

TOWN COUNCIL OF CENTREVILLE

ORDINANCE 01-2022

AN ORDINANCE OF THE TOWN COUNCIL OF CENTREVILLE ADDING A NEW CHAPTER 105 OF THE TOWN CODE TO ESTABLISH THE PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION AND EXECUTION OF PURCHASES AND CONTRACTS AND MATTERS GENERALLY RELATED THERETO

WHEREAS, Section 523 of the Town Code has been repealed and the Town Council of Centreville believes it is in their best interest to add a new Chapter 105 to the Town Code to govern the procedures and requirements for purchasing and contracts; and

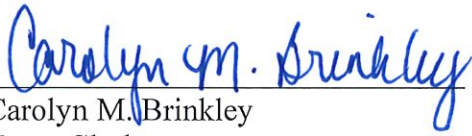
WHEREAS, all future amendments to Chapter 105 of the Town Code will be completed by Ordinance.

NOW THEREFORE, the Town Council of Centreville hereby ordains:


1. The Centreville Town Code is hereby amended to add a new Chapter 105 entitled Purchasing and Contracts, which is attached hereto as Exhibit A.
2. This Ordinance shall become effective on the later of: (a) the twenty-first day after its enactment or (b) the effective date of Resolution 01-2022 repealing Section 523 of the Town Charter.

ATTEST:

THE TOWN COUNCIL OF CENTREVILLE




Carolyn M. Brinkley
Town Clerk



Steven K. Kline, President


First Reading: January 20, 2022
Second Reading: February 3, 2022
Enacted: February 17, 2022
Effective: March 10, 2022
(21st calendar day after enactment)



Jeffrey D. Kiel, Vice President



Shelby C. Anania, Member



Eric B. Johnson, Jr., Member



Ashley H. Kaiser, Esq., Member

Chapter 105 Procurement

§ 105-1 General Procurement Provisions

Except as otherwise provided in this Section, the following provisions shall apply to all contracts for the procurement of supplies, materials, equipment, construction of public improvements, or contractual services entered into by the Town after the effective date of this Section.

- A. Less than \$50,000. Expenditures less than \$50,000 shall be made by either the Town Manager provided that the procurement is for a budgeted item. To the extent practical, the Town shall receive a quotation from more than one source.
- B. \$50,000 and above. Expenditure involving \$50,000 and above shall be advertised for sealed bids for written contracts.
- C. Written contracts for budgeted items below \$100,000 may be approved and executed by the Town Manager. All written contracts greater than \$100,000 shall be approved by the Town Council before becoming effective.

§ 105-2 Public Bidding Requirements

All expenditures that are required to be advertised for sealed bids for written contracts shall be subject to the following provisions:

- A. The Town shall advertise for bids in a forum and in a form approved by the Town Manager.
- B. The bids shall be opened in public unless otherwise determined by the Town Manager a private opening is warranted.
- C. The Town shall award the bid to the lowest responsible and responsive bidder. In determining the lowest responsible and responsive bidder, in addition to considering price, the Town Council shall consider:
 - (1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
 - (2) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services;
 - (3) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (4) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - (5) The quality of performance of previous contracts or services of the bidder;
 - (6) The previous and current compliance by the bidder with laws and ordinances relating to the contract or service;
 - (7) Whether the bidder is in arrears to the Town on any debt or contract, is in default on any surety to the Town, or is delinquent as to any taxes or assessments; and

- (8) Any other information that may have a bearing on the decision to award the contract.
- D. The Town Manager may reject all bids and readvertise.
- E. The Town may accept and reject any and all bids or part thereof and may waive technical defects or irregularities.
- F. The Town may accept the bid which represents the best value to the Town and acceptance of which is in the best interest of the Town.
- G. The Town may require successful bidders to furnish security conditioned upon the faithful performance of their contract and conditioned upon the payment of the wages and compensation of all laborers employed on work for which a contract is made by the contractor, or subcontractor.

§ 105-3 Exceptions to Requirement for Public Bidding

The Town shall not be required to use competitive bidding in the following instances, regardless of the amount in question:

- A. The occurrence of an actual emergency, which is hereby defined to mean a situation which has suddenly and unexpectedly arisen and which requires immediate action in the public interest;
- B. Contracts for professional services or for personal services requiring special training and skill;
- C. Contracts for insurance or for public utility services;
- D. Contracts in which the Town receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract;
- E. Contracts for the purchase of special machinery and equipment, and maintenance and replacement parts thereof, or other special materials and supplies having an exclusive source of supply, provided that in each instance, the purchase is for a budgeted item and that it is subject to the approval authority for the various amounts set forth in §105-1;
- F. Contracts where competition is precluded because of the existence of patent rights, copyrights, secret processes, control of basic raw materials, or similar circumstances.
- G. Contracts for the purchase, exchange, leasing, or acquisition of any interest in real property by the Town, and contracts for the sale, exchange, leasing or other disposition of any interest in real property owned by the Town, provided that the Town complies with any applicable law and procedure for those actions; and
- H. In any instance where the Town, in its discretion, decides to use its own forces for the construction or reconstruction of public improvements.