

**TOWN OF HAMDEN
LEGISLATIVE COUNCIL**

**ORDINANCE AMENDING AND RESTATING SECTIONS 36.10 to 36.21 OF THE
HAMDEN CODE OF ORDINANCES
PURCHASING PROCEDURES**

Presented By: Tom Figlar

Whereas, §§36.10-through 36.21 entitled "Purchasing Procedures" for the Town of Hamden was adopted and subsequently amended from time; and

Whereas, the Town wishes to amend and restate the Purchasing Procedures Ordinance in order to update the threshold for quotes and bid waivers to be more consistent with the requirements of Federal and State procurement processes.

Now Therefore Be It Ordained that §§36.10- through 36.21 of the Code of Ordinances, entitled "Purchasing Procedures" and is amended and restated below.

PURCHASING PROCEDURES

§ 36.10 PURCHASE OF SUPPLIES, MATERIALS, ETC.

The purchasing agent shall purchase all supplies, material, equipment, goods and contractual services required by any department, office or agency of the town government, except that he/she will not purchase books, publications, subscriptions for periodical literature or non-print materials in the library collections of the board of education or the library board. All purchases for equipment and materials used for classroom, instructional, or library collections use, other than books, publications or subscriptions for periodical literature, are to be purchased in accordance with the specifications furnished by the superintendent of schools or his/her duly appointed agent, or the town librarian or his/her duly appointed agent.

(Ord. 645, passed 1-6-14)

§ 36.11 REQUISITION TO BEAR WRITTEN APPROVAL.

No request or requisition for any purchase forwarded to the purchasing agent for action shall be valid unless it bears the written or electronic approval of the head of the department, office, or agency, or his/her previously designated agent.

(Ord. 645, passed 1-6-14)

§ 36.12 EXPENDITURES.

(A) Transactions from \$0.01 to \$2,500.00 shall be awarded prudently on the basis of the best value, using known and reliable sources of supply. Requests for expenditures under this section along with the justification shall be forwarded by the department head or his/her designee to the purchasing agent for review and approval.

(B) Transactions from \$2,500.01 to \$25,000.00 shall be awarded to the most "qualified" vendor based on results of three or more electronic or written quotations. Requests for

expenditures under this section along with the justification shall be forwarded by the department head or his/her designee to the purchasing agent for review and approval.

(C) Transactions of \$25,000.01 or more shall be awarded on the results of formal bid procedures, except as provided herein. The purchasing agent shall invite sealed bids or request for proposals through the town's website and other notification tools, which may include the State of Connecticut or other procurement websites, giving at least ten days' notice thereof from the posting or advertising date and shall contain a statement reserving the right to reject all bids or proposals. The purchasing agent shall award the contract or make the purchase from the lowest qualified bidder for a bid; for proposals, to the bidder deemed to be in the best interest of the town; or may reject all bids or proposals subject to the best interests of the town. If there are two or more responsible bids or proposals which are equal in price and specifications, the award is to be made on the basis of the following criteria:

(1) Past performance.

(2) Priority to town vendors.

(3) When divisions (C)(1) and (2) have not resolved the equality, or when application of one or more than one town vendor is involved, the purchasing agent shall award the contract or make the purchase by drawing of lots in public, to which drawing the vendors shall be invited.

(Ord. 645, passed 1-6-14)

§ 36.13 EXEMPTIONS.

The following shall be exempt from the requirements of this chapter.

(A) Local suppliers. Where practicable and beneficial to the operations of the town, the purchasing agent may assign up to \$10,000.00 annually, contracts for goods (only) required for the day-to-day maintenance and repair of the town (and school facilities) to suppliers located within or near the town's geographical area. The purchasing agent will annually request and keep on file price/discount structures from critical suppliers and will work with operations personnel to ensure all goods are procured on the basis of a best value proposition.

(B) Sole source. Where beneficial to the town, the purchasing agent may purchase on the basis of best value, without publicly bidding, goods and services from suppliers who are the sole source of copyrighted, patented and/or specialized equipment or services; library/ educational/curriculum materials and/or textbooks; and utilities. In each case, the purchasing agent may waive the requirement to obtain competitive quotes or bids upon receipt and review of sole source documents which shall be kept on file for examination and audit, confirming the exclusivity of the goods and an explanation/calculation of the best value proposition. For purposes of this chapter, "SOLE SOURCE" shall mean one source of supply deemed acceptable or capable of meeting the specifications for a product or service and shall be qualified with a sole source justification document to the purchasing agent.

(C) Consortiums. Where beneficial to the town, the purchasing agent may purchase goods and services through any and all state or federal purchasing strategies or produce confirmation the supplier holds a contract awarded by the U.S. Government Services Administration (GSA) to document the federal government has conducted a public bidding process, or purchase from

contracts publicly bid by a consortium. In each case, the purchasing agent may waive the requirement to obtain competitive bids or quotes upon receipt and review of documents, which shall be kept on file for examination and audit, confirming the explanation/calculation of the best-value proposition.

(D) State bids. Where beneficial to the town, the purchasing agent may purchase goods and services from the State Bid List.

(Ord. 645, passed 1-6-14)

§ 36.14 COMPETITIVE BIDDING MAY BE WAIVED.

(A) Competitive bidding may be waived by the purchasing agent, upon the written approval of the Director of Finance and the Mayor, and negotiations may be utilized in the following circumstances.

- (1) Emergency requirements as per §§ 36.16 to 36.18, inclusive.
- (2) Management or consulting services, and those services requiring special or unique skills.
- (3) Service, repair or maintenance of equipment normally handled by the manufacturer and/or his/her authorized dealer of the equipment.
- (4) In those circumstances where uniformity or consistency with goods or equipment already owned by the town is deemed to be of substantial importance.
- (5) When purchasing goods or services which are not generally competitive as to price or because of lack of availability.

(B) Copies of all quote waivers between the sum of \$2,500.01 and \$25,000.00 shall be sent to the Legislative Council upon receipt by the Director of Finance on a semi-annual basis.

(C) Notwithstanding provisions (A)(1) through (A)(5), above, any bid waiver over the sum of \$25,000.01 must receive the approval of the majority vote of the Legislative Council, present and voting.

(D) All waivers of bid shall contain a statement of the reasons therefor and shall be kept on file in the office of the purchasing agent.

(Ord. 645, passed 1-6-14)

§ 36.15 RECORD TO BE KEPT.

The purchasing agent shall keep a record of all open-market orders and the bids submitted in competition thereon, and the records shall be open for public inspection.

(Ord. 645, passed 1-6-14)

§ 36.16 EMERGENCY PURCHASES BY PURCHASING AGENT.

In case of an apparent emergency which requires immediate acquisition of supplies or contractual services, the Mayor may authorize the purchasing agent to secure, at the lowest obtainable price, any supplies or contractual services. A written report of the circumstances of an

emergency purchase shall be filed with the Mayor and the Legislative Council by the purchasing agent and shall be open for public inspection.

(Ord. 645, passed 1-6-14)

§ 36.17 EMERGENCY PURCHASE BY OTHER THAN PURCHASING AGENT.

In case of actual emergency, the head of any using department, office or agency may purchase directly any supplies or contractual service whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of citizens. The department head shall file with the purchasing, not later than the next business day, a requisition and a copy of the delivery record, together with a written report of the circumstances of the emergency, and shall file a copy of the report with the Mayor and the Legislative Council.

(Ord. 645, passed 1-6-14)

§ 36.18 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“BEST VALUE.” A function/service comparison performed with cost, quality and availability variables among others; obtaining the best possible products/services at the lowest possible cost.

“BEST VALUE PROPOSITION.” A function/service comparison performed with cost, quality and availability variables among other criteria; obtaining the best possible products/services considering any intangible or other benefits that may not necessarily represent the lowest possible cost, but overall better value perceived.

“FORMAL BID PROCEDURE.”

(1) “INTENT TO BID.” The offer of a supplier (bidder) to provide specific goods and/or services in accordance with all specifications and conditions indicated in a solicitation. The purchasing agent shall award the contract or make the purchase from the lowest qualified bidder.

(2) “REQUEST FOR PROPOSAL (RFP).” A document used to solicit proposals to accomplish a specified scope of work. Negotiations may be conducted after evaluation of all offers. The purchasing agent shall award the contract or make the purchase deemed to be in the best interest of the town.

“GSA.” General Services Administration, which is the acquisition and procurement agency for the government of the United States; it contracts for all goods, services and real property required by the operation of the civilian federal government.

“LOWEST QUALIFIED BIDDER.” A supplier who has the capacity and capability to provide goods/services in conformance with the specifications at the lowest cost.

“MRO.” Maintenance, repair and operation.

“SOLE SOURCE.” One, and only one, source of supply deemed acceptable or capable of meeting the specification for a product/service qualified with a sole source justification document to the purchasing agent.

(Ord. 645, passed 1-6-14)

§ 36.19 COOPERATIVE PURCHASING PLANS.

The purchasing agent may join with other towns or other units of government in cooperative purchasing plans and consortiums on an equitable basis in large bulk purchasing, in the best interests of the town.

(Ord. 645, passed 1-6-14)

§ 36.20 CONTROL OF WAREHOUSE OR STOCKROOM.

Should any central warehouse or stockroom be established for the use of the agencies, departments or offices of the town the facility shall be under the control of the purchasing agent and he/she shall be empowered to promulgate rules and regulations for its proper functioning. For purposes of this section the Board of Education shall be deemed an agency of the town.

(Ord. 645, passed 1-6-14)


§ 36.21 ISSUANCE OF RULES AND REGULATIONS.

The purchasing agent is empowered to issue rules and regulations to assure the proper and efficient implementation of §§ 36.10 to 36.21, inclusive. All such regulations shall be subject to the approval of the Mayor and the Director of Finance.

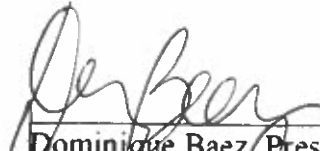
(Ord. 645, passed 1-6-14)

Approved by the Legislative Council at its meeting on May 20, 2024.


APPROVED AS TO FORM:



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APPROVED



Mayor Lauren Garrett

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