

## ARTICLE V: PROCUREMENT PROCEDURES

### Section L.500: PROCUREMENT POLICY

All procurement shall be managed pursuant to the Procurement System and Policies adopted by the City Manager. [The Procurement System and Policies shall be communicated and circulated in such forms as to provide transparency to vendors and the public.](#) The City Manager shall develop and implement a [Procurement System and Policies](#) consistent with the Charter and these Ordinances to meet the following objectives:

- A. To procure materials, supplies, equipment and services other than professional, at the lowest cost consistent with the suitability of use, standards of quality and service required;
- B. To establish clearly the roles and responsibilities for procurement functions within the municipal organization;
- C. To exercise positive financial control over purchases;
- D. To provide an efficient means for procurement of materials, supplies, or equipment which avoids duplication and overstocking;
- E. To obtain professional services that meet the high standards for engineering, architectural, legal, and other professional services needed by the City;
- F. To support and take advantage of state, regional, cooperative and other procurement processes that leverage greater buying power and competitive pricing;
- [G.](#) To employ Competitive Bidding where practical and to adopt other Procurement Strategies that are fair, transparent and deliver good value for the City;
- ~~G.~~[H.](#) [To establish criteria and procedures for Emergency and Sole Source Purchases;](#) and
- ~~H.~~[I.](#) To continue to identify evolving options for procurement particularly in areas of technology and other areas for which Competitive Bidding is generally impractical.

### Section L.501: Definitions

For purposes of this Article V, the following definitions shall apply.

“Competitive Bidding” shall mean that process by which materials, supplies, equipment and other services are acquired through a formal process of bidding and award is made to the lowest qualified bidder.

[“Emergency Purchases” shall mean the acquisition of goods or services that are required within a time frame that does not allow for Competitive Bidding or Competitive Procurement Strategies. These acquisitions typically occur in situations in which \(1\) a municipal operation would be seriously hampered or unavailable without such immediate purchase or \(2\) the health, welfare and/or safety of employees or the public are at risk. Emergency Purchases shall be further defined and managed by the Procurement System and Policies adopted by the City Manager.](#)

“Procurement Strategies” are used when Competitive Bidding is not required and shall mean those processes, such as requests for proposals, solicitation of quotes, and the development of qualified contractor and vendor rosters, that include a competitive aspect to the acquisition of goods and services but by which price may not be the determining factor.

“Procurement System and Policies” shall mean a comprehensive framework for the acquisition of goods and services that includes Competitive Bidding, Procurement Strategies, the adoption of policies, the issuance of purchase orders, and the execution of contracts and other legal documents relative to procurement.

“Sole Source Purchases” shall mean goods or services that are (1) available only from a single source, supplier or vendor such as replacement of proprietary parts or (2) are operationally required for consistency of equipment and technology (often for training, maintenance and security purposes). Sole Source Purchases shall be further defined and managed by the Procurement System and Policies adopted by the City Manager.

### **Section I.502: COMPETITIVE BIDDING PROCESS**

Procurement by the City shall be Competitive Bidding where practical and not disadvantageous to the City. Competitive Bidding is deemed generally impractical for the following types of purchases:

- A. Goods or services valued at less than \$50,000 (limit adjusted annually by the Finance Department effective July 1 in accordance with the most recent available regionally adjusted Consumer Price Index (CPI) as published by the US Department of Labor, Bureau of Labor Statistics);
- B. Professional or other services involving special skills, training, experience, judgment, discernment or discretion;
- C. Goods or services that are required within a time frame that does not allow for Competitive Bidding such as in an emergency to protect public health or property;
- D. Goods or services available from a single source, supplier or vendor such as replacement of proprietary parts, or for consistency of equipment for purposes of training, safety and maintenance; and
- E. Technology acquisitions.

The Competitive Bidding process shall:

- A. Provide adequate notice to **interested** bidders pursuant to competitive process;
- B. Ensure that no bids shall be opened until the appointed time;
- C. Reserve the City’s right to cancel any award at any time before final notification of the successful bidder without any liability against the City;
- D. Reserve the City’s right to reject any or all bids, to waive technical deficiencies, and to accept any bid that may deem be in the best interest of the City;
- E. If a bid is to be awarded, award the bid to the lowest, qualified bidder properly responding to the invitation to bid unless the City Manager petitions the City Council to make a different award based on the best interest of the City;
- F. Provide results of bid openings to the public within five (5) business days of opening.

### **Section I.503: DISPOSTION OF REAL ESTATE**

In the case of disposal of excess or surplus real estate owned by the City, the City shall, subject to City Council approval, competitively bid or auction such real estate subject to such reserve, terms,

conditions, easements and other rights as may be placed on the transfer of the property and accept the highest responsive bid unless deemed unsatisfactory and not in the best interest of the City.

In cases where the City owns a ~~manufactured~~mobile home with taxes owed on such property in the amount of \$~~50,000~~~~15,000.00~~ (?) or less, the Tax Collector shall ~~make a recommendation to the City Manager as to the disposition of the manufactured home by sale or otherwise~~~~be authorized to negotiate the sale of such mobile home;~~ with the intent to recoup as much of the taxes owed as possible as well as such additional monies ~~as may be~~ that are negotiated. Upon the recommendation of the Tax Collector, the City Manager shall be authorized to transfer such property without any further authority from the City Council or recommendation of the Planning Board.

Property taken by tax lien may be deeded to the person from whom it was taken or their heirs or devisees for a sum equal to the full amount of taxes, interest and penalties due thereon in accordance with State law.

~~The Tax Collector shall have no obligation to take by tax deed any property with environmental contamination or other liabilities that outweigh the value of taxes likely to be recovered.~~

Nothing in this section is intended to limit the City Council's ability to release or grant interests in land through quitclaim deed, easement or other conveyance or to swap or convey all or part of any parcel as part of a public improvement.

#### **Section I.504: DISPOSITION OF SURPLUS PROPERTY**

A. Property Valued at Less than \$1,000 Other Than Real Estate:

The City Manager shall have the authority to discard, donate or sell any municipal supplies, materials and equipment valued at less than \$1,000 and no longer required by the City.

B. Property Valued between \$1,000 to \$50,000:

The City Manager shall have the authority to dispose of property with a value less than \$50,000 through a competitive process, auction, or trade-in in a manner to optimize value to the City. This limit shall be adjusted annually by the Finance Department effective July 1<sup>st</sup> in accordance with the most recent available regionally adjusted Consumer Price Index (CPI) as published by the US Department of Labor, Bureau of Labor Statistics.

C. Property Valued at \$50,000 or more:

No municipal supplies, materials and equipment valued at \$50,000 shall be offered for sale or donation unless and until the City Council so orders. Any such sale authorized by the City Council may be conducted by Competitive Bidding, public auction, or any other means authorized by the City Council.