.26(4)(a) a service contract of \$50,000 or more that was not competitively selected must be approved by the Common Council and must meet one of the exceptions in MGO 4.26(4)(b); and

WHEREAS, for the reasons stated on the attached Noncompetitive Selection Request Form, Isthmus Architecture is the only architecture firm in the area that can provide the specific needs for Monona Terrace, thereby meeting the exception of MGO 4.26(4)(b)2., “the service required is available from only one person or firm.”

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes the Mayor and City Clerk to sign a sole source contract for purchase of services from Isthmus Architecture, Inc. to provide design services for the 2014 renovations of the Monona Terrace Community and Convention Center, for the purposes and at the price described above.

**SAMPLE #1A –
SOFTWARE MAINTENANCE/SUPPORT Services of \$50,000 or more per year
Noncompetitive contract / No RFP - TRUE SOLE SOURCE:**

Note – the reasons you believe the vendor is a “true sole source” must be listed on the “Noncompetitive Selection Request Form,” which must be attached to the resolution in Legistar.

TITLE: A Resolution authorizing a noncompetitive service contract with Tyler Technologies, Inc. as the only contractor who can provide support and maintenance services for their proprietary software product, MUNIS.

Body:

WHEREAS, the City has purchased and implemented the MUNIS software system from Tyler Technologies, Inc. (“Tyler”) which operates the City’s payroll, etc. etc. etc. (*insert function of the software*); and

WHEREAS, in order to function, the system requires services to support, maintain, and upgrade the software; this includes telephone and online support services and patches, bug fixes, and updates to the software; and

WHEREAS, because the MUNIS system is proprietary software owned by Tyler, there are no other contractors who offer support and maintenance services for the MUNIS software; and

WHEREAS, City staff have negotiated a 6 year service contract with Tyler for ongoing support and maintenance for MUNIS at a price of \$125,000 per year; and

WHEREAS, software support and maintenance contracts of \$50,000 or more per year that are not competitively selected must meet one of the exceptions stated in MGO 4.26(4)(a) and require Common Council approval and Mayor and Clerk signature; and

[If the contract is also more than 5 years in duration, add this: WHEREAS, under MGO 4.26(3)(e), service contracts of more than 5 years in duration require approval of the Common Council;]

WHEREAS, this contract meets the exception in MGO 4.26(4)(a)2., “the service required is available from only one person or firm” because only Tyler can support and maintain its proprietary software product, **as explained in the attached Noncompetitive Selection Request Form;**

NOW THEREFORE, BE IT RESOLVED, the Mayor and City Clerk are authorized to sign a contract for support and maintenances purposes and at the price and duration described above, with Tyler Technologies, Inc., for the useful life of the software.

**Note about duration:* You can negotiate and contract for a specific length of time or number of years for software support/maintenance. Some vendors set up their support/maintenance plan as automatically renewing annual terms. Sometimes you will negotiate a specific number of years. In reality, most software support and maintenance services will be needed for more than 5 years and the best practice is to seek authority in your resolution to contract for the “useful life of the software.”

SAMPLE #2
Services of \$50,000 or more with No RFP / Noncompetitive Selection
(Not a true sole source)

Note – the reasons you are seeking to award a noncompetitive contract must be listed on the “Noncompetitive Selection Request Form,” which must be attached to the resolution in Legistar.

TITLE: A RESOLUTION Authorizing a non-competitive service contract with CONTRACTOR ABC, INC. for consulting services for super duper important municipal function.

Body

WHEREAS, The City of Madison values the health and safety of its employees. When employees are injured on the job or off duty this can result in time away from work, increased medical costs, and potential overtime costs to backfill the employee’s position.

WHEREAS, CONTRACTOR ABC, INC. (ABC) is a healthcare consultancy that develops programs for fire, police, and public works departments with a goal of injury prevention and recovery. ABC’s belief is that employees should be treated like professional athletes, as their health and fitness are critical to the demands of the job. These programs have improved employee’s standard of living and reduced health related costs to the cities where they have been implemented. Currently these programs are in use by the Milwaukee Fire Department, North Shore Fire Department, and City of Wauwatosa; and

The Risk Management Division in partnership with the Madison Fire Department is desires to contract with ABC to develop an integrated, comprehensive and personalized health and performance program to address injury and rehabilitation as a part of the department’s fitness wellness initiative. ABC has developed the professional relationships with Sports Medicine physicians, orthopedic specialists and a number of other specialty physicians to offer care to injured employees on an “oncall” basis within 48 hours of contact; and

WHEREAS, the cost of the services will be billed on an hourly basis at the rate of \$100/hour and estimated to be up to \$70,000 per year; and

WHEREAS, MGO 4.26 requires Common Council approval of service contracts of \$50,000 or more if the contractor was not selected through a competitive selection process, and the reasons for selecting this contractor are set forth above **and in the attached Noncompetitive Selection Request Form**; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to execute a service contract CONTRACTOR ABC, INC. for the purpose and at the price described above, for a one-year term, with the option to renew for two additional one-year terms, and

BE IT FINALLY RESOLVED that the Designee of the Finance Director is authorized to execute contracts for the optional renewal periods.

SAMPLE #3
Services of \$50,000 or more - no RFP
Past consultant you would like to use again – Noncompetitive contract
MGO 4.26(4)(a)7.

Note – the reasons you are seeking to award a noncompetitive contract must be listed on the “Noncompetitive Selection Request Form,” which must be attached to the resolution in Legistar.

TITLE: A RESOLUTION Authorizing a noncompetitive contract with nTurner Software Solutions to make changes to the City’s tax billing system to allow for multiple installments of tax payments.

Body:

WHEREAS, The City of Madison has authorized being able to collect property taxes in four installments instead of the single installment plan now offered; and

WHEREAS, To make the necessary modifications to the City’s tax billing and collection software City Information Technology will need to contract with a 3rd party to make these changes; and

WHEREAS, This will require a vendor that is familiar with our current architecture and processes and can have the modifications ready for the 2014-2015 tax season; and

WHEREAS, nTurner Software Solutions has worked with the City previously on our tax billing and collection system, is familiar with our process, and is available to do this work in the timeframe needed at the price of \$90,000; and

WHEREAS, under sec. 4.26(4)(b), of the Madison General Ordinances if the aggregate amount of the fee for services will be \$50,000 or more and the contract was not subject to a competitive bidding process, the contract shall meet one of the other requirements of sec. 4.26(4)(a) and be approved by the Common Council; and

WHEREAS, **for the reasons stated in the attached Noncompetitive Selection Request Form**, the proposed contract with nTurner Software Solutions meets the exception to the bidding process in section 4.26(4)(a)7. which states “A particular consultant has provided services to the City on a similar or continuing project in the recent past, and it would be economical to the City on the basis of time and money to retain the same consultant”;

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to execute a services contract not to exceed \$90,000.00 with nTurner Software Solutions for the above described services.

SAMPLE #4
Service Contract of More than 5 years – competitive contract
(if average cost is more than \$100,000 per year – see also sample #5)

TITLE: A Resolution authorizing the Mayor and City Clerk to enter into a competitively-selected, 5-year service contract with two optional 1-year renewal terms with Schmidt’s Towing, Inc.

Body:

WHEREAS, the City utilizes a city-wide towing contract to provide towing and related services primarily for the Police Department, and also for other departments such as Motor Equipment and Streets; and

WHEREAS, the current contract is due to expire on September 30, 2005; and

WHEREAS, the Purchasing Division and Police Department through a competitive process solicited proposals for RFP #7747, City of Madison Towing Services, received written proposals, allowing contractors to bid for the east or west sides of town or both; and

WHEREAS, an evaluation team consisting of Purchasing staff and relevant Police Department staff conducted a detailed evaluation, scored and ranked each of the proposals using criteria including cost, skill, equipment, past performance, and references; and Schmidt's Auto, Inc. received the highest score for both the East and West sides of town; and

WHEREAS, Schmidt’s proposed a contract price not to exceed \$ _____ per year / per tow / etc. (*insert appropriate cost details*); and

WHEREAS, the City’s RFP advertised the contract as a 5 year contract with the option for two additional renewal terms of one year each; and

WHEREAS, under MGO 4.26(3)(e) service contracts of more than 5 years in duration require approval of the Common Council and optional renewal terms are to be counted in the total;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to sign a contract on behalf of the City for towing and vehicle storages services with Schmidt's Auto, Inc., for the purposes and at the price described above, for an initial term of five (5) years, with two (2) optional renewal terms of one (1) year each, and the Purchasing Supervisor is authorized to execute the renewal options.

SAMPLE # 5
Service Contract More than 1 year and More than \$100,000 per year average -
Competitive Contract:

TITLE: A RESOLUTION authorizing the Mayor and City Clerk to enter into a 2-year, competitively selected service contract with Awesome Consultants, LLC for important ongoing consulting services.

Body:

WHEREAS, the City Department requires consulting services in order to pursue their awesome multi-year initiative; and

WHEREAS, the City Department worked with the Purchasing Division to issue RFP # _____ to solicit proposals for such services, and received 7 proposals; and

WHEREAS, an evaluation team consisting of Purchasing and relevant Department staff conducted a detailed evaluation, scored and ranked each of the proposals using criteria including cost, skill, equipment, past performance, and references; interviewed finalists and Awesome Consultants, LLC was selected through this process; and

WHEREAS, to complete the consulting work, a two-year contract is required, and Awesome Consultants proposed a contract price not to exceed \$125,000 per year to perform a study and prepare a report and accomplish all of the other deliverables required by RFP # _____; and

WHEREAS, under MGO 4.26(3)(e), service contracts of more than one year that average more than \$100,000 per year in cost require Common Council approval and signature by the Mayor and City Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are authorized to sign a contract with Awesome Consultants, LLC for the purposes and at the price described above, for a term of two (2) years.

SAMPLE # 6

GOODS OF \$50,000 or more – Not bid - NONCOMPETITIVE CONTRACT – TRUE SOLE SOURCE

Note – the reasons you are seeking approval to make a sole-source purchase must be listed on the “Noncompetitive Selection Request Form,” which must be attached to the resolution in Legistar.

TITLE: A Resolution to authorize the noncompetitive purchase of goods from Badger Meter Inc. as a sole source provider of water meters and meter equipment for the Madison Water Utility.

Body:

WHEREAS, the Water Utility has standardized its meters and now uses Badger Meters solely. This allows the Utility staff to work on, replace and repair meters more efficiently and cost effectively; and

WHEREAS, the Water Utility has a need to purchase meters throughout the year; and

WHEREAS, Badger Meter Inc. has worked with the Water Utility for many years providing these goods and assuring that the equipment is in place and working properly; and

WHEREAS, the Water Utility is a large customer of Badger Meter Inc. and as such, are allowed to buy directly from them without going through a distributor, thereby reducing costs to the Water Utility; and

WHEREAS, for the reasons explained above **and in the attached Noncompetitive Selection Request Form**, Badger Meter Inc. is the only vendor that can provide for the specific needs of the Madison Water Utility, without paying a distributor markup;

WHEREAS, MGO 4.26(2) requires goods to be purchased using a competitive process approved by the Finance Director, and under the Finance Director’s Purchasing Guidelines, Common Council approval is required to purchase goods of \$50,000 or more without a competitive process;

NOW, THEREFORE, BE IT RESOLVED, the Common Council authorizes the purchase of goods as described above. (*alternate final clause if the purchase requires a signed contract:* The Common Council authorizes the Finance Director/designee to sign a contract for the purchase of goods as described above.)

SAMPLE # 7

GOODS \$50,000 or more – Not bid - NONCOMPETITIVE CONTRACT:

Note – the reasons for making a noncompetitive purchase must be listed on the “Noncompetitive Selection Request Form,” which must be attached to the resolution in Legistar.

TITLE: A Resolution authorizing the noncompetitive purchase of \$95,000 in goods from Super Supplier, Inc. for the purchase of XYZ widgets.

Body: WHEREAS, City Department requires technical equipment to perform necessary City function;

WHEREAS, City Department has reviewed available products and suppliers and identified Super Supplier’s product, XYZ widgets, as the best available equipment for the job **for the reasons explained in the attached Noncompetitive Selection Request Form;** and

WHEREAS, MGO 4.26(2) requires goods to be purchased using a competitive process approved by the Finance Director, and under the Finance Director’s Purchasing Guidelines, Common Council approval is required to purchase goods of \$50,000 or more without a competitive process;

NOW, THEREFORE, BE IT RESOLVED, that that the Common Council hereby authorizes the purchase of \$95,000 in XYZ widgets from Super Supplier, Inc. (*see alternate final clause in #6 if this purchase of goods requires a signed contract – the final clause must authorize Finance/designee to sign.*)

Appendix – Excerpts from MGO 4.26

MGO 4.26 –EXCEPTIONS TO COMPETITIVE SELECTION FOR SERVICE CONTRACTS:

- (4) Exceptions to RFP Process. The City may enter into negotiated contracts without a competitive bidding process for the purchase of services if the following are met:
- (a) One or more of the following criteria are present as found by the Finance Director:
1. **“EMERGENCY”** Public exigency will not permit the delay incident to advertising or other competitive processes;
 2. **“TRUE SOLE SOURCE”** The service required is available from only one person or firm;
 3. The services are for professional services to be provided by attorneys;
 4. The services are to be rendered by a university, college, or other educational institution;
 5. No acceptable bids have been received after formal advertising;
 6. Service fees are established by law or professional code;
 7. **“PAST CONSULTANT/EFFICIENT”** A particular consultant has provided services to the City on a similar or continuing project in the recent past, and it would be economical to the City on the basis of time and money to retain the same consultant;
 8. **“LESS THAN \$50K”** The contract is is less than fifty thousand dollars (\$50,000) in total or less than fifty thousand dollars (\$50,000) annually for software support, maintenance, subscription or similar annually-recurring technology services; or
 9. **“WE JUST WANT TO USE THIS CONTRACTOR BUT IT’S NOT REALLY A SOLE SOURCE”** Otherwise authorized by law, rule, resolution, or regulation.
- (b) If the aggregate amount of the fee for services will reach fifty thousand dollars (\$50,000) in total, or \$50,000 annually for software support, maintenance, subscription or similar annually-recurring technology services, and the contract was not subject to a competitive bidding process, the contract shall meet one of the exceptions in sub. (4)(a) and be approved by the Common Council by resolution, except for emergencies under sub. (4)(c).

PIGGYBACKING on someone else’s RFP counts as competitive selection, and does not require Council approval, if other contracting requirements are met:

- MGO 4.26(3)(b): The City has engaged in a Request for Proposals (RFP) or the contractor has been selected through another other competitive bidding process that has been approved by the Finance Director, including but not limited to a competitive selection conducted by the State of Wisconsin or a purchasing consortium, or the contract is exempt from such a requirement pursuant to sub. (4) of this ordinance.