

Chapter 44

PURCHASING

[HISTORY: Adopted by the Town Council of the Town of Callahan 9-7-2004 by Ord. No. 6-O-2004.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Fire trucks and tankers – See Ch. 21, Art. I.

Town Council meetings – See Ch. 59.

§ 44-1. Purpose.

- A. The purpose of adopting these purchasing guidelines is to:
 - (1) Provide the Town with a system to obtain quality goods and services in a timely manner and at a competitive rate; and
 - (2) Ensure equity and fairness to all who deal with the Town.
- B. This policy will apply to all purchases of the Town irrespective of the source of funding.
- C. Exception: Grant agreements may contain provisions or requirements related to purchasing policies, disposition of fixed assets, etc. that differ from the Town's policies. In the event that there is a conflict between a grant provision/requirement and a Town policy, the grant provision/requirement will take precedence over the Town policy.

§ 44-2. Authority of the Mayor.

- A. The Mayor may solicit quotations, both verbal and written, and issue invitations to bid and requests for proposals;
- B. Award and renew contracts pursuant to the terms and provisions of this chapter;
- C. Award and renew contracts and/or purchase orders and agreements when utilizing other government contracts in an amount not to exceed 20,000 in value. [Amended 2-19-2019 by Ord. No. 2019-O01]

§ 44-3. Delegation of purchasing authority.

- A. All Town purchases must have proper prior authorization and approval. Department heads of the Town of Callahan are designated as follows: Members of the Town Council, Fire Chief, Public Works Director, Town Clerk, and Treasurer. The department heads or their designee(s) are required to approve all purchasing-related documents prior to submitting

1. Editor's Note: This ordinance also superseded former Ch. 44, Purchasing, adopted 7-3-1995 by Ord. No. 2-O-1995.

same to the Mayor. [Amended 2-19-2019 by Ord. No. 2019-001]

- B. The approval levels are as follows (total purchase): [Amended 2-19-2019 by Ord. No. 2019-001]
 - (1) Department head: \$0 - \$499.
 - (2) Department head with signature of the Mayor: \$500 - \$9,999.
 - (3) The Mayor: \$10,000 - \$20,000.
 - (4) Town Council: Over 20,000.
- C. Purchase amounts shall not be artificially divided to circumvent the approval requirements. Willful violation of these rules will result in termination of purchasing authority for the individual and/or department and may further result in disciplinary action against the individual committing the violation.

§ 44-4. Quotations. [Amended 2-19-2019 by Ord. No. 2019-001]

The quotation levels are as follows (individual item):

- A. None: \$0 - \$499.
- B. Two verbal quotes: \$500 - \$4,999.
- C. Three written quotes: \$5,000 - \$20,000.
- D. Formal bid or request for proposals: Over \$20,000.

§ 44-5. (Reserved) ²

§ 44-6. Competitive procurement required.

All initial awards of contract for commodities and contractual services exceeding \$10,000 shall be awarded by the Town Council through the process of competitive, sealed bidding or competitive requests for proposals, except as otherwise provided herein.

§ 44-7. Exemptions from the competitive procurement requirement.

The following are exempt from the requirements of formal competitive procurement:

- A. Sole source procurement; however, all sole source procurements where the cost of the commodity or contractual service exceeds \$20,000 shall be authorized by the Town Council. [Amended 2-19-2019 by Ord. No. 2019-001]
- B. Nonemergency exemptions to this process must be approved by the Town Council if over \$20,000. [Amended 2-19-2019 by Ord. No. 2019-001]

2. Editor's Note: Former § 44-5, Processing of contract for the provision of commodities or services, was repealed 2-19-2019 by Ord. No. 2019-001.

- C. Emergency procurements. The Mayor may make or authorize emergency procurements of commodities or services when there exists a clear and present threat to public health, property, welfare, safety or other substantial loss to the Town. The Town Clerk will notify the Council immediately of all emergency expenditures over \$20,000. [Amended 2-19-2019 by Ord. No. 2019-001]
- D. Purchases under contracts of the federal government, the State of Florida and/or its political subdivisions. All purchases of commodities or services under the provisions of local, state and federal purchasing contracts shall be exempt from the competitive procurement requirements; however, such contracts must be approved by the Town Council if over \$20,000. [Amended 2-19-2019 by Ord. No. 2019-001]
- E. Exempt contractual goods and services not subject to the competitive procurement requirement. This category shall include services involving special skill, ability, training or expertise that are in their nature unique, original or creative, in accordance F.S. § 287.057 (5)(f);

§ 44-8. Formal competitive procurement procedure.

- A. Public notice. Public notice of the invitation to bid or the request for proposals shall be provided a minimum of 10 calendar days prior to the date set forth in the notice for the opening of the bids or proposals. Such notice shall be provided by publication in a newspaper of general circulation in the Town. The notice shall state the place, date and time of the bid or proposal opening.
- B. Bid proposal submission. Bids and proposals shall be submitted in a sealed envelope, which shall be clearly identified as a bid or proposal on the exterior of the envelope and delivered to the Town Clerk's office.
- C. Bid or proposal security; performance or payment bonds. The Town shall require bid or proposal security and performance or payment bonds for all contracts for construction of public buildings or works costing over \$200,000 and reserves the right to require same for contracts costing less than \$200,000.
- D. Bid opening.
 - (1) Bids shall be opened publicly by the Town Clerk at the time and place designated in the public notice of the invitation to bid. [Amended 2-19-2019 by Ord. No. 2019-001]
 - (2) Bids shall be read aloud and a tabulation of all bids received shall be made available for public inspection after the opening of the bid.
 - (3) No late bids shall be accepted or opened if received after the date and time specified in the public bid notice. All late bids shall be returned, unopened, to the bidder or offeror.

- E. Proposal opening. When the request for proposals procedure is utilized, the proposals shall be opened at the time and place designated in the public notice. A register of proposals shall be prepared and maintained by the Town Clerk containing the name of each offeror.
- F. Modification to solicitation documents. Any modification of the invitation to bid or the request for proposals made prior to the opening of the responses to those solicitation documents shall be by addenda provided in writing to the same businesses to which the original solicitation documents were mailed or otherwise provided.
- G. Bid documents become property of the Town. All bids or proposals, along with accompanying documentation, received from bidders or offerors in response to the invitation to bid or request for proposal shall become the property of the Town and will not be returned. In the event of contract award, everything produced as part of the contract shall become the exclusive property of the Town.
- H. Rejection of bids or proposals. The Town may reject any and all bid(s) or proposal(s) for any of the following reasons:
 - (1) If the evidence submitted by the bidder or offeror or the investigation of such bidder or offeror fails to satisfy the Town that such bidder or offeror is properly qualified to carry out the obligations and complete the work contemplated therein.
 - (2) If there is reason to believe collusion exists among bidders or offerors.
 - (3) If the bid or proposal is not responsive, not properly delivered, not properly signed or is unsigned, shows serious omissions, alterations in form, additions not called for, conditions or unauthorized alterations, or irregularities of any kind. The Town reserves the right to waive such technical errors as may be deemed in the best interest of the Town.

§ 44-9. Award of contract.

- A. Competitive bid procedure. The contract shall be awarded with reasonable promptness to the most responsive, responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid, except as otherwise provided herein.
- B. Tie bids. Tie bids will be decided by the Town on a basis of quality, delivery time and other criteria as determined for the specific project.
- C. Request for proposals procedure and request letters of interest procedure. The award shall be made to a responsible offeror whose proposal is determined to be the most advantageous to the Town, taking into consideration, price and the evaluation factors and criteria set forth in the request for proposals.

§ 44-10. Contracts for professional services.

All contracts for professional services as that term is defined in the Consultants Competitive

Negotiations Act, F.S. § 287.055, as amended from time to time, shall be awarded in accordance with the procedures set forth in that Act and any Town procedures adopted in furtherance of that Act.