

## Chapter 2.38

### PURCHASING

#### Sections:

- 2.38.010 Adoption of purchasing system.
- 2.38.020 Purchasing agent designated.
- 2.38.030 Limitations of purchasing agent.
- 2.38.040 Purchase procedures.
- 2.38.050 Availability of sufficient funds.
- 2.38.060 Multiyear contracts.
- 2.38.070 Splitting purchase and projects prohibited.
- 2.38.080 Inspection and review.
- 2.38.090 Surplus supplies and equipment.
- 2.38.100 Exemptions.
- 2.38.110 Compliance with state and federal laws.
- 2.38.120 Administrative policies.

2.38.010 Adoption of purchasing system. A purchasing system is adopted in order to:

- (a) Establish efficient procedures for the purchase of supplies, services and equipment;
- (b) Secure supplies, services and equipment at cost commensurate with the level of quality required;
- (c) Exercise financial control over purchases; and
- (d) Clearly define authority for the purchasing function. (Ord. 694 (part), 2018).

2.38.020 Purchasing agent designated. The town manager is designated as the Town's purchasing agent and shall be responsible for the purchase of all supplies, services and equipment for all departments and divisions of the town. The town manger may delegate all or a portion of the purchasing duties to any town staff member. In accordance with the limitations imposed by section 2.38.030, the purchasing agent shall have the authority to:

- (a) Purchase or contract for supplies, services and equipment required by the town in accordance with purchasing procedures outlined in this chapter;
- (b) Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;
- (c) Act to procure for the town the necessary quality in supplies, services, and equipment at the lowest cost to the town;
- (d) Prepare and recommend to the town council revisions and amendments to the purchasing rules;

(e) Establish and maintain such forms as reasonably necessary to the operation of the purchasing guidelines;

(f) Supervise the inspection of all supplies, services, and equipment purchased to ensure conformance with specifications;

(g) Recommend the sale or disposal of all supplies and equipment which cannot be used by the town, or which have become unsuitable for town use; and

(h) Maintain records necessary for the efficient acquisition of supplies, services and equipment. (Ord. 694 (part), 2018).

2.38.030 Limitations of purchasing agent. Unless otherwise directed by the town council, the town manager shall have authority to purchase supplies, services and equipment, and approve and execute payment of all warrants in the amount of \$50,000 or less; drawn upon the town treasury without presentation to the town council, except as provided for in section 2.38.100. The purchase of supplies, services and equipment, and payment of warrants in excess of \$50,000, which have not been authorized pursuant to a specific contract or other action previously approved by the town council, shall be presented to the town council for approval. (Ord. 694 (part), 2018).

2.38.040 Purchase procedures.

(a) Except as otherwise provided in Sections 2.38.100, the purchasing agent or designee shall secure favorable pricing for the procurement of supplies, equipment, and nonprofessional services. This shall include, to the extent possible, obtaining at least three bids based upon identical specifications from different vendors prior to purchasing supplies, equipment and nonprofessional services costing over \$20,000. Bids may be received by informal price checking, in writing, in person, or by telephone and shall be documented and maintained in a file with the final awarded contract. More formal bidding procedures may be utilized at the discretion of the town manager. Bid award shall be made to the vendor offering the most acceptable bid. For the purposes of this chapter, the "most acceptable bid" means the bidder that timely submits a complete and fully responsive bid that best responds in price, quality, service, fitness and capacity to the bid requirements. Price alone will not be the determinative factor, but will be considered along with other relevant bidder responsibility factors such as quality of the services to be provided or the supplies or equipment to be delivered as well as bidder reputation, qualifications, experience, and ability to timely perform and meet contract requirements.

(b) The purchase of professional services, such as architectural, landscape architectural, engineering, environmental, land surveying, legal, financial, auditing, human resources, information technology or construction management services, shall be made on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required without complying with the bidding requirements contained in this section.

(c) Without complying with the bidding requirements contained in this section, the purchasing agent may participate in, sponsor, conduct or administer a cooperative

purchasing agreement for the procurement of any supplies, equipment, and services with one or more public entities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public entities and open-ended state public procurement unit contracts which are made available to the town.

(d) Purchases made under this chapter shall be in writing by formal written contract, purchase order, invoice, or other written confirmation as determined by the town manager to be most suitable for the purchase being made. (Ord. 694 (part), 2018).

2.38.050 Availability of sufficient funds. No purchase shall be made until it has been ascertained that there is a sufficient fund balance in excess of all unpaid obligations to defray the amount of the purchase. (Ord. 694 (part), 2018).

2.38.060 Multiyear contracts. A contract for equipment, supplies or services may be entered into for any period of time deemed to be in the best interest of the town; provided that the term of the contract and renewal provisions are included in the contract. Adequate funds must be available to fulfill the first fiscal year's obligation at the time of contract execution. Appropriations for subsequent years are subject to authorization by the town council. The purchasing agent shall have the authority to enter into multiyear contracts for the same supplies or services pursuant to this section in amounts not to exceed \$50,000 on an annual basis. (Ord. 694 (part), 2018).

2.38.070 Splitting purchase and projects prohibited. Purchases may not be split or separated into smaller purchases for the purpose of evading the provisions of this chapter. (Ord. 694 (part), 2018).

2.38.080 Inspection and review. The purchasing agent or designee shall require the inspection of supplies and equipment delivered to the town to determine their conformance with the specifications and requirements set forth in the order or contract as applicable. (Ord. 694 (part), 2018).

2.38.090 Surplus supplies and equipment. The purchasing agent shall have the authority to sell, trade or exchange all supplies and equipment which are no longer used or which have become obsolete or worn out. Any such sales exceeding the amount of \$10,000 shall be approved by the town council. (Ord. 694 (part), 2018).

2.38.100 Exemptions. The bidding requirements for supplies, services and equipment required by this chapter shall not apply to the following circumstances:

(a) Emergencies. When an emergency exists involving a sudden, unexpected occurrence or the discovery of a condition or circumstance that poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. In such an emergency, the purchasing agent may procure supplies, services and equipment in an amount greater than \$50,000; provided, that any such procurement be reported to the town council at the next town council meeting. The procurement of supplies, services and equipment pursuant to this subsection (a) shall not extend beyond the period of the emergency.

(b) Sole source. When the supplies, services or equipment are unique because of their quality, durability, availability, or fitness for a particular use and are available from only one source. (Ord. 694 (part), 2018).

2.38.110 Compliance with state and federal laws. All purchases made pursuant to this chapter shall comply with any applicable state or federal laws. In addition, all procurements which utilize federal funds must be conducted in compliance with this chapter and the requirements contained within the Federal Code of Regulations Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Notwithstanding the provisions of this chapter, any contract which is paid with grant monies shall strictly adhere to the purchasing provisions set forth in the applicable grant agreement. (Ord. 694 (part), 2018).

2.38.120 Administrative policies. The town manager shall establish administrative policies and procedures for the efficient and effective implementation of this chapter. (Ord. 694 (part), 2018).