

Village of Jackson

Purchasing Authority Policy and Procedures

PURPOSE:

The purpose of this policy is to provide Village of Jackson personnel and elected officials with guidelines and directions for the acquisition of goods and services. When used with good judgement and common sense, the policies and procedures conveyed within will allow the Village to obtain required supplies and services efficiently and economically, while assuring adequate internal controls and purchasing authority.

Employees as well as non-employees who carry out the functions of the various Village Boards, Committees, and Commissions, are expected to read this policy and provide the Treasurer's Office with feedback regarding the policies and procedures contained within. This policy is designed to be a fluid document and will be modified from time to time to conform with changes in legislation, technology, and actual practice.

The Village Administrator, or his/her designee, shall be the final authority with regards to enforcement of any of the provisions of this policy. Failure to follow the procedures outlined in this policy may lead to disciplinary action in accordance with the provisions of the Village of Jackson Employee Handbook.

CODE OF ETHICS:

All Village personnel engaged in purchasing and related activities shall conduct business dealings in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interest of the Village and the residents of Jackson. Village representatives, including elected officials, appointed officials, and employees, shall strive to:

1. Ensure that public money is spent efficiently and effectively and in accordance with statutes, regulations, and Village policies.
2. Always maintain confidentiality.
3. Not accept gifts or favors from current or potential suppliers, which might compromise the integrity of their purchasing function.
4. Specify generic descriptions of goods whenever possible in lieu of brand names when compiling specifications.
5. Never allow purchase orders for identical goods or services to be split or variations to Village Board approvals to be made to circumvent established policy.
6. Purchase without favor or prejudice.
7. Ensure that all potential supplies are provided with adequate and identical information upon which to base their offer or quotation and that any subsequent information is made available to all bidders.
8. Establish and maintain procedures to ensure that fair and equal consideration is given to each offer or quotation received. Selection is based upon merit and ability to complete task. Cost will be considered but not the limiting factor.
9. Offer a prompt and courteous response to all inquiries from potential or existing suppliers excluding solicitors.

It will be the responsibility of the Village Administrator to determine if a violation of this Code of Ethics has occurred and if disciplinary action is necessary.

CONFLICT OF INTEREST POLICY:

Except as may be disclosed to and permitted by the Village Board, it shall be a breach of ethical standards for any Village Representative, including elected officials, appointed officials, and

employees, to participate directly or indirectly in the purchasing process when the Village representative knows that:

1. The Village representative, the Village Representative's partner, or any member of the Village Representative's immediate family holds a position with a bidder, offeror, or contractor such as an officer, director, trustee, partner, or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest in the company; or
2. The Village Representative, the Village Representative's partner, or any member of the Village Representative's immediate family has a financial interest arising from the procurement transaction; or
3. The Village Representative, the Village Representative's partner or any member of the Village Representative's immediate family is negotiating or has an arrangement concerning prospective employment with a bidder, vendor, or contractor.

The Village Representative's immediate family shall be defined as a spouse, children, partners, brothers, sisters, and any other person living in the same household as the Village Representative.

It shall be the responsibility of the Village Administrator to determine if a violation of this Conflict-of-Interest policy has occurred and if disciplinary action is necessary.

GIFTS, GRATUITIES AND CONTRIBUTIONS:

Village representatives, including elected officials, appointed officials, and employees, should be aware that offers of gratitude from vendors could be designed to compromise objective judgement in product or service selection. Accordingly, it is the Village policy to observe the highest standard of ethics and to shield the Village representatives and the vendor from any suggestion or appearance of conflict of interest.

No Village representative shall permit any influence by vendors, which could conflict with the best interest of the Village or prejudice the Village's reputation. Expenditures of Village funds to vendors shall not by intention personally benefit any Village representative. Village representatives shall strive to adhere to the following guidelines:

1. Tangible gifts or gratuities shall not be accepted where their value suggests something more than merely a social gesture. Such gifts should be immediately returned to the Village Administrator's office for return with an appropriate statement explaining Village policy. Promotional or advertising items of nominal value such as key chains, pens, calendars, or holiday cookies and candy are acceptable. Promotional gifts that are capable of being shared, such as a box of cookies, shall be shared within the office or department where the recipient works.
2. Association with vendor representatives as business meals or business organization meetings is occasionally necessary and is neither questionable nor unethical, provided the individual keeps himself/herself free of obligation.
3. Personal loans of money or equipment are not to be accepted from a vendor or an individual associated with a vendor doing business with the Village.
4. Corporate discounts granted to Village officials or employees are acceptable only if they are offered to all Village officials, employees, and other corporate clients of the vendor.
5. Any person, firm, corporation or other legal entity, or any owner thereof is prohibited from making donations or contributions that total two hundred dollars or more to a Village representative, a Village's representative's political campaign, or officials of any organization supporting said Village representative. Any person, firm, corporation or other legal entity, or any owner thereof that has violated this provision shall be prohibited from supplying or providing the Village, either directly or indirectly, unless the provision of services was pursuant to the competitive bidding process and the contributor was the lowest responsible bidder.

If any doubt about the propriety of accepting a gift or contribution, the matter should be referred to the Village Administrator.

PURCHASING AUTHORITY:

All purchases shall require approval from the appropriate Supervisor, Department Head, Treasurer, Village Administrator, or the Village Board in accordance with the following guidelines:

<u>Dollar Limits</u>	<u>Required Approval</u>
Under \$10,000	Supervisor or Department Head
\$10,001 - \$24,999	Supervisor or Department Head, and Treasurer
\$25,000 - \$49,999	Supervisor or Department Head, Treasurer, and Village Administrator
\$50,000 and above	Supervisor or Department Head, Treasurer, Village Administrator, and Village Board

Any person responsible for approving purchases at any level may delegate their approval authority to a designee in the event they are unavailable to approve purchases.

PROCUREMENT METHODS:

1. Invoice Approval

Small purchases of goods or services less than \$10,000 and certain required or routine payments do not require a formal purchase order. Examples include utility payments, payments in accordance with Intergovernmental Agreements, and payments in accordance with approved Village contracts. The payment of the invoice is subject to the purchasing authority approval outlined in this policy. Invoice approval is documented in the financial software system.

2. Purchase Order

Except for purchases under \$25,000, certain required or routine payments, all other purchases shall require the issuance of a regular purchase order to the vendor before an order for goods or services is filled. Approval of the purchase order is subject to the purchasing authority outlined in this policy.

3. Credit Card

The Village Credit Card Program is intended to streamline and simplify purchasing and payment procedures by consolidating supplier invoices and eliminating form processing.

4. On-Line Purchasing

The internet may be utilized for on-line purchasing as a tool for obtaining favorable pricing, preferred products/services and securing expedited procurement.

On-line purchasing is subject to all requirements of this policy and is not to be used for means other than allowed by this policy. On-line purchasing shall be subject to the pricing authority requirements outlined in this policy.

On-line purchases are to be made preferably utilizing a Village issued credit card. Situations when an employee utilizes their own credit card to make a purchase on behalf of the Village are subject to pre-approval of the employee's Department Head. Such pre-approved purchases will be reimbursed directly to the employee through the Village's Payroll process. The employee must obtain a receipt or other form of documentation substantiating the on-line purchase to be reimbursed.

5. Petty Cash

Petty cash is to be used to reimburse employees for Village expenses which the employee incurs up front and for small purchases which are handled most efficiently in this manner. The following restrictions apply:

- a) Individual petty cash purchases are limited to one hundred dollars (\$100.00). Purchases over this limit must be reimbursed through the regular payroll process.
- b) Employees must prepare a petty cash voucher which is approved by the Department Head.
- c) Receipts documenting the expense must be attached to the petty cash voucher.
- d) If an advance is given out of petty cash, a request form is filled out noting the amount of the advance along with the GL code and must be signed by the employee receiving the advance.

COMPETITIVE QUOTES AND/OR BIDS:

1. General Purchasing

It is the intent of this policy to obtain the most cost-effective price available for purchases through competitive pricing. Employees are responsible for obtaining quotes for purchases in the instances outlined below:

Dollar Limits

Quote/Bid Requirement

Up to \$10,000

One verbal quote is sufficient. If the nature of the purchase is repetitive (i.e., monthly), pricing does not need to be obtained every time, but should be reviewed annually. Employees are encouraged to seek additional pricing when possible.

\$10,001 - \$24,999

Two verbal quotes required.

\$25,000 - \$49,999

Two written quotes required.

\$50,000 and above

Must be competitively bid in accordance with State law and Village ordinances. Formal bid or RFP process required. Village Board approval is required.

The Village Administrator has discretion to make budget adjustments for non-budgeted items up to \$50,000 if the item does not increase the bottom line of the budget. Amendments over this amount, or which will increase the total amount of the budget, must be brought before the Village Board for approval. Documentation of any amendment of \$25,000 or more shall be communicated to the Village Board in advance.

Any goods or services purchased at a negotiated or Government rate via Sourcewell or VendorNet are not subject to the quote and bid requirements as listed above.

2. Sole Source Purchases

Contracts for parts, supplies or equipment that are available only from a single source are referred to as sole source purchase. Sole source procurements may arise from the following circumstances:

- a) Equipment for which there is no comparable competitive product or is available only from one supplier.
- b) Public utility services from natural or regulated monopolies.
- c) A component or replacement part for which there is no commercially available substitute, and which can be obtained only from the manufacturer.
- d) An item where compatibility is the overriding consideration, such as computer software.
- e) An item used, for example, a television transmitter tower, that becomes immediately available and is subject to prior sale.

These items shall not be subject to requirements for seeking competitive quotes or bids. The purchase requisition should include documentation of the reason quotes were not obtained. Purchases are subject to purchasing approvals as outlined in this policy prior to acquisition. Purchases more than \$50,000 shall be presented to the Village Board prior to acquisition with a request to waive bids in addition to approval of the purchase order.

3. Professional Service Contracts

Professional service contracts are contracts for services of individuals possessing a high degree of a specific professional skill and, as such, are also not considered adaptable to competitive bidding. Professional service contracts can be procured through the Request for Proposal (RFP) process, Request for Qualifications (RFQ) process, or through negotiation with a single source when only one known source can perform the services required or when it is deemed to be in the best interest of the Village based on previous service provided, experience with Village equipment, or operations.

All professional service contracts, regardless of amount, are required to include, at the time of request for proposal, a request for a certificate of insurance evidencing professional liability (errors and omissions) insurance in addition to normal insurance requirements. All professional service contracts which are ongoing or for a one-time service for an amount greater than \$10,000 should be reviewed by the Village Administrator, if needed by the Village Attorney, and are subject to the approval requirements outlined in this policy.

4. Emergency Purchases

Emergencies are defined as events that could not have been foreseen where immediate action is necessary to safeguard the public's health and safety. In the event of an emergency affecting the public health and safety, the Village Administrator or designated Department Head may authorize a vendor to perform work necessary to resolve such emergency without formal bid solicitation. Documentation of the emergency and the need for immediate action shall be communicated to the Village Board in a reasonable period following resolution of the crisis. Emergency purchases of \$50,000 or more will be presented retroactively to the Village Board for approval.

5. Use of Sales Tax Exemption

Village purchases are not subject to sales tax and exemption forms may be obtained from the Treasurer's office. Employees shall provide vendors a sales tax exemption form when required. Use of the Village's sales tax exemption number is restricted to purchase made on behalf of the Village.

FORMAL BIDDING PROCESS:

All purchases of goods and services of \$50,000 or more shall be subject to the competitive bidding process and shall be let, by free and open competitive bidding after advertisement, to the lowest responsible bidder or any other bidder whom the Village Board deems to be in the interest of the Village. The requirement for competitive sealed bids may be waived by a two-thirds vote of the Village Board.

1. Invitation to Bid

The Village initiates the formal bid process by describing the project to be bid, cost estimates, amount budgeted and time schedule for both the bidding and completion of the project. Detailed specifications are prepared and, if required, a "Bid Notice" shall be published on the Village Website and at least one newspaper a minimum of two weeks prior to the time designated for the opening of bids. An invitation to bid is mailed out to qualified bidders with experience working on Village projects. All invitations to bid shall be reviewed by the Village Administrator prior to being issued.

2. Bid Opening

Qualified bids shall be evaluated based on the requirements described in the invitation to bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a specified purpose. No criteria may be used in bid evaluation that is not set out in the invitation to bid. At no time should any information be made available to any prospective bidder which is not available to all prospective bidders.