



Founded 1876
Incorporated 1899

TOWN OF JEROME, ARIZONA

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Celebrating Our 110th Anniversary
1899 – 2009

ORDINANCE NO. 364

AN ORDINANCE OF THE TOWN OF JEROME, ARIZONA, AMENDING SECTION 3-3-6 "PURCHASING PROCEDURE," OF THE JEROME TOWN CODE.

WHEREAS, the Jerome Town Code includes certain provisions regarding purchasing which have become outdated; and

WHEREAS, because these provisions have not been updated for over 25 years, they are no longer in conformity with regulations promulgated by the State of Arizona, and are significantly more restrictive, creating an administrative burden and interfering with the efficient delivery of services to town residents; and

WHEREAS, it is the desire of the Mayor and Council to update the Code in order to streamline purchasing procedures and bring them into conformity with what is currently permissible under State regulations;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Jerome, Arizona, as follows:

Section 1. Section 3-3-6, "Purchasing Procedure," of the Jerome Town Code is hereby amended as follows (additions underlined, deletions in ~~strikeout text~~):

Section 3-3-6 Purchasing Procedure

- A. The purchasing officer shall make purchases, leases, rentals, and contracts for supplies and equipment not to exceed two thousand five hundred dollars (~~\$2,500.00~~) in any one transaction amount in the open market, after such inquiry as he or she deems necessary to ensure the price obtained is the most advantageous to the town. Such purchases shall be made using simplified and cost effective operational procedures and forms without the use of formal or informal bids.
- B. For purchases, leases, rentals, and contracts for supplies and equipment from two thousand five hundred dollars (~~\$2,500.00~~) to ~~twenty five hundred~~ ten thousand (~~\$10,000.00~~) dollars, and for the acquisition of any used equipment, the purchasing officer or his or her designee shall solicit price quotations orally, by telephone, or in writing from at least three suppliers, whenever practicable, and he or she shall keep on file a tabulation of solicitations made or quotations received.

FIRST READING: Date 12/8/09				SECOND READING: Date _____			
AYES	NAYS	ABSENT	ABSTAIN	AYES	NAYS	ABSENT	ABSTAIN
4	0	1	0				

C. For purchases, leases, rentals and contracts for supplies and new equipment ~~in excess of from twenty-five hundred~~ ten thousand dollars to twenty-five thousand (\$25,000.00) dollars, the purchasing officer ~~s~~ or his or her designee shall shall solicit written price quotations on vendor's letterhead from at least three suppliers, whenever practicable, and he or she shall keep on file the quotations received.

D. Except as provided in paragraphs E and F below, procurements anticipated to cost more than Twenty-Five Thousand Dollars (\$25,000) in one transaction shall be made by issuance of written invitations for bids. Bid documents include, at a minimum, the notice inviting bids; instructions to bidders; specifications describing the required goods and/or services; bid forms and schedules; any required bond forms, required insurance and proposed contract terms and conditions. The purchasing officer shall invite bids by:

1. Advertisement in at least one newspaper of general, local circulation, at least ~~ten~~ fifteen calendar days before the bid opening date; and
2. Mailing of invitations to bid to at least three suppliers, and the posting of a notice on the official public bulletin boards in town.

E. Procurements of supplies, goods or services that require exceptional technical knowledge or professional expertise beyond that available within the end user, where the anticipated cost will exceed Twenty-Five Thousand Dollars (\$25,000) in one transaction may be made by issuance of written requests for proposals. The circumstances may require that a contract award be based on factors in addition to price. The purchasing officer may enter into discussions with proposers to achieve clarification, full understanding and responsiveness to the solicitation requirements, but neither the purchasing officer nor any other town official or employee shall disclose any information derived from proposals submitted by competing proposers prior to contract award or rejection, except to town employees directly responsible for the procurement.

F. The following procurements are exempt from the competitive bidding provisions of this Code:

- (1) Professional or specialized services;
- (2) Emergency procurements if there exists a threat to public health, welfare, or safety or if a situation exists which makes compliance with this section impracticable, unnecessary or contrary to the public interest, except that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.;
- (3) Situations where solicitations of bids or proposals would for any reason be impractical, unavailing or impossible;
- (4) Sole source procurements;
- (5) Insurance and bonds;
- (6) Procurements funded by grants, donations or gifts when the special conditions attached to the grants, donations or gifts require the procurement of particular goods and/or services;
- (7) Works of art, entertainment or performance;
- (8) Property owned by another governmental entity;
- (9) Membership dues, conventions, training, and travel arrangements;
- (10) Advertisements in magazines, newspapers, or other media;
- (11) Goods procured for resale to the public;
- (12) Cooperative procurements as set forth in A.R.S. 41-2632.

Nothing in this section shall preclude the solicitation of competitive bids or proposals, when possible.

Section 2. Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Town Code as a whole or any part thereof other than the part so declared invalid.

Section 3. This Ordinance shall take effect 30 days after final adoption, as provided by law.

FINALLY APPROVED this _____ day of _____, 2009.

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Al Palmieri, Mayor

ATTEST:

APPROVED AS TO FORM:

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Candace Gallagher, Town Manager/Clerk

Kathleen G. Williamson, Williamson & Young, PC
Town Attorney