

Chapter 350. Purchasing

[HISTORY: Adopted by the Legislative Council of the Town of Newtown 10-28-2015.¹³ Amendments noted where applicable.]

[1]

Editor's Note: This ordinance also superseded former Ch. 350, Purchasing, adopted by the Legislative Council 4-5-1978 (Reg. No. 4), as amended 1-18-1984 and 1-20-2010.

§ 350-1. Purchasing authorities designated.

In accordance with the Newtown Charter, the Financial Director and the First Selectman shall be the purchasing authority for the Town of Newtown.

§ 350-2. Submission of purchase orders and contracts to purchasing authority.

All purchase orders or contracts for supplies and/or services to be purchased or contracted for shall be submitted to the respective purchasing authority on such forms as that authority may prescribe, signed by the head of the department, office or agency or chairman of the board or commission making the requisition.

§ 350-3. Quotes required for public work or services of less than \$50,000.

Before any award is made or any contract for public work or services, other than professional services (see § **350-11**), is let involving the expenditure of more than \$2,000 but less than \$50,000, quotations from at least three sources shall be sought and listed on or with the purchase order. This procedure may be followed for purchases or contracts under \$2,000, but it is not mandatory.

§ 350-4. Sealed bids required for public work or services of more than \$50,000; award of contracts; joint bids.

A.

Before any purchase is made or any contract for public work and/or services, other than professional services, is let involving any expenditure of \$50,000 or more, the purchasing authority shall invite sealed bids of proposals, giving 10 days' notice of the date and hour such proposals are to be opened by publishing at least one legal notice in a newspaper having a substantial circulation in the Town, and thereafter such purchase shall be made from or contract let to the lowest responsible bidder bidding thereon. This provision requiring an award to the lowest responsible bidder may be waived by the purchasing authority. The purchasing authority may at any time reject a bid, select parts of different bids with vendor mixing, where appropriate, or make differentiations and awards on the basis of quality or performance references. Nothing herein shall limit the right of the purchasing authority to reject any or all bids or proposals if it deems it to be in the interest of the Town to do so. Advertisements for such bids shall contain a statement reserving such right to reject, but an oversight on the part of the purchasing authority in inserting such reservation in the legal notice shall not affect the rights of the purchasing authority to reject such bids or proposals.

B.

Where it appears in the interest of the Town of Newtown, the purchasing authority may, at its option, elect to participate in joint bidding operations with other boards of education, cooperatives or municipalities. In addition, purchases may be made by use of the State of Connecticut contract pricing as opposed to a formal bid process. State pricing agreements may also be used as a benchmark in evaluating bids and proposals.

§ 350-5. Waiver of quote or bid requirements in case of emergency.

The requirements of §§ **350-3** and **350-4** above may be waived where the need to make the purchase or let the contract arises because of an emergency situation resulting from some cause other than the oversight or neglect of the purchasing authority, and then only when a written statement describing such emergency is submitted with the requisition by the head of the department, officer or agency or chairman of the board or commission. In the event that the emergency has arisen because of the neglect or oversight of the purchasing authority, §§ **350-3** and **350-4** hereof may be waived only with the written approval of the Chairman of the Legislative Council or the Chairman of

the Board of Education, which approval and reasons therefor shall become part of the minutes of the respective board.

§ 350-6. Waiver of quote or bid requirements.

The requirements of §§ **350-3** and **350-4** are waived in the following circumstances upon the prior approval of the respective purchasing authority members:

A.

One-vendor materials. Where a purchase order includes items that are required to intermember or match with an existing installation or equipment, and there are no competitive products available that would function equally well or if maintenance costs would be unduly increased by having different makes installed, bidding may be restricted to the manufacturer's product, and legal publication is waived.

B.

Purchase pursuant to government agency. Purchases from a government agency, or pursuant to a contract which has been bid and awarded by a government agency, may not require competitive bidding or legal publication.

C.

Services not customarily competitively bid. The purchasing authority is authorized to waive the requirements of bidding and the issuing of purchase orders for such services as, but not limited to, utilities such as gas, electricity, water, publishing legal notices, etc. The signature of the department director on the periodic invoice shall constitute sufficient authority for the Financial Director or Business Manager to disburse.

§ 350-7. Signatory approvals.

Signatory approvals shall be approved, electronically or otherwise, by the respective department heads or their designees and signed, electronically or otherwise, by the Financial Director.

§ 350-8. Cost savings.

The purchasing authority is authorized to recommend to department directors alternate methods, materials, techniques or specifications to achieve lower costs and greater efficiency.

§ 350-9. Operating procedures.

A.

The purchasing authority may establish and authorize operating procedures for the conduct of daily business, such as, but not limited to:

(1)

Establishing timetables to permit consolidation of orders for like items.

(2)

Establishing conditions for local accounts for recurring purchases on a requirement or open order purchase order basis for trades purchases, hardware, plumbing, electrical, automotive parts, etc., subject to the requirements set forth in §§ **350-3** and **350-4** of this chapter.

(3)

Establishing specifications and terms in conjunction with department directors.

(4)

Inventorying information procedures.

(5)

Listing bidders and those disqualified from bidding.

(6)

Establishing specifications and policies that may be more restrictive or definitive but that do not change any dollar amount discussed herein.

(7)

Establishing procedures for the expenditure of petty cash.

B.

These procedures shall be recorded in the minutes of the Legislative Council and the Board of Education for the respective purchasing authority.

§ 350-10. Review of purchases.

The purchasing authority is authorized to audit, test and/or inspect any purchases of the Town to determine compliance with specifications, reasonableness of prices, or any other aspect it deems appropriate for the best interests of the Town.

§ 350-11. Professional services.

The requirements of §§ 350-3 and 350-4 are waived for professional services less than \$50,000. The contracting for professional services involving any expenditure of \$50,000 or more, by the purchasing authority, shall be carried out with the following procedure:

A.

The purchasing authority shall publish at least one legal notice, in a newspaper having a substantial circulation, an invitation to architects and professional engineers to reply by letter to the purchasing authority indicating their interest in the project and submitting their qualifications and experience. This legal notice shall state the name of the project, the design consultant required, a brief description of the project, an estimate of construction cost, and a closing date for submissions.

B.

A list of architects and engineers interested in a project shall be prepared and the qualification and experience of various firms investigated. In the event that fewer than three firms reply, the purchasing authority shall again publish the project as in Subsection A. One repeat publication shall be deemed sufficient.

C.

A minimum of three firms shall be selected from the list for consideration. Additional information from and/or interviews with the firms selected shall be required. Firms being considered shall then be ranked on the basis of preference (first choice, second choice, etc.). The purchasing authority shall then notify the "first choice" candidate of its selection pending the negotiation of a fee acceptable to both parties. In the event that an acceptable fee cannot be negotiated with the "first choice," the purchasing authority shall then move sequentially down the list of ranked candidates until an acceptable fee is negotiated.