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RESOLUTION NO. 761

PURCHASING RULES AND REGULATIONS
OF THE CITY OF SAN ANSELMO

WHEREAS, the City Council is authorized and directed under the provisions of Ordinance No. _____ to adopt rules and regulations for the administration of the purchasing system created in said ordinance, now, therefore, be it

RESOLVED, that the City Council of the City of San Anselmo does hereby adopt the following rules:

RULE I. PURPOSE

The objectives of these rules are to facilitate efficient and economical administration of the purchasing function of the City.

RULE II. DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be construed as follows:

SECTION 1. "AGENCY" AND "USING AGENCY": Any department, agency, commission, bureau or other unit of the City government which derives its support wholly or in part from the City.

SECTION 2. "BIDDERS' LIST": A current file of sources of supply of articles for each category of commodities repetitively purchased for City use.

SECTION 3. "SERVICES": Any and all services including but not limited to the following: the repair or maintenance of equipment, machinery and other city-owned or operated property; and towel and cleaning services. The term does not include services rendered by City officers or employees nor professional and other contractual services which are in their nature unique and not subject to competition.

SECTION 4. "LOWEST RESPONSIBLE BIDDER": In addition to price, the "lowest responsible bidder" will be determined after the following factors have been considered:

- (a) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (b) Whether the bidder has the facilities to perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (d) The bidders' record of performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability and adaptability of the supplies, equipment or services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.

SECTION 5. "RESPONSIBLE BID": An offer, submitted by a responsible bidder to furnish supplies, equipment or services in conformity with the specifications, delivery terms and conditions and other requirements included in the invitation for bids.

SECTION 6. "RESPONSIBLE BIDDER": A bidder who submits a responsible bid and who is not only financially responsible, but is possessed of the resources, judgment, skill, ability, capacity and integrity requisite and necessary to perform the contract according to its terms.

SECTION 7. "PURCHASES": Purchases of supplies, equipment and personal property shall include leases or rentals as well as transactions by which the city acquires ownership.

SECTION 8. "SUPPLIES " AND "EQUIPMENT": Any and all articles, things or personal property furnished to or used by any agency.

RULE III. EMERGENCY PURCHASES

While the need for occasional emergency purchases is recognized, the practice must be curtailed as much as possible by anticipating needs so that the normal purchasing procedure utilizing bidding may be used.

SECTION 1. CONDITIONS. An emergency shall be deemed to exist if:

- (a) There is a great public calamity, ~
- (b) There is immediate need to prepare for national or local defense, ~
- (c) There is a breakdown in machinery or an essential service which requires the immediate purchase of supplies or services to protect the public health, welfare or safety, ~
- (d) An essential departmental operation affecting the public health, welfare or safety would be greatly hampered if the prescribed purchasing procedure would cause an undue delay in procurement of the needed item or service.

SECTION 2. BY THE PURCHASING OFFICER. In case of an emergency which requires immediate purchase of supplies, equipment or services, the Purchasing Officer may secure by open market procedure, as prescribed in Ordinance No. 444, at the lowest obtainable price, any supplies, equipment or services regardless of the amount of the expenditure.

- (a) Recorded Explanation. A full report of the circumstances of all emergency purchases in excess of \$500 shall be filed by the Purchasing Officer with the Council and shall be entered in the Minutes of the Council.

SECTION 3. BY HEADS OF DEPARTMENTS. In case of an emergency which requires immediate purchase of supplies, equipment or services, the head of any using agency may, with approval of the Purchasing Officer purchase directly any supplies, equipment or services in the amount of \$2,000 or less.

- (a) Recorded Explanation. The head of such using agency shall, not later than the next regular business day thereafter, submit to the Purchasing Officer a requisition, a tabulation of bids received, if any, a copy of the delivery record, and a full written report of the circumstances of the emergency. The report shall be filed with the Council as provided in subsection (a) above.

RULE IV. OPEN MARKET PROCEDURE

- (a) On amounts of less than \$25.00 the Purchasing Officer may solicit bids by direct call or may dispense with bidding entirely.

(b) On bids of \$25.00 to \$149.99 the Purchasing Officer may solicit bids by direct call but shall show the quotations of the vendors on the purchase requisition.

(c) On bids of \$150.00 to \$500.00 the Purchasing Officer shall solicit written bids or quotations. Such bids shall be opened publicly and in the presence of not less than three witnesses at the time announced in the Call for Bids. Bid awards should as a general rule be made within five days.

RULE V. WRITTEN BIDS

The Purchasing Officer shall keep a record of all written bids of over \$150.00 for a period of one year after the submission of bids and this record shall be open to public inspection.

RULE VI. GIFTS AND REBATES

The Purchasing Officer and every officer and employee of the City are expressly prohibited from accepting, directly or indirectly from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever.

I HEREBY CERTIFY that the foregoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of San Anselmo, held on the 23rd day of Sept, 1958, by the following votes:

AYES: COUNCILMEN - *Baath, Little, Franchini, Smith*
NOES: COUNCILMEN - *none*
ABSENT: COUNCILMEN - *Martinelli*

Anita Gannon
ANITA GANNON, City Clerk