



# Special Joint Meeting City Council/School Committee January 2, 2013 Agenda

## 6:00 P.M. City Council Meeting

### Pledge of Allegiance

#### I. New Business

##### 1. Order 01-01022013

Approving a Joint Purchasing Policy between the City and School Departments.

#### II. Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

#### III. Executive Session

- Discussion of a personnel matter (the City Manager's evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

#### IV. Adjournment

**Executive Session:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



# City Council Agenda Information Sheet

City of Auburn

**Council Meeting Date:** January 2, 2013

**Order** 01-01022013

**Author:** Jill M. Eastman, Finance Director

**Subject:** Joint Purchasing and Procurement Policy

**Information:** Attached please find the Proposed Joint Purchasing and Procurement Policy that is required by Charter. The audit committee met 3 times and this is the final draft.

**Financial:** None

**Action Requested at this Meeting:** Passage.

**Previous Meetings and History:** The audit committee met on October 22, 2012, November 26, 2012 and December 5, 2012 to work on this policy. This was presented to Council at a workshop on December 17, 2012.

**Attachments:**

- Final Copy of the Joint Purchasing and Procurement Policy.

## City of Auburn Joint Purchasing and Procurement Policy

January 2, 2013

### Introduction

Pursuant to City Charter Sec. 8.16, the City Council shall adopt by rule a procurement policy for the City's purchase of materials and services for all the City's departments, including the department of education (herein, the "school department"). Pursuant to section 1001(1) of Title 20-A of the Maine Revised Statutes, as amended, the School Committee shall adopt all policies that govern the School Department. Accordingly, this Policy is subject to adoption by rule of the City Council and the School Committee.

### Part A Joint Policies

The purpose of the Joint (City & School) purchasing policy is to standardize purchasing procedures throughout the City and School Department in accordance with best cost and accounting practices, both to save taxpayers' money and to increase public confidence in the municipal purchasing system. The City and School Department will endeavor to secure the best pricing for products and services without sacrificing quality or service.

1. Procurement Methods. Purchasing procedures shall be designed and implemented to obtain value for materials and services at competitive prices. Competitive procedures shall be used, unless an approved exception applies. Competitive procedures may include, as appropriate, competitive bidding, requests for proposals ("RFPs"), and requests for qualifications ("RFQs"). The procedures may permit price and change in scope negotiations after selection of a vendor.
2. Permissible Considerations. In addition to price, the purchasing procedures, when applicable to obtain value, may take into consideration quality, availability, reputation, experience, past performance history, performance and technical capacity, financial capacity, availability and response time for service/maintenance, and other relevant factors. The method of procurement and the appropriate considerations shall depend upon the nature of the materials or services being procured, the estimated administrative and other costs of the procurement process (including personnel costs, pickup time and availability of resources), the dollar value of the procurement, and the urgency of the need (including but not limited to time constraints).
3. Exceptions to Competitive Process. With proper approval, certain exceptions to normal competitive procedures are permitted. For example: single source vendors, emergency purchases, group purchasing programs, etc.
4. Hiring Employees. Hiring employees is not part of this procurement policy.
5. Rights and Benefits. This policy and the procedures adopted under this policy are for the benefit of the City and the School Department. No rights are conferred on any prospective vendor or other third party by virtue of this policy or the procedures. Written complaints will be handled by procedures of respective departments. Any decision of the appeal will be final.

It shall be the responsibility of the departments to maintain fiscal responsibility when making purchases.

**Deleted:** of the School Committee or its Finance Subcommittee or in regards to City Department with the approval of the City Manager

**Deleted:** The Facilities Manager/Purchasing Agent, the Finance Director or the School Business Manager will handle written complaints by vendors. The City Manager or the School Superintendent may review and determine written appeals of decisions on complaints made by the Facilities Manager/Purchasing Agent, the Finance Director or the School Business Manager.

**Deleted:** City Manager, School Superintendent, School Business Manager, Finance Director and Department Managers and their designees.

Purchases will be classified into three categories:

- **Small** purchases of less than \$1,000
- **Medium** purchases of \$1,000 to \$24,999
- **Large** purchases of \$25,000 or more.

**Small Purchases (less than \$1,000)** – City small purchases may be made by each department in accordance with the department’s budget and with department manager’s (or his/her designee) approval. The department may use its discretion in determining the vendor and the best possible price. School Department small purchases may be made with the approval of the School Business Manager or Superintendent on field Purchase Orders or with the use of a purchasing card. The splitting of purchases into multiple small purchase orders, so as to avoid a more formal process, shall not be permitted.

**Medium Purchases (\$1,000 up to \$24,999)** – Purchases of \$1,000 or more but less than \$25,000 may, but are not required, to be made using a formal competitive procurement process. If the formal bid process is not used these purchases must be supported by a record of price quotation from at least three (3) competitive sources or adequate explanations, from the department, justifying the absence of such competition (“single source”). Quotations must be obtained in writing. Selection of a vendor will not be based solely on price but will include judgments for price, quality and past experience with the vendor.

**Large Purchases (\$25,000 and up)** – All purchases if \$25,000 or more are **required** to obtain formal competitive bids (RFP) for purchases of equipment, materials, services or for construction projects totaling \$25,000 or more. The City Facilities Manager/Purchasing Agent and the School Business Manager are responsible for the formal competitive procurement process for their respective departments.

**Bonded Items** – The City is responsible for the procurement of Bond Council and Financial Advisor as it relates to any Bond Issues as well as all procurement of bonded items

**Conflict of Interest** – This policy follows the current policy in section 10.5 of the City Charter, section 2-112 of the City Ordinances and the School Department’s policy GBEA.

#### **Part B – City**

1. **Administration Responsibility.** The Finance Director under the supervision of the City Manager shall establish and administer procedures for the purchase of materials and services consistent with this policy.

#### **Part C – School Department**

1. **Administration Responsibility.** The school business manager under the supervision of the superintendent of schools shall establish and administer procedures for the purchase of materials and services consistent with this policy and Title 20-A of the Maine Revised Statutes, as amended.

Deleted: and

The school committee shall approve those procedures, and shall periodically review those procedures and their administration.

2. Statutory Procurement Requirements. The procurement procedures and this policy are subject to applicable laws governing procurement by school administrative units, including laws governing certain insurance policy purchases (*see* 20-A M.R.S. § 1001(14)), transportation contracts (*see* 20-A M.R.S. § 5402 and § 5401(13)), architect/engineer selection (*see* 5 M.R.S. §1742(6)), school construction/repair/renovation projects (*see* 5 M.R.S. §1743-A and §1748) and performance contracts (*see* 20-A M.R.S. §15915). Wherever this school department purchasing policy is inconsistent with state law procurement authority, process and limitations, the provisions of state law shall control.

~~Deleted:~~ or its finance subcommittee

Tizz E. H. Crowley, Ward One  
Robert Hayes, Ward Two  
Mary Lafontaine, Ward Three  
David Young, Ward Four



Leroy Walker, Ward Five  
Belinda Gerry, At Large  
Joshua Shea, At Large

Jonathan LaBonte, Mayor

**IN CITY COUNCIL**

**ORDER 01-01022013**

ORDERED, that the City Council and School Committee hereby approve the Joint Purchasing and Procurement Policy prepared by the Audit Committee (attached) per City Charter Sec 8.16.

## **City of Auburn Joint Purchasing and Procurement Policy January 2, 2013**

### **Introduction**

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## City Council Information Sheet

City of Auburn

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**Council Meeting Date:** January 2, 2013

**Subject:** Executive Session

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**Information:** Executive Session with discussion on a personnel matter (the City Manager's evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

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  - D. Labor contracts
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