

Chapter 5 PURCHASING SYSTEM

2-5.01 Adoption; purposes.

A decentralized purchasing system is adopted for the following purposes:

- (a) To establish and maintain uniform policies and procedures for the purchase of supplies, services and equipment;
- (b) To secure for the City supplies, services and equipment at the lowest possible cost commensurate with the quality and quantity needed, availability of the items and the ultimate use intended;
- (c) To exercise positive financial control over purchasing and;
- (d) To clearly define authority for the purchasing functions, a uniform purchasing system is adopted.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.02 Purchasing Agent; position created; appointment; Director.

There is created the position of Purchasing Agent. The Purchasing Agent shall be appointed by the City Manager. The Purchasing Agent shall be responsible for implementing purchasing regulations and procedures contained in this chapter. The duties and functions and responsibilities of the Purchasing Agent shall be as follows:

- (a) Coordinate and manage the procurement of the City's general supplies, services and equipment from the lowest responsive and responsible bidder when such is required by the ordinance codified in this chapter or subsequent regulations and procedures adopted pursuant hereto;
- (b) Ensure full and open competition on all purchases as required by this chapter;
- (c) Identify, evaluate and utilize purchasing methods which best meet the needs of the City (i.e. cooperative purchasing, blanket purchase orders, contractual agreements, etc.);
- (d) Assist Departments with research and recommendations in developing specifications. Review specifications for completeness of information to ensure that specifications are clear but not overly restrictive;
- (e) Assist departments in evaluating vendor performance;
- (f) Develop regulations and procedures for the purpose of, implementing the ordinance codified in this chapter. Recommend revisions to purchasing regulations and procedures when necessary. Keep informed of current development in the field of public purchasing;
- (g) Prescribe and maintain forms and records necessary for efficient operation of the purchasing function;
- (h) Act as the City's agent in the transfer and disposal of surplus equipment and materials;
- (i) Make purchase award recommendations to the appropriate authority;
- (j) Review and approve all purchase orders and contracts for the purchase of services, supplies, and equipment;
- (k) Control emergency purchases in accordance with this chapter and related regulations and procedures;
- (l) Maintain inventory records on all capital assets purchased;
- (m) Operate and maintain, in partnership with the Field Services Department, the warehouse and storage facilities of the City and maintain proper inventory control and records;
- (n) Take such actions as necessary to insure that the City obtains the needed quality in supplies, equipment, and services at the least expense.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.03 Purchasing Manual.

The Purchasing Agent shall prepare or cause to be prepared, rules and regulations for the administration of the Purchasing System established by this chapter. Upon the approval of such by the City Council, the same shall be published as a Purchasing Manual and copies shall be distributed to each Department Head and Officer of the City. An adequate supply of additional copies of the Purchasing Manual shall be maintained for sale to the public at a price not to exceed its cost to the City.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.04 Independent purchases and contracts.

The Purchasing Agent may authorize in writing any Department Head or Officer of the City to purchase or contract for specified supplies, services or equipment independently of the Purchasing Agent; but shall require that such purchases or contracts be made in conformity with the requirements established by the ordinance codified in this chapter or related rules and regulations and procedures, and may further require periodic reports from the Department Head or Officer on all purchases and contracts made under such written authorization.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.05 Estimates of requirements.

Each Department Head and/or Officer of the City shall file detailed estimates of the requirements of his or her department or office for supplies, services or equipment in such manner, at such time, and for such future periods as the Purchasing Agent shall prescribe.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.06 Purchase requisitions.

Departments shall, when regulations or procedures require, submit requests for supplies, services, and equipment to the Purchasing Department by standard requisition forms.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.07 Encumbrance funds.

The Purchasing Agent shall not, without the City Manager's authorization, approve any purchase order for supplies, services, or equipment, unless there exists an unencumbered appropriation against which such purchase may be charged.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.08 Bidding.

Purchase of supplies, services, equipment and the sale of City property shall be by bid procedure adopted pursuant to sections of this chapter. Emergency purchases may be made as the need arises, and the same shall be exempt from the requirements of this section; provided, however, that such emergency purchases shall be made only in accordance with established rules and regulations adopted pursuant to this chapter.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.09 Purchase orders.

All purchases of supplies, services and equipment above thresholds established in the Purchasing Manual shall be by purchase order duly issued in accordance with established rules and regulations established pursuant to this chapter.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.10 Over the counter purchases.

Purchases of supplies, services or equipment in the amount of Five Thousand and no/100ths (\$5,000.00) Dollars or less may be purchased without obtaining formal bids or quotes. The Purchasing Agent or Department Head will use prudent judgment and comparative pricing whenever practical.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.11 Open market purchases.

Purchases of supplies, equipment, contractual services and sales of personal property in the amount of more than Five Thousand and no/100ths (\$5,000.00) Dollars but less than Fifteen Thousand and no/100ths (\$15,000.00) Dollars, other than public works contracts may be made by the Purchasing Agent in the open market, without observing the procedures prescribed in Section 2-5.12.

(a) Minimum Number of Quotations. Open market purchases shall, whenever possible, be based on at least three (3) written quotations, and shall be awarded to the qualified person or firm submitting the lowest quotation.

(b) Record of Quotations. The Purchasing Agent shall keep a record of all open market quotes and the same shall be open to public inspection.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.12 Formal bid procedures.

Purchases of supplies and equipment and the sale of City property in the amount of Fifteen Thousand and no/100ths (\$15,000.00) Dollars or more shall be by formal bid procedure.

(a) Notices Inviting Bids. Notices inviting bids shall include a general description of the article to be purchased or sold, state where the blank bid forms and specifications may be secured, and the time and place for opening bids.

(1) Published Notice. Each notice inviting bids shall be published at least ten (10) days before the date set for opening bids. Publication shall be made in a newspaper of general circulation, printed and published in the City.

(2) Bulletin Board. Notice inviting sealed bids shall be posted on a public bulletin board prominently displayed in the City Hall

(b) Bidder Security. When deemed necessary by the Purchasing Agent, bidder's security may be prescribed in the public notices inviting bids. Bidder's security required under this paragraph shall be in the form prescribed by Government Code Section 37931. Bidders shall be entitled to return bid's security; provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after notice of award of contract has been sent by certified mail, unless the City is responsible for the delay. Upon such refusal or failure of the successful bidder to execute the contract, the City Council may award the contract to the next low bidder in accordance with and subject to the provisions of Government Code Section 37935.

(c) Bid Opening Procedure. Sealed bids will be carefully safeguarded until the hour established for opening. Sealed bids shall be submitted to the City Clerk, or other designated City Official, and shall be identified as bids with the project or bid item on the envelope. Bids shall be opened in public at the published/noticed time of each

bid. A tabulation of all bids received shall be open for public inspection during regular business hours, in the office of the City Clerk

(d) Rejection of Bids. The City Council may, in its discretion, reject any and all bids presented.

(e) Award of Contracts. Contracts shall be awarded by the City Council to the lowest responsible bidder except as otherwise provided herein.

(f) Tie Bids. If two (2) or more bids are for the same total amount or unit price, quality and service being equal, the City Council or the Purchasing Agent may accept the one it or he/she chooses, or accept the lowest bid made by negotiation with the tie bidders.

(g) Lowest Responsible Bidder. All valid responsible bids shall be considered in determining which is lowest. Late bids and incomplete bids will be disregarded. The Purchasing Agent will take into consideration delivery terms and conditions and conformity with the specifications.

(h) Performance Bonds. The City Council shall have authority to require a performance bond prior to entering a contract. A performance bond shall be in an amount determine reasonable and necessary to protect the best interest of the City. If such bond is required, the form and amount of the bond shall be described in the notice inviting bids.

(i) Waive of Bidding. City Council, by a majority vote, may dispense with bidding and other procedures required by this chapter in any individual instance upon finding that it would be impracticable, useless or economically infeasible to follow such procedures and that the public welfare would be promoted by dispensing with them.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.13 Emergency purchase.

Emergency purchases may be authorized by the Purchasing Agent without formal bidding when time is of the essence, and shall be made only for the following reasons:

- (a) To preserve or protect life, health or property;
- (b) Natural disasters;
- (c) To forestall a shut down of essential public services.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.14 Sole source vendors.

Formal bidding requirements shall be waived in areas where only a single vendor can reasonably provide the service, product or project being purchased. The Purchasing Agent will establish requirements and procedures for sole source purchases.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.15 Inspection and testing.

The using departments shall be responsible for the inspection of supplies and equipment delivered, and contractual services performed, to determine their conformance with specifications set forth in purchase order or contract. The Purchasing Agent shall have authority to require tests to be made of supplies and equipment delivered to determine their quality and conformance with specifications.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.16 Surplus supplies and equipment.

Using departments shall submit to the Purchasing Agent reports showing supplies and equipment which are no longer in use or have become obsolete. The Purchasing Agent shall have authority to sell supplies or equipment which cannot be used by the departments or which have become unsuitable for City use, or trade in the same for new supplies and equipment. Surplus supplies and equipment deemed to have no salvage value may be discarded.

Materials, equipment and scrap to be discarded shall be turned over to the Purchasing Agent or designee, who will segregate same and prepare for sale. Such sales shall be made pursuant to the requirements of this chapter and the adopted Purchasing Manual.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.17 Local business preferences.

In purchasing supplies and equipment, the purchase will require the City of Huntington Park to pay sales and use taxes. The City shall grant a one (1%) percent preference to local businesses. For purposes of this section, “local businesses” are defined as businesses where principal place of business whose location in the City constitute a “point of sale” for purposes of the distribution of sales tax with respect to the subject purpose. The provision of this section shall not apply to purchases for which preferences are prohibited by Federal or State law or regulation. Preferences shall not be granted where the products being purchased are considered inferior in quality to those being offered by other bidders.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.18 Gratuities prohibition.

The Purchasing Agent is prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money, or anything of value.

The City Council by formal motion, may direct the donation of surplus supplies or equipment to other governmental organizations serving the City of Huntington Park.

(§ 2, Ord. 698-NS, eff. March 18, 2003, as amended by § 2, Ord. 881-NS, eff. January 19, 2012)

2-5.19 Formal service contract procedure.

(a) Except as otherwise provided in this chapter, purchases and contracts for services, of estimated value greater than fifteen thousand (\$15,000.00) dollars shall be by written contract with the person or firm submitting lowest qualified proposal, pursuant to the following procedure:

(1) Notices Requesting Proposals. Notices requesting proposals shall include a general description of the services to be provided and shall state where proposal forms and request for proposals may be secured and the time and place of opening proposals

(2) Published Notices. Each notice requesting proposals shall be published at least ten (10) days before the date set for opening proposals. Such publication shall be made in a newspaper of general circulation printed and published in the City or if there is none, it shall be posted in at least three (3) public places in the City that have been designated by this Code or any ordinance as the places for posting public notices.

(b) Exception. When the City Manager or City Council authorizes the hiring of services for which standard specifications cannot be drawn because of:

- (1) The nature of the service;
- (2) National association bylaws or professional policies prohibiting competitive bidding;

(3) When the City Manager determines bidding for such services would not be in the best interest of the City and its citizens; or

(4) When subjective criteria are necessary to evaluate the proposals;

Persons designated by the City Manager shall negotiate for the authorized service. Proposals shall be submitted whenever practicable from at least three (3) firms, except in those cases where a service firm has established such a successful past history of work with the City that it is clearly in the public interest not to negotiate with any other source. The contract for professional services should be awarded to the entity that will provide the best possible service to the City for the best value. When the City Council or City Manager finds that a service lends itself to written standard specifications, bidding for these services shall be conducted pursuant to Sections 2-5.12, 2-5.13 or 2-5.14. When value of any service shall be twenty-five thousand (\$25,000.00) dollars or more, the contract or purchase order shall not be executed unless approved by the City Council.

(§ 2, Ord. 698-NS, eff. March 18, 2003)

2-5.20 Severability.

If any section, subsection, sentence, clause, phrase or portion of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of this City declares that it would have adopted the ordinance codified in this chapter and each section subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections subsections, clauses, phrases, or portions hereof be declared invalid or unconstitutional.

(§ 2, Ord. 698-NS, eff. March 18, 2003)