

**AN ORDINANCE ADOPTING PURCHASING POLICIES
OF THE TOWN OF ADVANCE, INDIANA**

WHEREAS, the general corporate powers of a town include the power to acquire and dispose of property, to enter into contracts, pay debts and borrow money as set forth in Indiana Code 36-1-4; and,

WHEREAS, Indiana Code 5-22-1, et. seq. outlines public purchasing requirements of municipalities; and,

WHEREAS, the laws of the State of Indiana allow the Town of Advance, Indiana (hereinafter "Town") to establish purchasing policies as the Town determines to be in the best interest of the Town, so long as such provisions are within that which is permitted by the laws and Constitution of the State of Indiana; and,

WHEREAS, the Town Council for the Town of Advance, Indiana, deems it appropriate and in the best interest of the town to adopt purchasing policies at this time.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Advance, Indiana, that the following shall be known as the Purchasing Policies of the Town of Advance, Indiana:

PURCHASING POLICIES OF THE TOWN OF ADVANCE, INDIANA

1. Invitation for Bids. All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the Lebanon Reporter.

The purchasing agency shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the bids will be opened.

The purchasing agency shall also post notice at the Advance Town Hall, Advance Post Office and Advance Fire Department.

2. Request for Proposals. All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the Lebanon Reporter.

The purchasing agency shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

3. Request for Specifications. All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the Lebanon Reporter.

The purchasing agency shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will

be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

4. Electronic Notices. Whenever a notice or other materials, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agency may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

Receiving Offers

1. Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

2. Electronic Receipt of Offers. The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications. An electronic offer may only receive an electronic offer if:

A) the solicitation includes the procedure for the electronic transmission of the offer; and

B) the purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

3. Correction and Withdrawal of Bids. An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

4. Cancellation of Solicitation. When the purchasing agent makes a written determination that it is in the Town's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

Small Purchases

The purchasing agent may purchase supplies with an estimated cost of less than \$50,000 on the open market without inviting or receiving quotes.

Designated Purchasing Agents – Limitations

In addition to any other requirement herein, each purchasing agent shall comply with all laws of the State of Indiana, as well as ordinances and rules of the purchasing agency and the Town of Advance, Indiana, with respect to any purchase. A purchasing agent is not permitted to enter into separate purchases for the purpose of avoiding the requirements and limitations set forth herein.

The persons holding the following positions, some of whom may not be employees of the Town, are hereby appointed as a purchasing agent for the purchasing agency (i.e., the Town Council of the Town of Advance, Indiana):

Town Marshal
Street Superintendent
Wastewater/Water Superintendent or Wastewater/Water Contractor
Electric Superintendent or Electric Contractor
Clerk/Treasurer
Park Board President

Except as otherwise provided herein, the person holding the above-named position shall have authority to purchase services and supplies, excluding vehicles and other capital expenditures, for the Town in their respective departments without prior specific approval of the purchasing agency (i.e., Town Council) if the estimated amount of the purchase is less than \$500.00 and is included in the approved budget for the office, as confirmed by the Town Clerk/Treasurer.

Purchases Not Specifically Authorized

Purchases not specifically authorized above shall be presented to and shall require the specific approval of the purchasing agency (i.e., Town Council) before a contract for purchase is entered into and the purchasing agent shall comply with each rule, procedure, limitation and requirement of the purchasing agency that is given when authorizing a purchase in response to such request.

The purchasing agency (i.e., Town Council) may, at any time, further modify or limit the authority of the above identified purchasing agent by regular action of the Town Council, without need of a resolution or ordinance, and the purchasing agent shall comply with such modification or limitation.

After a purchasing agent listed above makes such a purchase as authorized herein without obtaining prior specific approval of the purchasing agency (i.e., Town Council), the purchasing agent shall submit a report to the purchasing agency (i.e., Town Council) for them to review and ratify, if appropriate, at their next regularly scheduled council meeting.

Effective Date

This Ordinance shall be in full force and effect from and after the date of its passage.

ALL OF WHICH IS CONSIDERED, APPROVED AND ADOPTED by the Town Council of the Town of Advance, Indiana, this 11 day of September 2017 2017.

Absent

Matt Johnson, President

[Signature]
James Caldwell, Member

[Signature]
Melody Fry, Member

[Signature]
Dale Thompson, Member

Attest:

[Signature]
Shari Johnson
Clerk/Treasurer