

LEWISTON FINANCE COMMITTEE MEETING

Agenda

Finance Committee meeting, Monday, December 1, 2014 at **5:15** p.m. in the **Administrative Conference Room**, Lewiston City Hall.

1. Call meeting to order.
2. Review minutes of previous meeting dated November 17, 2014.
3. Recommendation from the Purchasing Director regarding award of Bid 2014-064 Cold Patch
4. Recommendation from the Purchasing Director regarding award of Bid 2014-063 Police Cruisers and Utility Police Package Crossover.
5. Purchasing Policy review by Committee continued.
6. Other Business
- 7 . Adjourn

FINANCE COMMITTEE LEWISTON, MAINE

Minutes of November 17, 2014

PRESENT: Michael Marcotte, Robert Reed, Councilor Michael Lachance, Councilor Leslie Dubois and Nelson Peters arrived at 5:18 p.m.

OTHERS PRESENT: Public Works Director David Jones, Public Works Operations Manager Denis Caron, Limelite Company representative Stephen Belisle and Director of Budget/Purchasing Norman Beuparlant.

Meeting was called to order at 5:15 p.m. by Chairman Marcotte.

On motion of Mr. Reed, seconded by Councilor Dubois it was

VOTED:

(134-2014) To approve the minutes of November 3, 2014 and to accept and place them on file.

VOTE: 4-0

On motion of Mr. Reed, seconded by Councilor Lachance it was

VOTED:

(135-2014) To suspend the rules to allow agenda item number 4 to be moved to agenda item number 3.

VOTE: 4-0

At this time, Mr. Peters joined the meeting.

On recommendation of the Purchasing Director and on motion of Mr. Reed, seconded by Councilor Dubois it was

VOTED:

(136-2014) To award Bid 2014-062 on the Demolition of 390 and 398 Lincoln Street to Mid Maine Construction, Gardiner, Maine, low bidder at their bid price of \$3,944.00.

VOTE: 5-0

At this time, the Committee began discussion with regard to the bid solicited for LED lighting retrofit of lighting on Lisbon Street and Canal Street.

The Committee allowed Mr. Stephen Belisle of The Limelite Company to make a presentation regarding the alternate bid proposed by his firm but had not been recommended as low bidder by City staff.

After a lengthy discussion and on motion of Mr. Reed, seconded by Councilor Lachance it was

VOTED:

(13-2014) To table action on the award at this time to allow staff to confirm that proposed alternate unit was on the DLC listing and eligible for the rebate from Efficiency Maine. Further, if the above criteria met with regard to listing and eligibility is met to allow for a side by side evaluation of the alternate compared to the specified unit.

VOTE: 5-0

At this time, the Committee continued its review of the Purchasing Policy.

Following discussion by the Committee, the Committee by consensus made the following changes to Section 3.5 with regard to Selection of Auditors, Engineers and Consultants:

3.5.2 SELECTION: The Director or his/her designee shall request firms engaged in the lawful practice of their profession to submit a statement of qualification and performance data.

3.5.2.1 AUDITING: If the anticipated fee for any given year exceeds \$50,000, the data shall be evaluated by the City Finance Committee. The City Finance Committee shall conduct discussions with no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the City Finance Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.

3.5.2.2 ARCHITECT, ENGINEER AND CONSULTANT SERVICES: If the anticipated fee for any given year exceed \$50,000, the data shall be evaluated by a committee consisting of, at a minimum, the City Administrator (or designee) to act as non-voting Chairperson, two (2) Lewiston residents (may include Lewiston City employees) who are knowledgeable of the subject, but will not be directly involved with the work once awarded, two (2) City Finance Committee and one (1) current City Councilor. The Selection Committee shall conduct discussions with no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the Selection Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.

3.5.4 AWARD OF CONTRACT FROM SELECTION REVIEW PROCESS: Once the Selection Committee has selected those firms adequately qualified for a specific project, the Committee shall review the fee statements and make a recommendation to the City Finance Committee for consideration. The City Finance Committee shall receive all documentation regarding the firms deemed to be adequately qualified for the process of making an award. The City Finance Committee, upon recommendation of the Selection Committee, shall have the authority to reject any and all bids when bids are deemed non-responsive, token, collusive or otherwise non-acceptable, and such action is in the best interest of the City.

VOTED:

To adjourn at 7:30 p.m.

Norman J. Beuparlant
Clerk
Finance Committee



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeuparlant@lewistonmaine.gov



Item # 3

to: Finance Committee
from: Norman Beuparlant, Purchasing Director
subject: Bid 2014-064 Plant Mix Cold Patch
date: December 1, 2014

Each year bids are solicited for the estimated seasonal supply of Plant Mixed Cold Patch.

This year the approximate estimate for the season was 125 tons.

The bids have been evaluated and the product of the apparent low bidder has been visually inspected.

It is recommended that the award be made to All States Asphalt, Windham, Maine, at their bid price of \$115.00 per ton from its mixing plant located in Windsor, Maine. Price per ton is the delivered price to the City Operation Center on River Road.

NJB/syt

TABULATION

BID TITLE: PLANT MIXED COLD PATCH

BID #: 2014-064

OPEN DATE/TIME: NOVEMBER 20, 2014 @ 2:00 P.M.

REQUESTING DEPT: PUBLIC WORKS

High Performance Cold Patch Mix	Pike Industries Lewiston ME	Crooker Construction Topsham Me	Shaw Brothers Gorham ME	All States Asphalt Windham ME
Price/ton picked up by City	\$135.00	\$130.00	\$118.00	\$110.00
Price/ton delivered to City Op. Ctr	140.05	136.00	126.00	115.00
Alternate Bid:				
Price/ton picked up by City	N/A	N/A	N/A	N/A
Price/ton delivered to City Op. Ctr	N/A	N/A	N/A	N/A
State Terms	Net 30	Net 15		Net 30
Location of Mixing Plant	Poland ME	Topsham ME	Gorham ME	WindSOR ME



Department of Public Works

Jon Elie
Operations Manager



Date: November 24, 2014

To: Dave Jones, Public Works Director

RE: Bid 2014-064 (Plant Mixed Cold Patch)

Dave,

All States Asphalt submitted the apparent low bid for Hi-Performance Plant Mixed Cold Patch (\$115.00/ton) delivered to the OP Center.

Two 14 cy trucks registered for 59,000 GVWR haul about 15 tons each. It would cost approximately \$14,686.00 for eight (8) round-trips to Windsor, Maine to pick up one hundred twenty five (125) tons at the bidder's plant vs. \$14,375.00 to have it delivered.

As a result, I recommend the award of the contract to All States Asphalt at the delivered price of \$115.00/ton.

Jon



Finance Committee

Norman J. Beuparlant
Director of Budget/Purchasing
nbeuparlant@lewistonmaine.gov



Item # 4

to: Finance Committee
from: Norman Beuparlant, Purchasing Director
subject: Bid 2014-063 Police Cruisers and Crossover Utility Police Unit
date: December 1, 2014

Bids were opened on November 18, 2014 for Police Cruiser units. The specifications included two (2) items as shown on the tabulation. The first item was for up to four (4) Police Cruisers. The second item was for a Police Pursuit Utility Vehicle.

The intent was to get pricing for the utility vehicle and to possibly acquire one utility unit and three cruisers depending on cost and trade in allowance.

The bids are being evaluated and it is anticipated that a recommendation will be made at the meeting.

NJB/syt

POLICE CRUISERS & CROSS OVER UTILITY VEHICLE CRUISER
City of Lewiston

Bid #: 2014-063

Bid Date: 11/18/14

Item 1: Four (4) Police Cruisers

	Quirk Auto Group		Quirk Auto Group		Lee Chrysler/Dodge		Auburn Motor Sales	
	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
			Augusta ME		Auburn ME		Auburn ME	
			RWD		AWD			
Year			2015		2015		2015	
Make			Dodge		Dodge		Ford	
Model			Charger		Charger		Taurus	
Base Bid \$: V-6	\$ 24,568	\$ 98,272	\$ -	\$ -	\$ 25,750	\$ 103,000	\$ 25,417	\$ 101,668
Alternate Unit \$: V-8	\$ 25,486	\$ 101,944	\$ 26,877	\$ 107,508	\$ 26,750	\$ 107,000	\$ 28,237	\$ 112,948
Add Alt.: Battery (Optima)	\$ 200	\$ 800	\$ 200	\$ 800	\$ 225	\$ 900	\$ 165	\$ 660

Item 2: One (1) Cross Over Utility Vehicle Cruiser

	Quirk Auto Group		Lee Chrysler/Dodge		Auburn Motor Sales	
	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
			Auburn ME		Auburn ME	
			AWD			
Year			2015		No Bid	2015
Make			Ford			Ford
Model			K8A			Explorer
Base Bid \$: V-6	\$ 26,920	\$ 26,920			\$ -	\$ 27,216
Alternate Unit \$: V-6 Ecoboost	\$ 29,855	\$ 29,855			\$ -	\$ 30,322
Add Alt.: Battery (Optima)	\$ 200	\$ 200			\$ -	\$ 165

Trade In Allowances

	Quirk Auto Group		Lee Chrysler/Dodge		Auburn Motor Sales	
	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
			Auburn ME		Auburn ME	
2011 Ford Crown Victoria	\$ 2,560	\$ 2,560	\$ 2,000	\$ 2,000	\$ 4,000	\$ 4,000
2011 Ford Crown Victoria	\$ 2,560	\$ 2,560	\$ 2,000	\$ 2,000	\$ 4,000	\$ 4,000
2008 Ford Crown Victoria	\$ 1,539	\$ 1,539	\$ 1,500	\$ 1,500	\$ 1,200	\$ 1,200
2009 Ford Crown Victoria	\$ 2,069	\$ 2,069	\$ 2,000	\$ 2,000	\$ 1,600	\$ 1,600
	\$ 8,728	\$ 8,728	\$ 7,500	\$ 7,500	\$ 10,800	\$ 10,800

PURCHASING POLICY

Working copy as of 10/20/14

- Sec. 1 PURCHASING POLICY ESTABLISHED: In accordance with provisions of the Charter and Code of Ordinances of the City of Lewiston, Maine, the Finance **Director Committee**, with the approval of the City Council, hereby establishes this Purchasing Policy to set forth the duties and responsibilities of the Finance Director or his/her designee and establishes purchasing procedures.
- Sec. 2 DEFINITIONS: For the purpose of this policy the following terms, phrases, words and derivations shall have the meaning given herein unless the context in which they are used clearly requires a different meaning.
- 2.1 PURCHASING: Purchasing includes purchasing, renting, leasing or otherwise obtaining supplies or services.
- 2.2 SUPPLIES: Supplies shall mean and include all supplies, materials and equipment.
- 2.3 SERVICES: Services shall mean and include all telephone, gas, water, electrical and power services, laundry and cleaning service, insurance, leases or rentals of all grounds, buildings, offices, space or equipment required by the using agency, or leased or rented by the City to others, the repair or maintenance of equipment or real property owned by, or the responsibility of the City, infrastructure repair, replacement or construction, building construction, building repair or renovation.
- 2.4 USING AGENCY: Using agency shall mean any department, division, agency, committee or other unit in the City government, using supplies or procuring services.
- 2.5 RESPONSIVE: bid is submitted in the required format and with the appropriate bid security when required by the bid documents.
- 2.6 RESPONSIBLE BIDDER: bidder has the ability and resources to perform the work called for in the bid documents. Further defined in Section 3.1.6.1 Lowest Responsible Bidder.
- 2.7 PUBLIC EXIGENCY: sudden and unexpected happening requiring immediate attention.
- Sec. 3 PURCHASING PROCEDURES: The Finance Director or his/her designee shall be responsible to supervise the purchase or contracting of all supplies and contractual services requisitioned by any City Department or its divisions in accordance with purchasing procedures prescribed herein.
- 3.1 FORMAL COMPETITIVE BIDS: All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed ten thousand dollars (\$10,000), shall be purchased by formal competitive bids from the lowest responsible bidder, after due notice inviting proposals.

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- 3.1.1 **PREPARATION:** Preparation of the invitation for bids shall describe the requirements of the City clearly, accurately and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders.
- 3.1.2 **NOTICES:** Notices inviting bids shall be prominently displayed on a public bulletin board in the City building and shall be made available on request to news media. When deemed appropriate, or otherwise required, the Finance Director or his/her designee shall place an advertisement in a local newspaper of general circulation in Lewiston and other newspapers or publications **deemed appropriate**.
- 3.1.3 **BID DEPOSITS:** Bid bonds will be required on all construction projects when the estimated value of work to be done exceeds \$50,000 or when deemed necessary by the Finance Director or his/her designee or required by federal regulations, and that said bid deposits shall be prescribed in the public notice inviting bids. Bid deposits shall be a minimum of ten (10%) percent for bids under \$500,000. Surety of the unsuccessful bidders shall be returned by the Director after the bid has been awarded. A successful bidder shall forfeit any surety required by the Director upon failure on his/her part to enter into a contract within ten (10) days after the award.
- 3.1.4 **PERFORMANCE AND PAYMENT BONDS:** When the estimated value of work to be done is in excess of \$100,000 or, when deemed necessary by the Finance Director or his/her designee, a 100% performance bond and payment bond will be required and shall be prescribed in the public notice inviting bids or proposals.
- 3.1.5 **BID OPENING PROCEDURE:** Bids shall be submitted sealed to the Director and shall be identified as bids on the envelope. Openings shall be in public at the time and place stated in the public notices. A record of bids shall be kept by the Director of all bids submitted and such record shall be open to public inspection during regular business hours.
- 3.1.6 **AWARDS OF CONTRACT:** Upon recommendation of the Director, all formal bids shall be awarded by the Finance Committee.
- 3.1.6.1 **LOWEST RESPONSIBLE BIDDER:** Contracts shall be awarded to the lowest responsible bidder. In determining the 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 services;

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- 6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;
 - 7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
 - 8) The ability of the bidder to provide maintenance and service for the use of the subject of the contract; and
 - 9) The number and the scope of conditions attached to the bid.
- 3.1.6.2 AWARD TO OTHER THAN LOW BIDDER: When the award is not given to the lowest bidder, a statement of the reasons for placing the order elsewhere shall be prepared and filed with the papers relating to the transaction.
- 3.1.6.3 PREFERENTIAL TREATMENT: Local vendors shall not be granted preferential treatment except if all bids received are for the same total amount or unit price, quality and service being equal.
- 3.1.6.4 TIE BIDS: If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded first to a local bidder and second to an in-state bidder. If neither of the above applies, the contract shall be awarded to one of the tie bidders by drawing lots in public.
- 3.1.6.5 REJECTION OF BIDS: The Finance Committee, upon recommendation of the Director, shall have the authority to reject any and all bids when bids are deemed non-responsive, token, collusive or otherwise non-acceptable, and such action is in the best interest of the City.
- 3.2 EMERGENCIES: When the public exigency will not permit the delay incident to advertising, the City Administrator, acting with the advice of the Director, may authorize immediate negotiated purchases of supplies or services necessary to protect the best interest of the City. Awards done as emergencies shall be documented and forwarded to the Finance Committee.
- 3.3 FORMAL COMPETITIVE BIDS IMPRACTICAL: Services for which it is impractical or impossible to obtain competition because of the specialized and professional nature of these services, their purchase shall be effected in accordance with the procedures set forth.
- 3.3.1 "WAIVER OF COMPETITION": may be authorized by the Finance Committee when the services or items are:
- 1) A single source item;
 - 2) Must meet compatibility requirements with existing equipment owned by the City or by a contracted third party;
 - 3) A specialized service with only one vendor available; or
 - 4) A product or service is unique and easily established as one of a kind.
- 3.3.2 "DOCUMENTATION": The Director will document such waiver in as much detail as possible to show justification for each waiver.
- 3.3.3 "AUTHORIZATION": After review of criteria and of documentation, the

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Finance Committee may authorize a waiver of competition.

- 3.4 **NEGOTIATION PROCEDURES AND POLICIES:** Negotiated procurements shall be a competitive basis to the maximum practical extent. Whenever supplies or services are procured by negotiation, price quotation or other evidence of reasonable prices and other vital matters deemed necessary by the Director shall be solicited from the maximum number of qualified sources of supplies or services, consistent with the nature of and requirements for the supplies or services to be purchased, in accordance with the basic policies set forth below.
 - 3.4.1 **DECENTRALIZED PURCHASES:** At the discretion of, and subject to, the review and approval of the Director, department heads or their authorized representatives may effect purchases in amounts not to exceed \$1,000.00. The Director shall issue such rules and regulations and prescribe such forms as he/she deems necessary to control such purchases. He/she may also permit exceeding this monetary limitation in those instances where price, terms, conditions and contractors have been predetermined by his/her establishing open-end (estimated requirement type) contracts.
 - 3.4.2 **PURCHASING CARD PROGRAM:** Upon the recommendation of a department head, and subject to, the review and approval of the Director, department employees may effect purchases using a City of Lewiston purchasing card. The amount of any one purchase shall not exceed \$1,000.00 per transaction. The Director shall issue such rules and regulations and may prescribe such forms as he/she deems necessary to control such purchases. The Purchasing Card shall be used for the sole benefit of the City of Lewiston.
 - 3.4.3 **PURCHASES - NOT TO EXCEED \$2,000:** When the Director or his/her designee considers prices to be fair and reasonable and the total amount of a purchase does not exceed \$2,000, procedures and documentation will be simplified to the maximum degree possible. He/she shall establish such rules of procedure for such purchase as he/she feels necessary to insure against abuse of the public's best interest.
 - 3.4.4 **PURCHASE - \$2,000 - \$10,000 :** Negotiated purchases exceeding \$2,000 but not exceeding \$10,000 in total cost, will be supported by a record of price quotation from at least three (3) competitive sources or adequate explanations justifying the absence of such competition. Such quotation may be obtained in writing, verbally, or by such other means as may be prescribed by the Director or his/her designee as appropriate to the circumstances.
- 3.5 **AUDITING, ARCHITECT, ENGINEER AND CONSULTANT SERVICES - POLICY AND PROCEDURES:** It is the policy of the City to publicly announce all requirements for such services and to award contracts on the basis of demonstrated competence and qualifications for the type of professional services required, the technical merits of offers and the price for which services are to be rendered.

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- 3.5.1 FEES: Sealed fee statements shall be submitted at the same time as the proposal. No municipal contracts shall be awarded wherein the fee is stated as a percentage of the project cost. The preferred method of establishing a fee shall be that of a firm fixed fee. Other methods may, at the discretion of the Director, be employed if it is impossible to arrive at a firm fixed fee.
- ~~3.5.2 SELECTION: The Director or his/her designee shall request firms engaged in the lawful practice of their profession to submit a statement of qualifications and performance data. If the anticipated fee exceeds \$50,000, this data shall be evaluated by a committee consisting of, at a minimum, the City Administrator or his designee (acting as chairman), City Engineer, two members of the Finance Committee, head of the most concerned City department, and the Director of Budget/Purchasing. The Selection Committee shall conduct discussions with preferably no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, in order of preference whenever possible, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the order of preference has been established, the Selection Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.~~
- 3.5.2 SELECTION: The Director or his/her designee shall request firms engaged in the lawful practice of their profession to submit a statement of qualification and performance data.
- 3.5.2.1 AUDITING: If the anticipated fee for any given year exceeds \$50,000, the data shall be evaluated by the City Finance Committee. The City Finance Committee shall conduct discussions with no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the City Finance Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.
- 3.5.2.2 ARCHITECT, ENGINEER AND CONSULTANT SERVICES: If the anticipated fee for any given year exceed \$50,000, the data shall be evaluated by a committee consisting of, at a minimum, the City Administrator (or designee) to act as non-voting Chairperson, two (2) Lewiston residents (may include Lewiston City employees) who are knowledgeable of the subject, but will not be directly involved with the work once awarded, two (2) City Finance Committee and one (1) current City Councilor. The Selection Committee shall conduct discussions with no less than three (3) firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services, and then shall select therefrom, no less than three (3) firms deemed to be adequately qualified to provide the services required. Once the adequately qualified firms have been established, the Selection Committee shall open the sealed fee statements of the firms deemed to be adequately qualified.
- 3.5.3 INSURANCE AND BONDS: All firms selected as being adequately qualified must provide evidence of insurance covering their entire scope of operation for any “error or omissions” resulting from their endeavors. The amounts of such insurance coverage shall be commensurate with the magnitude of the project under

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consideration and shall be established by the Director. Should timely performance be a matter of importance to the City, the firm selected may be requested to furnish an acceptable performance bond and/or such other form of surety as may be mutually agreed upon to insure adherence to a mutually agreed upon time schedule.

~~3.5.4 NEGOTIATION OF FEES: Once the Selection Committee has selected and rated those firms adequately qualified for a specific project and has reviewed the fee statements, the committee shall negotiate a contract with the highest rated firm at compensation which they determine to be fair and reasonable to the City. In making this decision, they shall take into account the estimated value of the services to be rendered, the scope, complexity and professional nature thereof. Should the committee be unable to negotiate a satisfactory contract with the firm considered to be the highest rated at a fee which the committee determines to be fair and reasonable, they will undertake negotiations with the second rated firm. Failing accord with the second firm, they will undertake negotiations with the third rated firm. Should the committee be unable to negotiate a satisfactory contract with any of the rated firms, they shall select and rate additional firms and shall continue negotiations in accordance with this section until an agreement is reached.~~

3.5.4 AWARD OF CONTRACT FROM SELECTION REVIEW PROCESS: Once the Selection Committee has selected those firms adequately qualified for a specific project, the Committee shall review the fee statements and make a recommendation to the City Finance Committee for consideration. The City Finance Committee shall receive all documentation regarding the firms deemed to be adequately qualified for the process of making an award. The City Finance Committee, upon recommendation of the Selection Committee, shall have the authority to reject any and all bids when bids are deemed non-responsive, token, collusive or otherwise non-acceptable, and such action is in the best interest of the City.

3.5.5 SMALL PROJECTS: In those instances wherein the fee does not exceed \$50,000, the procedures outlined in Section 3.5.2 (selection) may be simplified by the Director after consultation with the City Administrator, selecting and rating the three (3) adequately qualified firms with whom he/she may negotiate for a fair and reasonable fee. A complete record of his/her reasons for selecting the qualified firms and the negotiation proceedings shall be part of the record reviewed by the Finance Committee if the contract exceeds \$10,000.

3.6 AWARD: All contracts wherein the fee exceeds \$10,000 shall be reviewed and awarded by the Finance Committee.

3.7 AMENDMENTS TO CONTRACTS: Amendments to contracts may be authorized by the Finance Committee when it can clearly document that the additional services are part of the original intent of the base contract and are made necessary by changes not known at the time of the base contract.

3.8 DISQUALIFICATION OF BIDDERS: The Finance Committee may authorize the disqualification of a bidder/vendor from bidding on City contracts for up to twelve (12) months upon the formal recommendation of the Director and in accordance with procedures set forth.

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- 3.8.1 CITY DEPARTMENT OR CONSULTING ENGINEER REQUEST DISQUALIFICATION OF BIDDER/VENDOR: for one or more of the following:
- A) Default on their bid, quotation, contract or purchase order;
 - B) Failure to comply with specification of contract documents;
 - C) Failure to supply the item as required by the specifications.
 - D) Documented history of poor performance.
- * The Bidder/Vendor shall be notified, in writing, by the Director prior to a recommendation for disqualification being forwarded to the Finance Committee.
- 3.8.2 DISQUALIFIED BIDDER/VENDOR: may apply for reinstatement after period of disqualification has elapsed. The Director of Budget/Purchasing recommends to the Finance Committee on reinstatement of Bidder/Vendor.
- 3.8.3 BIDDER/VENDOR: shall have the right to appeal to the City Council for a reversal or reinstatement.
- 3.9 REQUISITION: Purchases involving the immediate encumbrance of City funds shall be made only on a written/electronic requisition submitted by the department. Purchase of less than ~~\$50.00~~ \$1,000 will not require Purchase Orders.
- 3.9.1 REVISORY POWER IN AGENT: The Director or his/her designee shall examine each requisition and shall have the authority to revise it as to quantity, quality or estimated cost; but revision as to quality shall be only with the concurrence of the using agency or, if agreement cannot be reached, with concurrence of the City Administrator.
- 3.10 APPROPRIATION REQUIRED: No purchase of supplies or services not provided for in the annual appropriation resolve, shall be made unless by specific order of the City Council. Once the purchase has been authorized by the Director or his/her designee. The funds shall be immediately encumbered.
- 3.11 UNAUTHORIZED PURCHASES: Except as herein provided, or as may be specifically authorized by the City Council or the Director, it shall be unlawful for any City employee or official to purchase any supplies or services other than in accordance with these policies.
- 3.12 SALE OF PROPERTY: The Director or his/her designee shall be responsible for the sale of all municipal property (real or personal) which is no longer used or has become obsolete, worn out or scrapped.
- 3.12.1 NOTICE: Department heads of all using agencies shall notify the Director or his/her designee, at such times and in such form as he/she may prescribe, reports of all surplus material available within their respective department.

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- 3.12.2 TRANSFER: The Director shall have the authority to transfer surplus property to other using agencies.
- 3.12.3 SALE PROCEDURE: All sales which have an estimated dollar value over \$5,000 shall be sold at a public auction or through formal competitive bids. Sales from \$1,000 to \$5,000 shall be supported by price quotations from three (3) competitive sources or adequate explanation justifying the absence of such competition. Sales estimated at less than \$1,000 shall be conducted in the most economical manner and in the best interest of the City.
- 3.14.4 DONATION: All items which might be donated to another town, municipality or non-profit organization shall require prior approval of the City Council.

Sec. 4 MISCELLANEOUS PROVISIONS

- 4.1 GIFTS AND GRATUITIES: Officers and employees of the City are expressly prohibited from accepting from any person, firm, corporation or organization, any rebate or gift that would directly affect the purchase of goods or services for the City, except where given for the use or benefit of the City.
- 4.2 COOPERATIVE PURCHASING: The Director or his/her designee shall have the authority to join other units or government (federal, state, county, municipal subdivisions, including quasi-municipal agencies) in cooperative purchasing plans when the best interests of the City would be served thereby and such action is in accordance with and pursuant to law and City Purchasing Policy.