

Chapter 140

PURCHASING

ARTICLE I

Purchasing — Generally

Section 140.010. Purchasing Agent Designated. [R.O. 2011 §140.010; Ord. No. 07-10, 6-28-2007]

- A. The City Clerk is hereby designated as purchasing agent for the City. The City Clerk, when authorized, shall procure for the City supplies and services needed by the City in accordance with the procedures prescribed by this Chapter or required by law.
- B. Except as provided in this Chapter, it shall be unlawful for any City Officer or employee to order the purchase of any supplies, services or make any contract within the purview of this Chapter other than through the City Clerk.

Section 140.020. Duties of Purchasing Agent. [R.O. 2011 §140.020; Ord. No. 07-10, 6-28-2007]

- A. In addition to the purchasing authority conferred by the preceding Section and in addition to any other powers and duties conferred by this or other ordinance, the City Clerk shall:
 - 1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City;
 - 2. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
 - 3. Keep informed of current developments in the field of purchasing, prices, market conditions and new products;
 - 4. Prescribe and maintain such forms necessary for the operation of the purchasing function;
 - 5. Buy in bulk as often as possible to take full advantage of discounts;
 - 6. Act so as to procure for the City all Federal and State tax exemptions to which it is entitled;
 - 7. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time; and
 - 8. Inspect or supervise the inspection of all deliveries with regard to quantity, quality and conformance to specifications.

Section 140.030. Requisitions and Estimates. [R.O. 2011 §140.030; Ord. No. 07-10, 6-28-2007]

- A. Each City department shall file with the City Clerk detailed requisitions or estimates of their requirements in supplies and contractual services.
 - 1. A City department shall not be prevented from filing, in the same manner, with the purchasing agent at any time a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.
 - 2. The City Clerk shall examine each requisition or estimate and shall have the authority to revise it as to quantity or estimated cost.

Section 140.040. Conflict of Interest. [R.O. 2011 §140.040; Ord. No. 07-10, 6-28-2007]

No officer or employee of the City shall transact any business in his/her official capacity with any business entity of which he/she is an officer, agent or member or in which he/she is an officer, agent or member in which he/she owns a substantial interest; nor shall he/she make any personal investments in any enterprise that will create a substantial conflict between his/her private interest and the public interest.

Section 140.050. Conflict of Interest Penalties. [R.O. 2011 §140.050; Ord. No. 07-10, 6-28-2007]

Any person who violates the provisions of Section 140.040 shall, upon conviction thereof, be punished as provided in Section 100.220 of the City Code.

Section 140.060. Gifts and Rebates. [R.O. 2011 §140.060; Ord. No. 07-10, 6-28-2007]

The purchasing agent and every other officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase or contract is or might be awarded any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the City.

Section 140.070. Gift and Rebates Penalties. [R.O. 2011 §140.070; Ord. No. 07-10, 6-28-2007]

Violation of the provisions of this Section shall upon conviction thereof be punished as provided in Section 100.220 of the City Code.

Section 140.080. Purchasing Rules. [R.O. 2011 §140.080; Ord. No. 07-10, 6-28-2007]

- A. When the City negotiates any purchase, sale or other contract, the following rules shall apply:
 - 1. *Purchases under three hundred dollars (\$300.00).* Purchases of supplies, services and contractual services not exceeding three hundred dollars (\$300.00) may be authorized by the City Clerk without obtaining bids and without prior approval of the Board of Aldermen. All such purchases authorized by the City Clerk shall be submitted to the Board of Aldermen for approval thereof at its next regularly scheduled meeting.
 - 2. *Purchases of three hundred dollars (\$300.00) to two thousand five hundred dollars (\$2,500.00).* Any expenditures between three hundred dollars (\$300.00) and two thousand five hundred dollars (\$2,500.00) shall require three (3) bids solicited by telephone or by such other means as the City Clerk deems appropriate and then be

submitted to the Board of Aldermen for approval.

3. *Purchase in excess of two thousand five hundred dollars (\$2,500.00).* Whenever any estimated cost of supplies, services and contractual services shall exceed two thousand five hundred dollars (\$2,500.00), except as otherwise provided in this Chapter, the purchase must be made by formal written contract after due notice inviting proposals from the lowest responsible bidder. Individual contracts, purchases or sales for goods, supplies, commodities or services shall not be excluded from the requirement of competitive bidding hereinabove described.
4. *Sole source.* In the event that there is only one (1) firm or company or individual capable of providing a particular service or commodity and said services or commodities cannot be secured from other persons or companies, the bidding requirements contained above shall not be applicable and the requestor is authorized to proceed with the purchase of such service or commodity as required by the City. Sole source purchases for amounts exceeding two thousand five hundred dollars (\$2,500.00) shall be pre-approved by the Board of Aldermen.
5. *Emergency purchases.* In the case of an emergency which requires immediate purchase of supplies or services, and time is of the essence, the Mayor or the Mayor's designee shall be empowered to authorize the purchase or to secure the services needed without complying with procedures set forth in this Article. This Section shall also apply to any natural disaster or civil emergency requiring an immediate response on the part of the City. A full report in writing of the circumstances requiring an emergency purchase shall be filed by the department head with the Board of Aldermen each time an emergency purchase is made.
6. *Subdividing prohibited.* No contract or purchase shall be subdivided to avoid the requirements of this Section.

Section 140.090. Due Notice Inviting Proposals Defined. [R.O. 2011 §140.090; Ord. No. 07-10, 6-28-2007]

- A. The due notice inviting proposals required by the preceding Section shall consist of the following:
 1. Notice inviting bids shall be published once in at least one (1) official newspaper of the City at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured and the time and place for opening bids.
 2. The City Clerk also shall advertise all pending purchase or sales by a notice posted on the public bulletin board in the City Hall.
 3. The City Clerk also may solicit sealed bids by direct mail request to prospective vendors and by telephone as may seem to him/her to be in the best interest of the City.

Section 140.100. Bid Opening Procedure. [R.O. 2011 §140.100; Ord. No. 07-10, 6-28-2007]

Bids shall be submitted sealed to the City Clerk and shall be identified as bids on the envelope. They shall be opened in public at the time and place stated in the public notices. The Board of Aldermen shall have the authority to reject any and all bids or parts of all bids and readvertise or resolicit bids.

Section 140.110. Lowest Responsible Bidder. [R.O. 2011 §140.110; Ord. No. 07-10, 6-28-2007]

A. Unless the Board of Aldermen exercises the right to reject, the purchase or contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder", in addition to price, the following shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies or contractual services to the particular use required; and
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

Section 140.120. Justification of Award. [R.O. 2011 §140.120; Ord. No. 07-10, 6-28-2007]

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be entered upon the journal of the Board.

Section 140.130. Tie Bids. [R.O. 2011 §140.130; Ord. No. 07-10, 6-28-2007]

If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. Where there is no local low bidder, the award shall be made on the basis of a drawing of lots to be held in public.

Section 140.140. Surplus Materials. [R.O. 2011 §140.140; Ord. No. 07-10, 6-28-2007]

A. When the City negotiates any sale of surplus materials or items, the following rules shall apply:

1. *Report.* All department heads shall submit to the Mayor at such time as the Mayor shall prescribe a report in writing showing stocks of all supplies and other items

which are no longer needed or which have become obsolete, worn out or scrapped.

2. *Transfer.* The Mayor is hereby authorized to transfer surplus materials to other departments.
3. *Sales.* The Mayor is hereby authorized with the Board of Aldermen's approval to sell without bids all supplies and items having an estimated value of less than two thousand five hundred dollars (\$2,500.00) which have become unsuitable for public use, or to exchange the same for, or trade in the same, on new supplies. Sales of supplies and items with an estimated value of two thousand five hundred dollars (\$2,500.00) or more which have become unsuitable shall be made to the highest possible bidder.

Section 140.150. Cooperative Procurement. [R.O. 2011 §140.150; Ord. No. 07-10, 6-28-2007]

The City Clerk shall have the authority to join with other units of government in cooperative purchasing plans when the best interest of the City would be served and after approval of the Board of Aldermen.