

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.

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.

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.