

CITY OF ST. CHARLES

ORDINANCE NO. 1985-M-42

AN ORDINANCE AMENDING CHAPTER 2.33, "OFFICE OF
PURCHASING", OF THE ST. CHARLES MUNICIPAL CODE

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 3rd DAY OF JUNE, 1985

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 7th DAY OF
JUNE, 1985


CITY CLERK



ORDINANCE NO. 1985-M-42

AN ORDINANCE AMENDING CHAPTER 2.33, "OFFICE OF PURCHASING", OF THE ST. CHARLES MUNICIPAL CODE

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MINUTES 6-3-85
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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Chapter 2.33, "Office of Purchasing", of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the following therefor:

OFFICE OF PURCHASING

Chapter 2.33

OFFICE OF PURCHASING

Sections:

- 2.33.010 Definitions.
- 2.33.020 Office established.
- 2.33.030 Purchasing Manager - Position created.
- 2.33.040 Purchasing Manager - Qualifications and selection.
- 2.33.050 Committee on standardization and specification - Created.
- 2.33.060 Nature of specifications.
- 2.33.070 Enforcement of committee specifications.
- 2.33.080 Duties.
- 2.33.090 Application of standard specifications - Exemptions.
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- 2.33.330 Price agreement contract procedure.
- 2.33.340 Inspection and testing.
- 2.33.350 Surplus stock.
- 2.33.360 Cooperative purchasing.

OFFICE OF PURCHASING

2.33.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Director of Administrative Services" is the officer vested with the executive powers of the administrative services department of the city.
- B. "City" is the city of St. Charles.
- C. "City council" is the city council of the city.
- D. "City Purchasing Manager" is the Purchasing Manager of the city.
- E. "Contractual services" means all telephone, gas, water, electric light and power services; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies; and the rental repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition.
- F. "Supplies" means all supplies, materials, and equipment.
- G. "Using agency" is any department, agency, commission, committee, bureau or other unit in the city government using supplies or procuring contractual services as provided for in this chapter.

2.33.020 Office established.

There is established an administrative services department with an office of purchasing. This office is to be a division of the administrative services department, under the direct supervision of the Director of Administrative Services

2.33.030 Purchasing Manager - Position created.

The Purchasing Manager shall be the head and have general supervision of the purchasing function. The Purchasing Manager shall perform all duties required by law, and shall have the powers and duties prescribed by this chapter. In the absence of the Purchasing Manager, the Director of Administrative Services may perform the duties of the Purchasing Manager.

2.33.040 Purchasing Manager - Qualifications and selection.

The Purchasing Manager shall:

- A. Be selected by the Director of Administrative Services;
- B. Have had, prior to selection, considerable experience in a purchasing office of a public or private corporation in an executive capacity, and meet all other qualifications criteria as outlined in the position job description.

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2.33.050 Committee on standardization and specification - Created.

A committee on standardization and specification is to be established solely to develop city specifications for supplies. The committee shall be made up of the following:

Purchasing Manager
Comptroller
Chief of Police
Fire Chief
Director of Public Works or designate Superintendent of Streets
Director of Electricity
Head Mechanic (for equipment evaluation).

2.33.060 Nature of specifications.

All specifications shall be definite and certain.

2.33.070 Enforcement of committee specifications.

The Purchasing Manager shall enforce the written specifications adopted by the committee or otherwise prepared.

2.33.080 Duties.

It shall be the duty of the Purchasing Manager:

- A. To classify all the supplies used by the various using agencies of the City government, and in concert to establish and maintain a coexisting inventory control and accounting program for the city;
- B. To adopt as standards the minimum number of quantities, sizes, and varieties of supplies consistent with the successful operation of the city government;
- C. To prepare and adopt written specifications of all such standard supplies.
- D. To manage the sale of used and/or obsolete personal property authorized by the City Council to be sold.

2.33.090 Application of standard specifications - Exemptions.

After its adoption, each standard specification shall, until revised or rescinded, apply to future purchases and contracts for the items described in such specifications.

The Purchasing Manager shall have the authority to exempt any using agency of the City from an item described in such standard specification, if the meeting of such specification is not in the best interest of the City and is so documented.

2.33.100 Determination of standard specifications - Consultation with using agencies.

The Purchasing Manager shall periodically consult with the heads and other officials of the using agencies to determine their precise requirements and shall endeavor to prescribe those standards which meet the needs of the majority of such agencies.

2.33.110 Purchasing authority.

The Purchasing Manager shall have the power and it shall be his duty:

- A. To purchase or contract for all supplies and contractual services needed by any using agency which derives its support wholly or in part from the city, in accordance with purchasing procedures as prescribed by this chapter and such rules and regulations as the Purchasing Manager shall adopt with the concurrence of the Director of Administrative Services for the internal management and operation of the office of purchasing and such other rules and regulations as shall be prescribed by the Director of Administrative Services and the finance committee;
- B. The authority of the Purchasing Manager to negotiate all purchases for all using agencies shall not be abridged by excepting a particular using agency;
- C. Except as provided in this chapter, no city officer or officers shall purchase any supplies or make any contract within the purview of this chapter other than through the office of purchasing, and any purchase ordered or contract made contrary to the provisions of this chapter shall require the approval of the city council.

2.33.120 Purchasing Manager - Powers and duties generally.

In addition to the purchasing authority conferred by this chapter, the Purchasing Manager shall:

- A. Act to procure for the city the highest quality in supplies and contractual services at least expense to the city;
- B. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
- C. Establish, and amend when necessary, all rules and regulations authorized by this chapter and any others necessary to its operation;
- D. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the city the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations;
- E. Prescribe and maintain such forms as he shall find reasonably necessary to the operation of this chapter;
- F. Prepare and adopt a standard purchasing manual for all using agencies and suppliers;
- G. Prepare, adopt and maintain a current vendor's catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendor's commodities, prices, and discounts;
- H. Exploit the possibilities of buying in bulk so as to take full advantage of discounts;
- I. Act so as to procure for the city all federal tax exemptions to which it is entitled;
- J. Cooperate with the department of finance so as to secure for the city the maximum efficiency in budgeting and accounting;
- K. Have the authority to declare vendors who default on their bids or proposals irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.

OFFICE OF PURCHASING

2.33.130 Requisition and estimates.

- A. All using agencies, either by or with the authorization of the head of the department under which the using agency operates, shall file with the Purchasing Manager detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such times, and for such future periods as the Purchasing Manager shall prescribe.
- B. A using agency shall not be prevented from filing, in the same manner, with the Purchasing Manager at any time, a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.
- C. The Purchasing Manager shall examine each requisition or estimate and shall have the authority to revise it as to quality, quantity, or estimated cost, but the Purchasing Manager shall consult with the head of the requisitioning agency prior to making revision.

2.33.140 Encumbrance of funds.

Except in cases of emergency, the Purchasing Manager shall not issue any order for delivery on a contract or open market purchase until the Comptroller has certified, after preaudit, that there is to the credit of the using agencies concerned a sufficient budgeted balance, in excess of all unpaid obligations, to defray the amount of such order.

2.33.150 Prohibition of interest.

In compliance with Illinois State Statute, the Purchasing Manager and every officer and employee of the city are expressly prohibited from accepting, directly, 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 whatsoever, except where given for the use and benefit of the city.

2.33.160 Competitive bidding required.

All purchases of, and contracts for supplies and contractual services, in excess of four thousand dollars, except as specifically provided in this chapter, be based wherever possible on competitive bids, unless otherwise authorized by the city council.

2.33.170 Formal contract procedure - Required when.

When the estimated cost of supplies an/or contractual services exceeds four thousand dollars (\$4,000.00) they shall be purchased by formal written contract from the lowest responsible bidder after notice inviting proposals except as otherwise specified in this chapter or otherwise authorized by the City Council.

2.33.180 Formal contract procedure - Inviting bids.

- A. Newspaper. Notice inviting bids shall be published at least once in a newspaper of general circulation in the city and at least fourteen days preceding the last day set for the receipt of proposals. The newspaper notice required in this section shall include a general description of the articles to be purchased shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
- B. Bidder's List. The Purchasing Manager shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a bidder's list which is made up of prequalified prospective suppliers. The prequalification process generally requires the prospective suppliers to furnish the purchasing department with annual financial reports, credit and product references, corporate history (where applicable) and production and delivery capabilities. The bidder's list shall be maintained by the Purchasing Manager, who shall send each bidder such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidder's list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

2.33.190 Formal contract procedure - Bid deposits.

When deemed necessary by the Purchasing Manager or state statute, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the Purchasing Manager has required such. A successful bidder shall forfeit any surety required upon failure on his part to enter a contract within ten days after the award.

2.33.200 Formal contract procedure - Bid opening procedure.

- A. Bids shall be submitted in a sealed envelope, clearly marked with the word "Bid", unless otherwise specified by the Purchasing Manager.
- B. Bids shall be opened in public at the time and place stated in the public notices.
- C. A tabulation of all bids received shall be available for public inspection.

2.33.210 Formal contract procedure - Rejection of bids.

- A. The city council and the Purchasing Manager shall have the authority to reject any bids, parts of any bids, or all bids for any one or more supplies or contractual services included in the proposed contract for any reason.
- B. The Purchasing Manager shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other moneys due the city.

2.33.220 Formal contract procedure - Award - Authority.

The city council and the Purchasing Manager shall have the authority to award contracts within the purview of this chapter.

OFFICE OF PURCHASING

2.33.230 Formal contract procedure - Award - Lowest responsible bidder.

Contracts shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, the Purchasing Manager and city council may consider:

- A. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- B. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- C. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- D. The quality of performance of previous contracts or services;
- E. The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or service;
- F. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- G. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
- H. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- I. The number and scope of conditions attached to the bid;
- J. Such other factors as the manager or city council shall deem appropriate.

2.33.240 Formal contract procedure - Award - To other than low bidder.

When the award is not given to the lowest bidder, a full and complete statement of the reasons for making the award otherwise shall be prepared by the Purchasing Manager and filed with the other papers relating to the transaction, showing why accepting another bid is more advantageous to the city.

2.33.250 Formal contract procedure - Tie bids.

- A. Local Vendors. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.
- B. Outside Vendors. Where subsection A. is not in effect, the Purchasing Manager shall award the contract to one of the tie bidders by drawing lots in public.

2.33.260 Formal contract procedure - Performance bonds.

The Purchasing Manager shall have the authority to require a performance bond before entering a contract in such amount as he finds reasonably necessary to protect the best interests of the city.

2.33.270 Formal contract procedure - Prohibition against subdivision.

No contract or purchase shall be subdivided to avoid the requirements of this chapter.

OFFICE OF PURCHASING

2.33.280 Open market procedure - Required when.

All purchases of supplies, and contractual services, with a cost of less than four thousand dollars (\$4,000) may be made in the open market by the Purchasing Manager, without newspaper advertisement and without observing the procedure prescribed by Sections 2.33.170 through 2.33.270 for the award of formal contracts provided the other procedures herein have been followed and such purchase has or is approved by the Comptroller and one of the Department Heads. However, in the case of equipment priced between two thousand five hundred dollars (\$2500) and four thousand dollars (\$4000) prior to the purchase thereof, the committee chairman, or his designee, for the using agency requesting the purchase shall approve the same.

2.33.290 Open market procedure - Minimum number of quotes.

All open market purchases shall, wherever possible, be based on at least three competitive quotes, and shall be awarded to the lowest responsible vendor in accordance with the standards set forth in Section 2.33.230.

2.33.300 Open market procedure - Notice inviting quotes.

The Purchasing Manager shall solicit quotes by direct mail requests to prospective vendors and by telephone.

2.33.310 Open market procedure - Recording.

The Purchasing Manager shall keep a record of all open market orders and the quotes submitted in competition thereon, and such records shall also be open to public inspection.

2.33.320 Central warehousing.

The Purchasing Manager shall control and supervise storerooms and warehouses. The Purchasing Manager shall maintain a perpetual inventory record of all materials, supplies or equipment stored in storerooms and warehouses.

2.33.330 Price agreement contract procedure.

The head of the using agency shall have the authority to submit requisitions to the Purchasing Manager for supplies available under the terms of price agreement contract made by the Purchasing Manager.

2.33.340 Inspection and testing.

- A. The Purchasing Manager shall inspect, or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.
- B. The Purchasing Manager shall have the authority to authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under rules and regulations which the Purchasing Manager shall prescribe.
- C. The Purchasing Manager shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the Purchasing Manager shall have the authority to make use of laboratory facilities of any agency of the city government or of any outside laboratory.

OFFICE OF PURCHASING

2.33.350 Surplus stock.

- A. All using agencies shall submit to the Purchasing Manager, at such time and in such form as he prescribes, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.
- B. The Purchasing Manager shall have the authority to transfer stock between City Departments.

2.33.360 Cooperative purchasing

The Purchasing Manager shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby.

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this third day of June, 1985.

PASSED by the City Council of the City of St. Charles, Illinois, this third day of June, 1985.

APPROVED by the Mayor of the City of St. Charles, Illinois, this third day of June, 1985.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 9

Nays: 0

Absent: 1

STATE OF ILLINOIS)
) SS.
COUNTIES OF KANE AND DU PAGE)

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on June 3, 1985 the Corporate Authorities of such municipality passed and approved Ordinance No. 1985-M-42, entitled AN ORDINANCE AMENDING

CHAPTER 2.33, "OFFICE OF PURCHASING", OF THE ST. CHARLES

MUNICIPAL CODE

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1985-M-42, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 7, 1985, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 6th day of

June, 1985.

Jean M. Connors
Municipal Clerk

(S E A L)