

MEMORANDUM

TO: Native American Commission
FROM: Tia Braseth, Community Development Coordinator
DATE: November 1, 2019
SUBJECT: Fargo Native American Commission Meeting

The next meeting of the Fargo Native American Commission will be held on Thursday, November 7 at 12:00 p.m. in the Commission Chambers at **NEW** Fargo City Hall. If you are not able to attend, please contact staff at 701.241.1474 or Planning@FargoND.gov.

NATIVE AMERICAN COMMISSION Thursday, November 7, 2019 Commission Chambers AGENDA

1. Welcome and Introductions
2. Prayer
3. Approve Agenda & Minutes Action Item
4. Presentation: Musical Bridges, Lisa Parrish
5. Events Update
 - a. Indigenous Peoples Day
 - b. Native American Heritage Month Event Series
 - c. Winter Powwow – January 11, 2020 Action Item
6. New Business
 - a. 2020 Calendar
 - b. Elections
 - c. Bylaws Updates Action Item
 - d. FM Native American Programs Center Consultant Action Item
7. Public Comment
8. Announcements
9. Staff Report
 - a. Upcoming Speakers
 - b. 2020 Work Plan
10. Next Meeting – December 5, 2019

Native American Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on www.FargoND.gov/streaming. They are rebroadcast each Tuesday at 8:00 p.m. and Thursday at 5:00 p.m.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at <http://fargond.gov/city-government/boards-commissions/native-american-commission>.

**BOARD OF NATIVE AMERICAN COMMISSIONERS
MINUTES**

Regular Meeting:

Thursday, October 3, 2019

The Regular Meeting of the Board of Native American Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 12:00 p.m., Thursday, October 3, 2019.

The Native American Commissioners present or absent were as follows:

Present: Sharon White Bear, Lenore King, Rebecca Knutson, Whitney Fear, Heather Keeler, Anna Johnson (via conference call)

Absent: John Strand, Guy Fox, Chalsey Snyder

Item 1. Welcome and Introductions

Chair White Bear welcomed Members to the meeting and introductions were made.

Item 2. Prayer

Member White Bear led the Board in Prayer.

Item 3. Approve Order of Agenda & Minutes

Member King moved the Order of Agenda and the minutes of the September 5, 2019 Native American Commission meeting be approved. Second by Fear. All Members present voted aye and the motion was declared carried.

Item 4: Sponsorship Request: Youthworks Native Youth Circle

Youthworks representatives, Sheyenne Puetz and Brandon Baity, presented a background and overview of their program and the new Native Youth Circles. They shared about the importance of the program, and noted that it allows youth to come together and learn cultural pieces. They stated that the first Native Youth Circle was held in September and was a success.

Assistant Planner Catlyn Christie noted there is not currently funds in the Native American Commission budget and that the executive committee recommended continuing the sponsorship request until the January 2020 meeting.

The Board discussed ways for those in the community to contribute or volunteer this fall for the program. Mr. Baity stated that those wanting to donate monetarily or of their time can contact the main line of Youthworks at 701.232.8558.

Member Keeler moved to table the Youthworks Native Youth Circle Sponsorship to the January 2020 Native American Commission meeting. Second by Member King. All Members present voted aye and the motion was declared carried.

Item 5. Gladys Ray Winner Award

Chair White Bear announced that Audra Stonefish was selected as the Gladys Ray Award winner and that the award will be presented on October 14 at the Indigenous Peoples Day Powwow.

Item 6. Indigenous Peoples Day – October 14, 2019

Member Keeler shared that the morning session will be held 9:00 a.m. at Moorhead City Hall. She noted activities will be held throughout the day in Fargo and Moorhead including a lunch and learn at Fargo City Hall at noon, and the meal will start at 5:00 p.m. at Moorhead High School with the Powwow following.

Chair White Bear noted the Tribal Flags will be presented at the October 7th Fargo City Commission meeting and will on display in the Fargo City Hall lobby through the end of November.

Member Knutson present.

Item 7. Public Comment

Claire Erickson, a graduate assistant for NDSU American Indian Public Health Resource Center, presented information and provided the Board a postcard about the 4th Annual Tribal Maternal, Infant, and Child Health Summit to be held November 20-21 at Prairie Heights Casino & Lodge.

Item 8. Announcements

Member Keeler share that the FAFSA (Free Application for Federal Student Aid) just opened and noted it is important for those planning to go to college to complete.

Member King gave a reminder that the Crossroads Powwow will be held this weekend, October 5-6, at the Scheels Arena. Chair White Bear highlighted that on Saturday former NDSU football players will be present, and Member Johnson highlighted the juried art show that will be happening as well.

Item 9. Staff Report

Ms. Christie stated that staff is prepared to do strategic planning in the meadowlark room after this meeting adjourns.

Item 10. Next Meeting – November 7, 2019

Item 11. Adjourn

The time of adjournment was 12:23 p.m. and the Board moved to the Meadowlark Room of City Hall to continue in a Strategic Planning Session.

MEMORANDUM

TO: NATIVE AMERICAN COMMISSION

FROM: TIA BRASETH, PLANNING COORDINATOR

DATE: NOVEMBER 1, 2019

SUBJECT: MEETING REPORT

Item 4. Presentation: Musical Bridges, Lisa Parrish

Lisa Parrish will give a presentation on Musical Bridges, a program which fosters awareness and acceptance of all through music and interactive learning of cultures.

Item 5. Events Update

- a. Indigenous Peoples Day** – Hundreds of people participated in programming throughout the day. The NAC's Cultural Competency Lunch & Learn received great reviews and can serve as a model for future community education events.
- b. Native American Heritage Month Event Series** – See attachment. In partnership, the Fargo Native American Commission, Cultural Diversity Resources, the Plains Art Museum and the Fargo Public Library are celebrating Native American Heritage Month. The community is invited to experience, art, films, music, crafts and food as part of this series. All events are free and open to the public.
- c. Winter Powwow** – The Civic has been reserved for January 11, 2020 in light of positive feedback on holding the powwow following New Year's Eve. For planning this event, in the absence of clarity on an event planning committee, the city staff would like to learn how the NAC would like to proceed by voting on one of the options below:
 - 1. Contract with FM Crossroads to manage event in 2020.
 - 2. Conduct a volunteer-driven event through a one-time financial sponsorship to a third-party organization. NAC members could convene a wider community planning committee to plan event outside of NAC, Executive Committee, or City business.
 - 3. Not hold the event in 2020; wait until the FM Native Programs Center is prepared to manage it.

Recommended Action: Contract with FM Crossroads to manage event in 2020.

Item 6. New Business

- a. 2020 Calendar** - Attached is the meeting calendar for 2020. Given that the first meeting in January would be January 2, it will be cancelled.
- b. Elections** – Elections for Vice Chair will be next month. If you are interested in nominating yourself as Vice Chair, please notify Catlyn. For lack of a nominating committee, Catlyn will serve as the recipient for nominations.

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The current Vice Chair will become the Chair after the current Chair's term expires on December 6, 2019, per Article 3, Section E of NAC bylaws (attached). No action is required at this time.

- c. **Bylaws Updates** – Per bylaws, the Treasurer position is included as part of executive committee, however this is not typically a position held in city boards and commissions. It was likely carried over from when the Native American Commission provided oversight to the Native American Center. Staff is recommending removing it; all spending in 2020 would follow City purchase policies (attached) or be brought forward to the full commission.

Recommended Action: Update bylaws to remove the Treasurer position.

- d. **FM Native American Programs Center Consultant** – See laydown item. City staff and the NAC selection committee have selected Chalsey Snyder as the consultant for Phase One of the FM Native American Programs Center re-establishment.

Recommended Action: Approve contract as is.

Item 9. Staff Report

- a. **Upcoming Speakers** – Amanda Vivier with Missing and Murdered Indigenous People will be presenting at next month's meeting, and Edwin Hahn with Lightspring has been invited to present at an early 2020 meeting.
- b. **2020 Work Plan** – The City Planning Department is preparing a work plan for its 2020 activities, including projects that integrate the Native American Commission's priorities. Staff seeks your input on the following list of 2020 priorities, which will be included in a year-end report to the City Commission:
 - i. Sweat lodge operations and improvements
 - ii. Re-establishing the Native American Program Center
 - iii. Inclusion and welcoming plan
 - iv. Arts and culture integration – public art project and program development
 - v. Housing and homeless programs and development
 - vi. External and internal city organizational human rights objectives
 - vii. Core neighborhoods plan

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MEMORANDUM

DATE: November 1, 2019

TO: Native American Commission

FROM: Catlyn Christie, Assistant Planner

RE: Native American Heritage Month Event Series

In partnership, the Fargo Native American Commission, Cultural Diversity Resources, the Plains Art Museum and the Fargo Public Library are celebrating Native American Heritage Month. The community is invited to experience, art, films, music, crafts and food as part of this series. All events are free and open to the public.

- **Tuesday, Nov. 5 – Main Library at 6:30 p.m.**
A screening of an untitled missing and murdered indigenous women (MMIW) short film by local Native artist and filmmaker Falcon Gott. A brief discussion will follow and local artist Laura Youngbird will lead an activity using collage.
- **Wednesday, Nov. 6 – Main Library at 6:30 p.m.**
A screening of *Warrior Women*, a 2018 documentary featuring the story of mothers and daughters fighting for indigenous rights in the American Indian Movement of the 1970s. After the film, Laura Youngbird will facilitate a hands-on art activity.
- **Saturday, Nov. 9 – Main Library at 10 a.m.**
A presentation by Donna Lunday, a member of the Turtle Mountain Band of Chippewa, on the history and significance of the jingle dress and jingle dancing. Following the presentation, mini fry bread tacos and wojapi (blueberry pudding), will be served courtesy of local Native artist and musician, Christy Goulet.
- **Thursday, Nov. 14 – Plains Art Museum (704 1st Ave N) at 6 p.m.**
Join us for a conversation with multimedia artist Brad Kahlhamer. Kahlhamer works with a range of media from sculpture and painting to performance and music to explore what he refers to as the “third place”—a meeting point of two opposing personal histories.

MEMORANDUM

TO: ALL DEPARTMENTS

FROM: ALBERT GIBSON, PLANNING AND DEVELOPMENT DEPARTMENT

DATE: NOVEMBER 1, 2019

SUBJECT: 2020 NATIVE AMERICAN COMMISSION MEETING SCHEDULE

Listed below are the Native American Commission meeting dates for the calendar year 2020.

2020 Meeting Schedule

Native American Commission Meetings	
January 2	
February 6	
March 5	
April 2	
May 7	
June 4	
July 2	
August 6	
September 3	
October 1	
November 5	
December 3	

Native American Commission meetings will be held the 1st Thursday of each month at 12:00 p.m. in the City Commission Room at City Hall.

By-laws

Article 1. Name

City of Fargo Native American Commission

Article 2. Purpose

Mission: The mission of the Native American Commission (NAC) is to work together to strengthen the Native American community in order to promote understanding, recognition, and respect for Native American cultures and enrich the whole community.

Article 3. Membership

- A. Nine members consisting of seven representatives of the local Native American community as well as a representative of the Fargo City Commission and a representative of the Fargo Public Schools Board of Education
- B. Appointments are made by the Mayor of Fargo
- C. The commission is charged with developing recommendations for City participation in Native American projects/programs, identifying Native American assets, evaluating existing information on local Native American assets and needs, and providing oversight to city-funded Native American projects/programs/facilities.
- D. Interested applicants may contact the City of Fargo for application procedures and deadlines
- E. Terms of members
 - a. June 2006 members shall serve terms as specified by the Mayor
 - b. Subsequent appointments for membership shall be for three years
- F. Vacancies
 - a. The Major shall appoint a replacement when a vacancy occurs and that appointment shall serve to complete the term that becomes vacant.
- G. Duties of members
 - a. Serve on two NAC's standing committees
 - b. Attend regular and special meetings of the NAC
 - c. Follow guidelines of job description
- H. Removal of membership
 - a. A two-thirds vote for recommendation of removal of an officer is needed. Once a recommendation of removal is attained it would be sent immediately to the Mayor of Fargo for consideration.

Article 4. Officers

A. List of Officers

- a. Chair
- b. Vice-Chair
- c. Treasurer

B. Method of selection

- a. Election from Native American Commission membership

C. Duties of each officer

- a. Chair – preside over regular meetings, send meeting agenda three days prior to meeting; notify members of meeting date, time, and location three days prior to meeting date.
 - i. Cultural Planner (or other designated City of Fargo staff employee) shall assist the Chair in pre-meeting duties such as but not limited to disseminating the meeting agenda to appropriate members, and notification of members regarding meeting date, time, and location.
- b. Vice-Chair – preside over meetings in the absence of the Chair, coordinate the storing and distribution of NAC records, coordinate minute taking at regular and special meetings of the NAC.
- c. Treasurer – report to the Commission on the NAC budget activities and coordinate budget activities with City of Fargo officials

D. Terms of Officers

- a. Chair will serve for one year
- b. Vice-Chair will serve for one year
- c. Treasurer will serve for one year

E. Method of filling vacancy

- a. Vice-Chair will become Chair of Commission for the following year
- b. A Vice-Chair will be elected by NAC members
- c. A Treasurer will be elected by NAC members

F. Removal of officers

- a. A two-thirds vote for removal of an officer is needed

Article 5. Meetings

A. Regular:

- a. All NAC members and the public will be notified at least three days in advance of a regular meeting of the NAC. The notice will include date, time and place.

- b. An agenda will be sent to commissioners at least three days prior to a meeting and will include usual order of business with time for public comment period at a specified time
- B. Special meetings
 - a. A chair or a majority of the NAC may call a special meeting
 - b. All NAC members and the public will be notified at least three days in advance of a special meeting of the NAC. The notice will include date, time, and place.
 - c. An agenda will be sent to commissioners at least three days in advance of a special meeting and will include usual order of business with time for public comment period at a specified time
- C. Quorum
 - a. A total of five (5) NAC members shall be present
- D. Public Comment Period
 - a. The time allowed for public comment at Commission meeting shall be limited to five (5) minutes per person, at the end of the meeting.
 - b. The time allocated for comment will be kept by a person designated by the commission.
 - c. The person(s) choosing to speak at the meeting shall be succinct, to the point, and have their remarks prepared within the guidelines accented by the NAC.
 - d. This limit shall remain within a reasonable time for public broadcast on local television.
 - e. The Commission does not specifically support any comment provided by a member of the public without due consideration, and by a vote of the majority of the commission at a later date.
 - f. The commission reserves the right to end any person's comment due to time constraints.
- E. Reschedule and/or Cancellation of Meetings
 - a. If an upcoming meeting is known to be unable to achieve a quorum, the meeting must be scheduled for a later date within the same month.
 - b. Upon recommendation the three officers must agree to cancel the meeting.
 - c. If no officers are available, process of rescheduling the meeting is left to the most senior member of the NAC.
 - d. In the event this cannot be accomplished, the meeting can be cancelled.

Article 6. Committees

- A. Standing committees:
 - a. Each committee must include NAC members, who shall be the majority, and others representing the interests of the NAC.
 - b. Committees will report back to the full NAC monthly

- c. No action may be taken at standing committee meetings, unless previously approved by NAC at large meetings. Any recommendations for action outside previous approval must be brought before the NAC for discussion/vote.
- d. Approved Native American Commission Committees:
 - 1. Finance
 - i. Three NAC members, including the Chair shall develop an annual budget for NAC activities to be brought before the NAC for a vote before the beginning of the new fiscal year
 - ii. Recommendations for budget requests must be reviewed by committee before a vote for the NAC at large
 - iii. Vacancies shall be appointed by the NAC Chair.
 - 2. Roles and Responsibilities
 - 3. Sweat Lodge
 - 4. Public Relations
 - 5. Health and Wellness
 - 6. Education
 - 7. Special Projects
- e. The NAC Goals will determine standing committees
 - 1. The NAC Membership on committees shall be determined by the Native American Commission

Article 7. Amendments to bylaws

- A. Recommended amendments to these by-laws shall be presented at a NAC regular meeting 30 days prior to a vote on the recommended amendment.
- B. Each member shall consider the amendment in written form.
- C. A majority vote of the NAC members at a regular meeting shall constitute an amendment to the by-laws.

Article 8. Dissolution

- A. The City of Fargo may dissolve the Native American Commission according to City policy.

By-laws of the City of Fargo Native American Commission were approved by the Native American Commission at a regular meeting on Thursday, June 14, 2007.

~~Revised and Approved September 11, 2008~~

Revised and Approved June 13, 2013

FINANCIAL ABUSE POLICY

Statutory Reference

Statement on Auditing Standards #112

Policy Background

Management has the responsibility for developing and maintaining adequate internal controls to procure, deploy, protect, use, and dispose of assets of the City of Fargo. Internal controls provide the proper checks and balances to assure that assets are adequately safeguarded.

Abuse is distinct from fraud, illegal acts, and violations of the provisions of contracts for grant agreements. When abuse occurs, no law, regulation, or provision of a contract or grant agreement is violated.

Abuse involves behavior by management and employees that is deficient or improper when compared to the behavior that a prudent person would consider reasonable and necessary business practices given the facts and circumstances.

The City of Fargo recognizes that it is subject to the risk of financial abuse. Management is responsible for control of financial abuse. Management will establish a protocol to review and evaluate specific instances of potential financial abuse on a timely basis.

Determination of adherence with the prudent person test of reasonable and necessary will be made by the Finance Committee in situations when potential abuse is identified, after having received a written explanation from the Department Head responsible for the transactions being evaluated.

The risk of financial abuse and the financial abuse policy implementation is not intended to supersede the independent judgment of Department and Division Heads.

Inappropriate Activity

The following guidance is offered to assist management in understanding instances that may violate the financial abuse policy.

- **Expending public funds where no public purpose is served.**
- **Engaging in bartering where no public purpose is served.**
- **Improper use / disposition of City owned resources.**
- **Use of a City owned asset where no public purposes is served.**
- **Failure to follow City accounting or operational policies.**

Employees who become aware of potential financial abuse should report the activity to the Finance Committee by submitting a written statement of their concern to Finance Committee. If abuse is identified and the circumstances and facts support that abuse is likely to have occurred, the Department Head who supervises the business unit where the abuse occurred will be responsible to take corrective action to eliminate the activity. They will submit a written corrective action plan to the Finance Committee identifying what control procedures they have implemented to eliminate future financial abuse.

Disciplinary actions relating to financial abuse will be subject to the provisions of the City of Fargo Supervisors guide to discipline.

Date Approved: November 7, 2005



City of Fargo Purchasing Policy

Adopted: January 1, 2017

Revised: December 2018

Overview

The purpose of the City's purchasing policy is to provide the operational guidance and the legal framework for Department Heads, Division Heads and all City employees that are involved in purchasing decisions and to vendors that supply good and services to the City. This policy has been created to assure consistent application of purchasing methodology within all Departments and Divisions and component units of the City of Fargo. The City of Fargo has a fiduciary responsibility to be good stewards of taxpayer resources, conduct its business operations in a manner that is open to competition, provide good value for resources expended, avoid conflicts of interest, and create a spirit of trust and integrity with our constituents.

Entities Covered By This Policy

All City of Fargo Departments are covered by this policy, except the Municipal Airport Authority. In regards to the FARGODOME AUTHORITY, where Finance Committee approval is needed in this policy, the FARGODOME'S Finance Committee has the same approval authority as the City of Fargo's Finance Committee.

Chain of Command and Operating Structure

"Board of City Commissioners" is the elected body which governs the operations of the City under a Home Rule Charter form of government. The Board of City Commissioners is comprised of a Mayor, Deputy Mayor, and three Commissioners. All members of the Board of City Commissioners are assigned as liaisons to Boards, Committees and Departments of the City.

"City Administrator" represents the staff to oversee all Departments of the City and to act as the liaison between Departments and the Board of City Commissioners.

“Assistant City Administrator” represents the staff appointed to assist the City Administrator in various management functions and interactions with Departments and the Board of City Commissioners.

“Department Heads” represents staff appointed to the highest level of decision making authority responsible for overseeing the operations of several Divisions.

“Division Heads” represents staff appointed to a single operational Division within a designated Department.

Responsibility Assigned to Department Heads

The City of Fargo operates under a decentralized purchasing system. This structure gives Department Heads the overall responsibility to carry out the duties and responsibilities of the respective services provided to our citizens. Department and Division Heads are assigned direct responsibility for compliance with the purchasing procedures established by the Board of City Commissioners.

Legal Requirements / References

Department and Divisional staff are required to comply with the provisions of all Federal, State and local procurement requirements including, but not limited to the following regulations:

Office of Management and Budget (OMB) Uniform Guidance 2 CFR 200

North Dakota Century Code (NDCC) 48-01.2

City Ordinance Article 3-01 Purchasing Procedure

Conflict of Interest (Standards of Conduct)

City of Fargo Employment Policy No. 300-005 (Conduct/Ethics) and Policy No. 300-009 (Federal Grant Ethics Policy) state the City of Fargo’s policy for “Conflict of Interest”. Please see the City of Fargo Human Resources Policy Manual for the detailed policy. All employees and elected officials are required to comply with these policies.

Definitions

The following definitions are provided in support of the purchasing policy:

“**public notice**” is the formal means of making the general public aware of an opportunity to provide goods and services to the City of Fargo. Public notice related to purchasing shall be by publication in the City’s designated official newspaper for at least two consecutive weeks for general procurements. Public notice is generally required for goods and services purchases (general procurements) in excess of \$50,000.

Construction contracts and large equipment purchases shall be published in accordance with NDCC which may require up to three consecutive weeks of public notice. Public notice is generally required for larger procurements and all public improvement projects in excess of \$150,000.

“specifications” shall include all documents that describe the goods and services requested as part of a formal procurement action.

“competitive purchase” shall mean a purchase made whereby fair and equal opportunity to all persons qualified to sell to the City have been provided an opportunity to supply the goods and services as requested by the City.

“formal process” shall mean the overall process of development of a scope of services or project specifications related public notice and authorizations in support of proposed procurements.

“informal process” shall mean the overall process of selecting a vendor within this policy that is not required to be considered the formal process described above. Informal process does not require public notice.

“emergency purchase” shall mean purchases that cannot be made within the required time that involve public health or public safety, or where immediate expenditures are necessary for repairs of City property to protect it against further loss or damage, or to prevent or minimize serious disruption in City services.

“procurement documentation/records” shall mean all records related to any procurement that support compliance with the City’s purchasing policy. The City must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

“procurement record management” shall mean the process by which Department and Division Heads retain records in support of purchasing decisions. Procurement records shall be maintained by the Departments responsible for administration of the related purchases or contracts. Procurement records relating to capital projects funded by special assessments shall be maintained in the Office of the City Auditor.

“financial reporting systems” shall mean accounting software, databases, electronic archives, or any other form of financial recordkeeping that supports Citywide budget and financial reporting.

“financial budget expenditure account” shall mean the cost codes related to budget tracking which provides the basis for our financial reporting systems.

“sole source procurement” shall mean any procurement directed to a single vendor without going through a competitive procurement process. All sole source procurement recommendations greater than \$10,000 shall be approved by the Finance Committee. Any sole source procurement greater than \$50,000 must also be approved by the Board of City Commissioners prior to a vendor award using this method.

“reasonable price” shall mean the process to determine if price is reasonable. Typically, two or three of the ways listed shall be used: The vendor’s published price list and documented discount; prior invoices from this vendor to other consumers; invoices or cost sheet from prior contracts; comparisons to other vendors’ prices for similar products/services; comparison to similar purchases by other cities; price or cost analysis, or historical cost or price comparison.

“request for proposals / qualifications” shall mean a formal written document that includes a detailed scope of work, vendor qualifications, a timeline for the award of a contract, the evaluation criteria. Proposals will be evaluated based upon the written responses to requests for proposal documents and may include interview, however, interview are not a required part of this process. Final procurement decisions are based upon various vendor selection criteria and are not considered a “bid”. The City selects the vendor of their choosing based upon evaluation criteria that are part of the procurement records.

“request for bids” shall mean a procurement with price being the sole decision criteria. However, any or all bids may be rejected if there is a sound documented reason.

“piggyback procurement” shall mean any action whereby the City purchases directly off of a competitively procured contract executed by Federal, State or Local governmental officials. If this procurement method is utilized a copy of the piggyback contract shall be included as part of the procurement management documentation. Written evidence of the existing contract shall be obtained. Verbal affirmation that a contract exists during the sales solicitation process is not considered an adequate level of documentation.

“request for information” shall mean an inquiry to vendors to help formulate a plan for procurements.

Purchasing Policy Summary Matrix for Goods and Services:

Purchasing Thresholds			
Procurement Type	Approval Requirement*	Competition Requirements	Documentation Requirements
Level 1 "Micro" Purchase Between \$0 - \$10,000	Division or Department Head	Obtain at least one fair and reasonable quote. Transaction must be appropriate to grant or account. Tax-exempt	Documentation not required
Level 2 Large Purchase Between \$10,001 - \$25,000	Division Head (with Department head concurrence)	Solicit information quotes/bids or proposal from at least three vendors. May send to additional vendors. Informal process. Transaction must be appropriate to grant or account. Tax-exempt	Purchasing quote form
Level 3 Large Purchase Between \$25,001 - \$50,000	Department Head	Solicit information quotes/bids or proposal from at least three vendors. May send to additional vendors. Informal process. Transaction must be appropriate to grant or account. Tax-exempt	Purchasing quote form
Level 4 Formal Purchase Over \$50,000	Department Head Director of Finance (requires City Commission approval)	Must be purchased using formal advertised process which includes advertised bids, request for proposal (RFP), request for qualifications, or request for vendor. Transaction must be appropriate to grant or account. Tax-exempt	Documentation of approval at a City Commission meeting
Sole Source or Piggyback Between \$10,001 - \$50,000	Finance Committee Approval	Department must justify rational for sole source or piggyback method.	Sole source procurement form Documentation of approval at a Finance Committee meeting
Sole Source or Piggyback Over \$50,000	Finance Committee Approval City Commission Approval	Department must justify rational for sole source or piggyback method.	Sole source procurement form Documentation of approval at a Finance Committee meeting Documentation of approval at a City Commission meeting
Emergency Purchases Up to a maximum of \$150,000	Department Head with written notification given to the City Administrator	Department head must determine if the procurement is an emergency purchase.	Purchasing quote form (emergency purchase section)

Summary Purchasing Policy Approvals:

Divisional Approval – up to \$10,000 per purchase

Division Head Approval – between \$10,001 and \$25,000 per purchase

Department Head Approval – between \$25,001 and \$50,000 per purchase

City Commission Approval and Finance Approval of Purchases Over \$50,000 (at purchase order requisition level)

Frequency of Purchasing Actions

The frequency of the purchasing and contracting processes shall be determined by the Department Head or Division Head to assure continuity of goods and services without disruption. The purchasing and contracting process shall be structured to provide the required continuity from one to five years, with the ability to extend a contract upon successful performance for additional time with the approval by the Board of City Commissioners. This policy does not contain a cap on time limits granted by contract extension. Contract extension decisions will be evaluation on the basis of past performance and value to the City of Fargo.

Purchase Categories & Application of Purchasing Policy Provisions

Compliance with this policy requires Departmental judgement with regard to the application of specific policy levels listed within. Procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternative, and any other appropriate analysis to determine the most economical approach. Departmental personnel should evaluate their purchasing patterns and apply the appropriate procurement method based upon the annual volume of resources expended. An annual estimate of quantities of materials and services consumed by a Division will help to determine which procurement method is appropriate. If a Department reasonably expects to consume a large dollar amount of a small value item, then the total usage should be aggregated for the year to determine compliance with the purchasing policy.

Departmental personnel should also include the entire cost of making an asset ready for use by the City to include all costs associated with the purchased unit including the cost of acquisition, accessories, delivery, and other incidentals. The costs associated with payments for maintenance contracts are not to be considered capital costs.

Example: Department A can reasonably predict that they will consume 1,000 items with a unit cost of \$100 per item. Items are purchased throughout the year at various times in multiple orders as needed. The estimated annual purchase volume should be measured as \$100,000 procurement subject to the purchasing policy limits since the City will spend more than the procurement formal process limit.

Small (Micro Purchase)

Small purchases are for routine and reoccurring items that are required for service delivery. They are typically less than \$10,000 per unit and may be made by any employee authorized by a Department or Division Head. Department and Division heads may retain all purchase requisition approvals at this level, or may delegate responsibility for purchase order and credit card approvals to the appropriate staff assigned to purchasing. Small purchases may include fixed asset purchases that are less than \$10,000 per unit. The small micro purchase authorization level is allowable under an Office of Management and Budget (OMB) exception to early implement NDAA 2017 Section 2017(b). .

Large Purchases

Large purchases shall be considered all items that exceed \$10,000 per item. There are three levels of large purchases: Level 2 large purchases include items between \$10,001 - \$25,000. Level 3 large purchases include items between \$25,001 - \$50,000 and Level 4 large purchases include items that exceed \$50,000. Level 4 purchases must be approved by the City Commission.

Large purchases shall be monitored by Department and Division Heads directly and they shall approve all large purchases up to \$50,000 per purchase based on the requirements defined in the purchasing policy summary matrix. Finance Department approval is required at the purchase requisition level to assure that budget appropriations are available for large purchases.

Financial Budget Expenditure Accounts and Coding Standards

All transactions shall be coded to the correct budget lines as established during the budget process. Departmental budget accountability levels are measured at the Divisional total so it is permissible to overrun individual line items as long as total budget appropriations are not exceeded in total.

Capital Fixed Asset Purchases

Capital fixed assets purchases are for capital items with a value of at least \$10,000 per unit. All fixed asset purchases have special reporting requirements which include adding related asset description data during the time of vendor payment. Fixed asset purchases will not be paid until the appropriate level of asset description detail is provide for fixed asset recording into the permanent fixed asset inventory system. The Fixed Asset Addition Form (see Appendix A) shall be submitted with vendor payment requests to assure timely recording of all fixed asset purchases.

Non-reportable and Non Insured Fixed Asset Purchases

Non reportable and non-insured fixed assets are any fixed assets purchased with a unit value of less than \$10,001 per unit. Responsibility for control over non reportable fixed assets rests with the Department or Division Heads and therefore, no further reporting or special procedures are required during the payment processing.

Construction Contracts

All construction contracts in excess of \$150,000 shall follow the provisions contained in the North Dakota Century Code 48-01.2, which require project bidding using a formal process.

Purchasing Directly from Competitively Procured National or State Bid Contracts (Piggyback Contracting)

Purchases can be made directly off of existing competitively procured National or State governmental contracts, or widely recognized purchasing consortiums. Department or Division Heads are responsible to assure that source documents to show evidence of a competitively procured contract is available for review if necessary. Submission of a sole source piggyback form shall be submitted with payment requests as evidence that a competitive action has occurred in another jurisdiction. If piggybacking on a contract that is going to be used with federal funds, the City becomes the responsible party. The department must ensure the contract has all the required federal contract provisions.

Master Service Agreements

Departments may have a need for support with projects on a short time frame or projects that require specialty technical assistance from professional engineering and/or consulting firms. The use of a Master Service Agreement allows the department to prequalify consultants to use in these instances. The Master Service Agreement must be approved in accordance with the purchasing policy. After the agreement has been approved, the task order approval for each scope of work is to be made in accordance with the Policy for Master Service Agreements.

Sewer service repair and Irrigation repair

Payments made for sewer service or irrigation repair must follow the respective sewer service repair policy or irrigation repair policy.

Reimbursements

The City from time to time approves reimbursements for the following items: Utility relocations, sign relocations, sprinkler reimbursement, and BNSF railroad reimbursements.

A formal agreement must be entered into for any procurement greater than \$50,000 and must be approved by the City Commission.

A procurement of \$50,000 or less can be approved by the City Engineer or the Assistant City Engineer.

Sole Source Purchasing

The City may award a contract to a sole source without competitive bidding and may conduct direct negotiations as appropriate as to the price, quantity, quality, delivery and/or terms. Sole source bidding shall be allowed only in the following instances:

- The item is available only from a single source;
- Material, product or item is regarded as a one-of-a kind;
- The item or product is a manufacturer direct sale with no distributors;
- Patented or proprietary item;
- The purchase is necessary for replacement parts or components of existing City assets;
- The Federal awarding agency or pass-through entity expressly authorized noncompetitive proposals in response to a written request from the Non-Federal entity
- Exigent circumstances such that compliance with the policy will create a delay which will adversely affect public health, safety and/or welfare.

The department seeking to utilize sole source purchasing shall complete the Sole Source Justification Form (see Appendix A).

Approval for sole source purchases between \$10,001 - \$50,000 shall be given by the Finance Committee. Approvals for sole source purchases in excess of \$50,000 shall be given by the Finance Committee and the City Commission.

Safe Harbor Purchasing Provisions

Departmental personnel shall consider a formal procurement process as a safe harbor approach for purchasing if questions arise about the appropriate method of procurement.

Contract Provision

All contracts with federal funds should include the following language:

“Parties agree that any applicable terms required by Appendix II Uniform Guidance 2CFR200 are hereby incorporated into this contract.”

Small and Disadvantaged Businesses

North Dakota state procurement law does not require any preference based upon business classification (e.g. small, minority-owned, etc)

Vendor Suspension and Debarment

The City of Fargo shall not conduct business with vendors who are currently suspended or debarred from participation in Federal grants and contracts or vendors who have not successfully resolved performance issues on past procurements with the City. It is the responsibility of the Department Heads to confirm and document that a vendor is not on the “Exclusions Extract” database on the

Sam.Gov website prior to entering into any contracts with a vendor. Questions relating to this process shall be referred to the grants accountant in the Finance Department.

New Vendor Requests

For all new vendor requests, the Vendor Request Form (see Appendix A), shall be completed and submitted to the Finance Office prior to setting up a vendor in the accounting system. This includes providing a completed IRS W-9/W-8 form. Departmental staff are responsible to request and provide the vendor data to the Finance Office prior to or in conjunction with a payment request. Any changes to a vendor will also require the department to provide a current completed IRS W-9/W-8 form.

Financial Accounting Systems Used for Purchases

City purchases can be processed using a traditional purchase order methodology or by credit card payment method (please refer to the City of Fargo Purchasing Card Policy). All contracts shall be processed using a traditional purchase order method and the entire amount of the contract shall be entered and approved by the Department or Division Head or the Board of City Commissioners. All contract payments made to liquidate a contract shall be made against original project purchase order. Change orders approved by Department or Division Heads and the Board of City Commissioners in accordance with the City's Change Order Policy on City Contracts shall be processed on a timely basis and shall modify the original project purchase order. If a vendor accepts payment by credit card method of payment large purchases shall be encumbered and special handling of the contract may be necessary to liquidate contract balances.

Internal Controls & Approval Process

The purchase order and credit card payment systems have been established with a reasonable level of internal controls. Varying degrees of approvals are required based upon the amount of dollars being expended. Department and Division Head approvals are required and inherent in this approval process. Department Heads may delegate authority of the procurement approval process to another individual. Written notification of this delegation must be provided to the Finance department. Department Heads and Division Heads certify that budgetary resources have been appropriated where required, that goods and services have been delivered as ordered, and that all procurements follow the City purchasing policy. Department Heads and Division Heads shall enforce policies adopted by the Board of City Commissioners and uniform accounting practices established by the Finance Department in support of financial reporting.