

ALAMO TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE 51-M

AN ORDINANCE TO ESTABLISH A PURCHASING AGENT; TO SET REQUIREMENTS FOR PURCHASES OR CONTRACTS; TO PROVIDE FOR SEVERABILITY AND THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH AND TO SET AN EFFECTIVE DATE.

ALAMO TOWNSHIP ORDAINS:

ARTICLE I

TITLE

This Ordinance may be known and cited as the Alamo Township Purchasing Policy Ordinance.

ARTICLE II

PURCHASES OR CONTRACTS UP TO \$200.00

The Township Supervisor shall act as the Purchasing Agent for the Township, unless another Officer or employee of the Township has been delegated by the Supervisor to act as Purchasing Agent. Any such designation shall be in writing filed with the Township Clerk. Every purchase in excess of \$200.00 shall be approved by the Township Board before being issued. Department heads including, but not limited to, the Clerk, Treasurer and Fire Chief may purchase supplies, materials, equipment or services not exceeding \$200.00 without prior approval of the Township Board. Such purchases may be made on the open market and shall not be required to be competitively bid.

PURCHASES OR CONTRACTS OVER \$200.00 AND UNDER \$2,500.00

Purchases of supplies, materials or equipment or services not otherwise exempt, the cost of which is over \$200.00 but less than \$2,500.00, shall only be made by the Township Purchasing Agent with prior approval of the Township Board and may be made on the open market but such purchases shall, where practicable, be based on at least three competitive bids. The purchase or contract shall be awarded to the lowest qualified bidder whose bid is deemed, by the Township Board, in its sole discretion, to be in the best interests of the Township. The Township reserves the right to reject any and all bids. The Township Board may take into consideration that the bidder is a resident of the Township of Alamo. The Purchasing Agent may solicit bids verbally or

by telephone, or may request written bids at the Purchasing Agent's sole discretion. Publication of bids shall not be required.

PURCHASES OR CONTRACTS OVER \$2,500.00

Any expenditure for supplies, materials, equipment or services not otherwise exempt in excess of \$2,500.00, may be made by the Purchasing Agent with the prior approval of the Township Board and shall be governed by the following provisions of this section:

(a) Such expenditures shall be made the subject of a written contract. A purchase order shall be sufficient written contract only in cases where the expenditure is in the usual and ordinary course of the Township's affairs and in no case shall it be sufficient for the construction of public works or the contracting for supplies or services over any period of time or where the quality of the goods or materials or the scope of the services bargained for is not wholly standardized.

(b) The Purchasing Agent shall also solicit bids from a reasonable number of such qualified prospective bidders as are known to him, by sending each a copy of the notice requesting bids.

(c) If the Township Board shall deem it necessary, security shall be required to accompany bids. The Township Board shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of cash, certified or cashier's check, or bond written by a surety company authorized to do business in the State of Michigan. The amount of such security shall be expressed in terms of percentage of the bid submitted.

(d) Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the purchasing agent, the Township Clerk, and at least one other Township Official, preferable the head of the department most closely concerned with the subject of the contract. The bids shall thereupon be carefully examined and tabulated and reported to the Township Board with the recommendation of the Purchasing Agent.

(e) When such bids are submitted to the Township Board, the contract to be executed, in a form approved by the Township Attorney, shall also be submitted, and if the Township Board shall find any of the bids to be satisfactory, it shall award the contract and shall authorize execution of the contract upon execution of the contract by the successful bidder and the filing of any bonds which may have been required, which bonds shall first be approved by the Township Attorney as to form and content. Such award may be made by Resolution or Motion of the Township Board

recorded in the minutes of a regular or special meeting. The Township Board shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.

(f) At the time the contract is executed by him, the contractor shall file a bond executed by a surety company authorized to do business in the State of Michigan, to the Township, conditioned to pay all laborers, mechanics, subcontractors, and material men, as well as all just debts, dues, and demands incurred in the performance of such work and shall file a performance bond when one is required. Said contractor shall also file evidence of public liability insurance naming the Township as an additional insured in an amount satisfactory to the Township Board, and agree to save the Township harmless from loss or damage caused to any person or property by reason of the contractor's negligence.

(g) All bids, bid bonds, deposits of cash or certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the Township, and the Township Board may, in its discretion, award the contract to next best bidder or said contract may be re-bid.

EXCEPTIONS TO COMPETITIVE BIDDING

Competitive bidding shall not be required in respect to contract for professional services. In any other case where competitive bidding clearly is not practical or where no advantage would result to the Township to require competitive bidding, the Township Board, upon the written recommendation of the Purchasing Agent, may authorize the execution of a contract without competitive bidding. Where a contract is let without competitive bidding, the proposed contract shall be approved by the Township Attorney as to form and content.

EMERGENCY PURCHASES OR CONTRACTS

In the event of an emergency, as defined hereinafter, the Fire Chief is authorized to purchase or contract for towing services of Fire Department vehicles to a repair facility without limitation and without prior Township Board approval.

In the event of an emergency, as defined hereinafter, the Township Purchasing Agent may purchase or contract for repairs or services, without competitive bidding and without prior Township Board approval, in an amount not to exceed \$5,000.00. Where practicable, before entering into the purchase or contract for emergency repairs or services, the Purchasing Agent shall attempt to contact all members of the Township

Board, inform them of the emergency and consider their input. The written contract or invoice shall be presented to the Township Board at its next regular meeting.

Emergency means any unforeseen breakdown or failure of a major piece of fire equipment which, if not immediately repaired and available, may hinder the Fire Department in providing necessary services. *Major equipment* includes, but is not limited to, fire trucks, transmissions, tires, suspensions and other items where a back up or other equivalent equipment is not available. Under no circumstances shall routine maintenance or the purchase of new equipment be considered an emergency.

ARTICLE III

REPEALER

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE IV

SEVERABILITY

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE V

EFFECTIVE DATE

This Ordinance shall take force and effect on July 25, 2005.

CERTIFICATE

I, Garilyn Sportel, Alamo Township Clerk, do hereby certify that the foregoing Alamo Township Ordinance No. 51-M was adopted by the Alamo Township Board at a regular meeting held on July 11, 2005, and that the following is a record of the vote of the members of said Township Board on said Ordinance.

AYES: Stoneburner, Vlietstra, Potter-Williams, Sportel

NAYS: None

ABSTENTIONS: None

ABSENT: Feniger

Garilyn Sportel
Alamo Township Clerk