

TOWN OF MILLERSBURG

P.O. Box 278

Millersburg, IN 46543

Office of Clerk-Treasurer

Phone: 219-642-3976

ORDINANCE DESIGNATING PURCHASING AGENCY, RULES, & POLICY ORDINANCE NO. 1998-18

WHEREAS, I.C. 5-22 (the "Act"), as enacted by the 1997 & 1998 General Assemblies, & as amended from time to time thereafter, applies to every expenditure of public funds by a governmental body, and

WHEREAS, the Town of Millersburg (hereinafter the "Town") is a governmental body under the Act., and

WHEREAS, the Act authorizes the Town Council to establish a purchasing agency, rules, & policy for the town, and

WHEREAS, the Town Council desires to establish a purchasing agency, rules, & policy for the town, now therefore be it ordained by the Town Council of Millersburg, Indiana.

Section I

- A. The Millersburg Town Council is designated as the purchasing agency for the Town of Millersburg.

Section II

- A. The purchasing agency shall have all the powers and duties authorized under I.C. 5-22, as may be amended from time to time by law, or supplemented from time to time by ordinances adopted by the Town Council, and policies adopted by the purchasing agency.

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Section III

0.A. **The purchasing agency shall act as purchasing agency for every agency, board, office.** The agency may also designate in writing additional Purchasing Agents as it determines to be necessary and appropriate from time to time. The Town Council of Millersburg, Indiana hereby designates the following representatives of the Town to serve as Purchasing Agents for the Town subject to the specified dollar limit authority assigned for each as designated below:

Town Representative:	Dollar Limit:
Millersburg Town Council President	\$2,500
Millersburg Clerk/Treasurer	\$2,500
Superintendent	\$500
Maintenance Director	\$500
Marshal	\$500

Purchases in excess of two Thousand Five Hundred Dollars (\$2,500) shall only be made by the Millersburg Town Council President or the Millersburg Clerk/Treasure with the prior approval of the Purchasing Agency.

0.B. **Purchase of supplies less than \$25,000:** subject to the purchasing limitations contained in Paragraph (A) above, the Purchasing Agents may purchase supplies with an estimated cost of less the Twenty-five Thousand dollars (\$25,000) on the open market with at least 2 quotes preferably 3 quotes but without receiving bids.

0.C. **Purchases of services:** subject to the purchasing limitations contained in (A & B) above, the Purchasing Agents may purchase services for the

D. **Purchase of supplies Manufactured in the United States:** Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town determines that:

1. The supplies are not manufactured in the United States in reasonably available quantities;
2. The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
3. The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
4. The purchase of supplies manufactured in the United States is not in the public interest.

E. **Purchase from the Department of Correction and Rehabilitation Center:** The Purchasing Agents from the Town shall make purchase from the Indiana Department of Correction and the Rehabilitation Center in accordance with and when required by Indiana Code 5-22-12.

F. **Purchases between \$25,000 and \$75,000:** subject to the purchasing limitations contained in paragraph (A&B) above, the Purchasing Agents of the Town may make purchased between Twenty-five Thousand Dollars (\$25,000) and Seventy-five Thousand Dollars (\$75,000) in accordance with the procedures established under the Indiana Code 5-22-8.

Section IV

The Following Are The Purchasing Rules For Millersburg, Indiana.

A. **Protection of Offers: Status of Documents as Public Records:**

5. **Protection of Offers Prior to Opening:** The Clerk-Treasurer of the Town of Millersburg, as purchasing agent under the Act, shall retain all offers received in a secure location prior to the date & time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
6. **Unobstructed Evaluation of Offers:** After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
7. **Public Records Status of Bids:** Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening, unless the bid opening is delayed, as authorized in this ordinance or any other statute or ordinance.
8. **Register of Proposals:** The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed prior to being registered.

B. Discussions with Offerors Responding to a Request for Proposals:

1. The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

C. Delay of Openings of Offers:

1. When the Town Council makes a written determination that it is in the Town's best interest, offers may be opened after the time stated in the solicitation. The date, time & place of the rescheduled opening must be announced at the time & place of the originally scheduled opening.

D. Evidence of Financial Responsibility:

1. **Purchases less than \$25,000:** The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.
2. **Purchases between \$25,000 & \$100,000:** The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
3. **Purchases over \$100,000:** The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

E. Modification & Termination of Contracts:

1. **Price Adjustments:** The Millersburg Clerk-Treasurer with the direction of the Town Council, as purchasing agent, may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:
 - a. Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;
 - b. Price adjustments must be computed by unit price specified in the contract or subsequently agreed upon;
 - c. Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;
 - d. Price adjustments must be computed in such other manner as the contracting parties may mutually agreed upon, or

- e. In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the Town of Millersburg of the cost attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the Town of Millersburg in accordance with applicable ordinances adopted by the Town of Millersburg.
2. **Adjustments in Time of Performance:** The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.
3. **Unilateral Rights of the Town of Millersburg:** The purchasing agent with Town Council approval may include in a purchase contract, provisions dealing with the unilateral right of the Town of Millersburg, the purchasing agent, to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.
4. **Quantity Variations:** The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

Section V

A. Purchasing Policies of the Town of Millersburg, Indiana: Publication of Notices.

1. **Invitation for Bids:** All notices of invitation for bids shall be published in accordance with IC 5-3-1 in The Goshen News Paper, and posted at the Town Hall, the local Post Office, and at the Farm Bureau Credit Union Bank.
 - a. The Millersburg Clerk Treasurer, as purchasing agent, 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 ten (10) days prior to the date the bids will be opened.

2. **Request for Proposals:** All notices of request for proposals shall be published in accordance with IC 5-3-1 in The Goshen News Paper, and posted at the Town Hall, the Post Office, and at the Farm Bureau Credit Union Bank.

a. The Millersburg Clerk Treasurer, as purchasing agent, 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 ten (10) days prior to the date the bids will be opened.

3. **Request for Specifications:** All notices of request for specifications shall be published in accordance with IC 5-3-1 in The Goshen News Paper, and posted at the Town Hall, the Post Office, and at the Farm Bureau Credit Union Bank.

a. The Millersburg Clerk Treasurer, as purchasing agent, 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 ten (10) days prior to the date the bids will be opened.

B. 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.

a. 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.

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

C. Electronic Receipt of offers: The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals, and a request for specifications. An electronic offeror may only receive an electronic offer if:

1. The solicitation includes the procedure for the electronic transmission of the offer; and
2. 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.

D. 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.

1. 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.


E. Cancellation of Solicitation: when the purchasing agent makes a written determination that it is in the country'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.

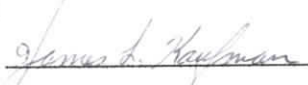
SECTION VI


This Ordinance is effective **July 1, 1998**, the effective date of the Act, adopted by the Town Council of Millersburg, Indiana this 28th day of **December 1998**.

Nay:

Aye:




Robert Majdak


James Kaufman


Sharlein Miller

Attest:



Lydia McBride
Clerk-Treasurer