

ORDINANCE NO. 12--10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, AMENDING THE CITY CODE, CHAPTER 1, ADMINISTRATION, ARTICLES 1-4, PURCHASING POLICY BY AMENDING SECTION 1-4-2; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL AND SEVERABILITY.

WHEREAS, the Mayor and City Council of the City of Holbrook have considered the purchasing policy; and

WHEREAS, it has been determined that purchasing policy should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA:

**Section 1.** AMENDMENT TO ARTICLE 1-4

Chapter 1 of the City of Holbrook City Code, Article 1-4, is hereby amended to read as follows, with deletions shown as strikethroughs, and with added language shown in CAPS and underlined:

1-4-2        Bidding Procedures

When solicitation of bids is requested by the city council, or is required by applicable State law, or if the Purchasing Agent determines that it is in the best interests of the city to solicit bids, the Purchasing Agent shall conduct the bidding procedures in the following manner:

- A. Notice Contents: All notices and solicitation of bids shall state the time and place for opening.
- B. Submission: All bids shall be submitted sealed to the Purchasing Agent and shall be identified as bids on the envelope.
- C. Opening: All bids shall be opened in public at the time and place stated in the public notice.
- D. Tabulation; Posting: A tabulation of all bids received shall be posted in the City Hall for public inspection.
- E. Formal Bids: When the council requests a formal bid, the formal bids shall specifically state the character of the city improvement, purchase or kind of supplies, materials, equipment and services required. Notice shall be published once in the official newspaper, not less than five (5) days prior to the opening of bids. Bidding shall be by sealed proposals only under

regulations prescribed by the council. Council has the right to reject any and all bids, and to advertise for bids again.

- F. Under ~~\$1,000~~ **\$2,500** : Whenever any contemplated purchase or contract for services is for the sum of less than ~~\$1,000~~ **\$2,500**, the purchasing agent may order the item without any further requirements. **THE ITEM OR SERVICE MUST HAVE BEEN BUDGETED AND BUDGET CAPACITY MUST EXIST FOR THE PURCHASE. DUE DILIGENCE MUST BE EXERCISED TO ENSURE THE BEST POSSIBLE PRICING. THE PURCHASE MUST NOT BE ARTIFICIALLY PLANNED, DIVIDED OR FRAGMENTED TO CIRCUMVENT THE COMPETITIVE BID PROCESS. A PURCHASE REQUISITION/ PURCHASE ORDER MUST BE SIGNED BY THE FINANCE DIRECTOR AND/OR CITY MANAGER AUTHORIZING THE PURCHASING AGENT TO PROCEED WITH THE PURCHASE.**
- G. ~~\$1,000 to \$4,999~~ **\$2,501 to \$4,999** Inclusive: Whenever any contemplated purchase or contract for services is for the sum of at least ~~\$1,000~~ **\$2,501** but not more than \$4,999, the purchasing agent Department Manager shall solicit **AT LEAST** three (3) bids for the item or service. The bids may be orally obtained and **THE BIDS PROVIDED TO** the purchasing agent. **THE PURCHASE AGENT** may then award the purchase or contract to the lowest responsible bidder. **THE ITEM OR SERVICE MUST HAVE BEEN BUDGETED AND BUDGET CAPACITY MUST EXIST FOR THE PURCHASE. DUE DILIGENCE MUST BE EXERCISED TO ENSURE THE BEST POSSIBLE PRICING. THE PURCHASE MUST NOT BE ARTIFICIALLY PLANNED, DIVIDED OR FRAGMENTED TO CIRCUMVENT THE COMPETITIVE BID PROCESS. A PURCHASE REQUISITION/ PURCHASE ORDER MUST BE SIGNED BY THE FINANCE DIRECTOR AND/OR CITY MANAGER AUTHORIZING THE PURCHASING AGENT TO PROCEED WITH THE PURCHASE.**
- H. \$5,000 to \$14999 to Inclusive: Whenever any contemplated purchase or contract for services is for the sum of at least \$5,000 but less than \$14,999, the purchasing agent shall solicit at least three (3) written bids for the item or service on bid forms. No contract or purchase of \$5,000 or more shall be approved except by the council. The purchasing agent shall present to the council any contemplated purchase or contract for \$5,000 or more for approval and advise the council of the advantages and disadvantages of the bid proposal.
- I. \$15,000 and Over: Whenever any contemplated purchase or contract for services is for the sum of \$15,000 or more, the purchasing agent shall cause to be published once in the official newspaper a notice inviting bids, which notice shall be published not less than five (5) days prior to the

opening of bids.<sup>1</sup> The notice herein required shall include a general description of the articles to be purchased or services to be performed and the time and place for the opening of bids. In addition, the purchasing agent shall post a notice inviting bids at the City Hall and shall provide notice by mail to any responsible prospective local suppliers known to the purchasing agent. No contract or purchase of \$5,000 \$15,000 or more shall be approved except by the council. The purchasing agent shall present to the council any contemplated purchase or contract for \$15,000 or more for approval and advise the council of the advantages and disadvantages of the bid proposal.

**Section 2.** EFFECTIVE DATE

The effective date of this ordinance is Feb 15, 2012.

**Section 3.** REPEALING CLAUSE

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, effective as of the date of posting hereof.

**Section 4.** SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND APPROVED** by the Mayor and Council of the City of Holbrook, Arizona, this 15<sup>th</sup> day of Jan, 2012.

  
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Jeff Hill, Mayor

APPROVED AS TO FORM:

<sup>1</sup>See City Charter Section 8.03

ATTEST:

  
Cher Reyes, , CMC, CPM, City Clerk

  
Marlene A. Pontrelli, Esq.  
Mariscal, Weeks, McIntyre &  
Friedlander, P.A., City Attorneys