



Purchasing Policy

Last amended on June 14, 2018

NOTE: This policy must integrate (1) current D.B.E. policy, (2) "Standard" contracts, (3) the contract routing procedure, and (4) City Council policies on City Manager's authority to contract.

INTRODUCTION

This policy shall serve as a guideline to all departments and divisions of the City in purchasing apparatus, supplies, material, equipment, and services.

- (1) All department directors should become familiar with this policy in its entirety.
- (2) This policy should be distributed to all coworkers involved in the purchasing process.
- (3) All new coworkers should be required to become familiar with this policy before participating in any purchasing.
- (4) This policy will be available to all coworkers on the City's Intranet.

The cooperation of all City coworkers is essential for the optimization of efficiency and value in purchasing. This policy is not intended to and does not answer all questions related to contracting and purchasing; however, it does provide the foundation for a sound, centralized purchasing system.

This Policy shall be effective immediately upon City Council approval and shall supersede all previous purchasing policies or manuals.

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I. GENERAL GUIDELINES

A. OBJECTIVES

The objectives of the City of Concord under this policy are to:

- Establish an ongoing purchasing function capable of providing daily services and support on an organizational wide basis;
- Conserve public funds by obtaining the best product and services for the dollar spent;
- Assist management, at all levels, in reaching responsible cost-effective decisions, supplies, and services for City use;
- Maintain continuity of supply for on-going services, operations, and construction schedules.
- Reduce the volume and streamline the flow of paperwork required in purchasing;
- Furnish timely information to management and appropriate departments covering market conditions and trends; and the probable effect on supply and price;
- Promote goodwill and clear communications in vendor relations;
- Assure realization of the principles of competitive purchasing and best buy, at the least cost;
- Establish accurate specifications, to encourage competition and accurately describe needs;
- Be receptive to changes in material requirements and new products and procedures;
- Formulate policies and procedures designed to systematize and enhance the efficiency of the City procurement process and assure procurement in a timely and proper manner;
- Conduct business with fairness and dignity;
- Demand honesty and truth in buying and selling;
- Enter into contracts containing clear terms accurately describing the transaction and protecting the City's interests; and
- To the extent practical and possible, reducing the impact of procurement on human health and the environment.

B. PURCHASING DEPARTMENT DUTIES AND LIMITATIONS

The Purchasing Department is a subdivision of the Finance Department and it:

- Administers the search for sources of supply, development of new sources, and selection of supplier, negotiation, commitment, follow-up, and adjustments;
- Maintains purchase records;
- Assists other departments in the determination of the most suitable materials and equipment to meet requirements;
- Coordinates information and experience related to materials and equipment, the selection of sources of supply, and the relative quality and suitability of offerings;
- Investigates and communicates information on new methods and materials and encourages participation in trials of new methods and materials for future consideration;
- Assists in the disposal of all obsolete, inactive, and scrap materials;
- Promotes good vendor relations, cultivated by informed and fair buying practices, by strict maintenance of ethical standards, and by courteous and prompt reception of vendor representatives;
- Arranges interviews with supplier representatives for other departments;
- Participates in department director and other staff meetings as requested; and
- Works closely with other staff in the Finance Department to ensure that purchasing activities are coordinated with other financial activities such as proper financial records of cash flow and investment programs.

The Purchasing Department is limited in its activities to the extent that:

- Properly approved requisition forms are required to activate the buying function by purchase order;
- Origination of specifications is the responsibility of the requisitioning department.
- Contracts and other legal documents are drafted and reviewed by the Legal department.
- Insurance requirements are drafted and reviewed by the Risk Management department.
- The Finance Director certifies that sufficient City funds are available, as required by NCGS § 159
- Timing of requests and requisitions must be considered by the originating department. This time element will vary with the character of the purchase involved and market conditions. Clear, concise, and logical specifications will help to avoid unnecessary delays.

As a service department for the City, it is the desire of the Purchasing Department to establish and maintain a close working relationship with each department. An attitude of mutual cooperation and understanding is essential. The following guidelines will promote mutual assistance:

City Department responsibilities:

- Monitor supply levels of inventory and reorder points for future needs;
- Forecast any future purchasing requirements;
- Requisition well in advance of needs whenever possible;
- Eliminate all unnecessary emergencies or rush purchasing;
- Alert the Purchasing Department regarding late deliveries;
- Examine items received for quality, quantity, etc.;
- Report promptly to the Purchasing Department all deviations in order received;
- Submit by written memorandum complaints against vendors;
- Convey to Purchasing Department the exact needs to be met when equipment or special orders requiring written specifications are involved;

The Purchasing Department responsibilities:

- Check with departments to determine needs when placing consolidated orders;
- Inform departments of existing contracts, agreements and service contracts that might be utilized;
- Advise departments of predicted shortages, price changes or other pertinent market or vendor data;
- Expedite emergency purchases as rapidly as possible to prevent disruption of normal departmental operations;
- Mediate between the departments and the supplier on partial deliveries, cancellations, return of merchandise, and complaints; and
- Review bids with department director or designee and offer advice for award or purchase recommendations.

C. PURCHASES USING FEDERAL FUNDS

All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through §200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. City of Concord will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the City of Concord have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

D. VENDOR RELATIONS

1. *Policy*

Good vendor relations are valuable business assets, established through mutual confidence, fair dealing and professional interaction between buyer and seller. An important contribution toward promoting and preserving these relations is a clear understanding of the methods of contact and contractual process between buyer and seller.

Vendor relations shall be controlled at all times by:

- Open and fair competition.
- Truthfulness in all transactions
- Observance of any confidential information
- Professional respect

2. *Purchasing Department Role*

The Purchasing Department is the usual and normal vendor contact. In special cases, when it is not reasonable for the Purchasing Department to assume that role, the department representative will take the role of direct vendor contact and the Purchasing Department will adopt an advisory role.

All vendors should have an opportunity to present their products.

- Upon request by another department, the Purchasing Department will promptly arrange interviews with vendor representatives thought to be responsive to those specific department needs.
- Requests from vendors for interviews will be communicated promptly to appropriate departments, and interviews will be facilitated only when a department expresses an interest. If an interview cannot be arranged, there will be prompt acknowledgement of the request, together with the reason for not granting the interview. A judgment to halt or delay vendor contracts may be necessary, but this should be done with common business courtesy and mutual respect.

An up-to-date vendor list is maintained in the Purchasing Department to aid in securing bids. Department directors are requested to supply lists of potential vendors to the Purchasing Department.

3. *Gifts and Gratuities and Discounts*

Coworkers shall not accept gifts, or loans from vendors, or from any organizations, business firms, or individuals with whom they have official relationships because of City Government business. These limitations do not prohibit the acceptance of articles of negligible value, which are distributed generally, do not prohibit coworkers from accepting social courtesies that promote good public relations, and do not prohibit coworkers from obtaining loans from public lending institutions. This restriction applies to all City coworkers, and elected officials, and it is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. Any vendor found to have offered or engaged in unacceptable gifts or loans to any person covered by this section shall be ineligible for City business for a period of

three (3) years.

It is the City's intent to take arranged discounts when properly earned. Faulty invoicing or delay in mailing will not be considered as cause for losing arranged discounts. Merchandise received subsequent to the due date on which we have taken a discount is subject to our inspection for quantity and condition, and suitable to adjustment if necessary.

4. Vendor Commitments

Commitments for purchases are valid only when stated by purchase order, procurement card, or contract with appropriate detail and signed by the authorized official. No department head or coworker of the City is authorized to place a verbal order with a vendor or to take any other action that may obligate the City. Only the Mayor and City Manager are authorized to sign valid contracts for the City.

E. PURCHASE ORDER VERSUS CONTRACT

Contracts are required for any and all transactions that involve services of any kind. Purchases of apparatus, supplies, materials or equipment may be done by purchase order unless consultation with the Purchasing Department or the Legal Department reveals some need for a more formal contract document.

II. BIDDING PROCESS

A. POLICY

1. Competitive bidding is required under certain circumstances set forth in the General Statutes. It is further the policy of the City that some bidding is required in addition to the statutory requirements for the purposes of:
 - Procurement of goods and services as efficiently and cost effectively as possible..
 - Seeking competitive offers from qualified and responsible sources of supply even where not required by state law.
 - Provision of an open and fair environment for competition.
2. Reservation of rights:
 - The City reserves the right to reject all bids.
 - The City reserves the right to waive any minor irregularities in any bid.
3. Contracts or procurements funded in part or wholly with federal grant or loan funds must be procured in a manner that conforms with all applicable federal laws, policies

B. SPECIFICATIONS

It is the policy of the City to write product specifications in such a way as to encourage competitive bidding whenever possible. Specifications should be clear, concise, and logical and sufficiently detailed to elicit responsive and competitive bid submissions.

In such cases where recommended specifications appear to restrict competitive bidding, the burden of proof shall rest with the department director to justify the need for such restrictive specifications.

For example, when preparing specifications, a particular brand can be specified; however, a vendor's submission of an "or equal" must be accepted and considered in order to allow sellers of other brands the opportunity to demonstrate that their product will meet the specified need. Final determination of whether the specified need is met will be made by the particular department.

C. INFORMAL BIDS (City Policy is more restrictive than the N.C. General Statutes)

1. *Applicability*

For contracts of any kind estimated to be **under \$5000 in total price**, only one price quote is required by this policy. More quotes may be sought to obtain the lowest responsible quote. Informal quotes may be written or oral, but should be recorded in some way for future reference. Records of oral bids should include the date of the bid, the item, source, price and any other pertinent information. A copy of the bid records should be retained by the department for their records and a copy may be sent reviewed by the Purchasing Department.

Informal Bidding procedures set forth in this section, shall be used for

- a) all contracts for construction and repair that have an actual cost between \$5001.00 and \$299,999 and
- b) all purchase contracts for apparatus, supplies, materials or equipment that have an actual cost between \$5001.00 and \$89,999.

In the event that **all** bids received exceed the limits for actual cost set forth in this policy, then all bids must be rejected and re-solicited using the formal bid procedures set forth below. If even one bid is below the limits for actual cost, the bid may be awarded to that bidder.

2. *Procedure*

The procedure for informal bidding is:

- a) Determine the need and create specifications as necessary.
- b) Contact potential vendors by advertising the bid on the City's website or by calling or emailing potential vendors.
- c) Obtain three (3) written quotes via email, faxed, mailed or delivered in person. Informal bids are not required to be sealed.
- d) Award to the lowest, responsible, responsive bidder, taking into consideration quality, performance, and time specified in the bid for the performance of the contract.

3. *Records*

A copy of all records associated with informal bids should be retained by the departments subject to inspection by Purchasing. All public records requests related to informal bidding should be directed to the Purchasing Department and the Legal Department for processing.

D. FORMAL BIDS (City Policy is more restrictive than the N.C. General Statutes)

1. *Applicability*

- a. Formal Bidding procedures set forth in this section, shall be used for all contracts for construction and repair that have an estimated cost of \$300,000.00 or above;
AND
- b. all purchase contracts for apparatus, supplies, materials or equipment that have an estimated cost of \$90,000.00 or above.

- c. Three bids are required only for construction or repair contracts in the **formal bidding range**. There is no minimum number of bids that must be received for a formal purchase contract to be awarded regardless of the cost of the contract. Therefore, as long as the advertisement for the opportunity to bid is properly placed and the specifications are properly drawn, a purchase contract that is formally bid can legally be awarded even if only one bid is received. A purchasing contract is defined as contracts for the purchase or lease purchase of apparatus, supplies, materials, and equipment.

2. *Procedure*

- a. Determine the need and create specifications
- b. Advertisement
 - i. Bids must be solicited by advertisement.
 - ii. Advertisements must contain
 - 1. a concise description of the project or purchase;
 - 2. the time and place where plans and specifications may be obtained;
 - 3. the time and place for performance;
 - 4. the time and place for opening of the proposals;
 - 5. a notice that the governing body has the right to reject any or all proposals;
 - 6. a notice that bidders must be properly licensed contractors under NCGS 87, (for construction contracts for \$30,000 or more

At least seven full days shall lapse between the date on which the notice appears and the date of the opening of bids. Seven days is the MINIMUM amount of notice. All bid solicitations should be advertised sufficiently in advance of the bid opening date to allow bidders time to adequately prepare proposals.

City Council has authorized electronic advertising for all City contracts.

c. Solicitation

In addition to advertising, formal bids shall be solicited from known suppliers or contractors. A reasonable amount of research will be done to assure that bids are solicited from a representative and adequate number of bidders, including minority and special interest vendors.

d. Bid Packets

Bid packets, must contain the following general instructions and information when sent to the bidder:

- i. Specifications sufficient to allow adequate proposals
- ii. Any instructions necessary for bid preparation
- iii. All forms required for bid preparation
- iv. An example of the contract form to be used, if appropriate
- v. The latest time, date, and place of receiving proposals.
- vi. The item, date, and place of opening the proposals.
- vii. The procedure for opening bids.
- viii. Pre-bid conference information, if appropriate

e. Bid Bonds

A bid bond in the amount of five-percent (5%) is required for construction or repair projects in the formal range. For contracts where the amount of work or quantity is not known, an estimated quantity shall be specified in the bid packet for the sole purpose of calculating the five-percent (5%) bid bond amount. For construction contracts that include alternates, the bid bond amount shall be calculated on the total amount including all alternates.

The bid bond must accompany the bid at the time the bid is filed with the City. No bid shall

be considered if the bond is not received simultaneously with the bid. Bid bonds may be submitted in any form allowed under the laws of North Carolina including cash, cashier's check, certified check, or surety issued bid bond.

E. PRE-BID CONFERENCE, INTERPRETATIONS AND ADDENDA

A pre-bid conference may be held prior to the date set for receipt of bids. If held, vendors will be given the chance to ask specific questions. A pre-bid conference may include a site visit.

Any additional information arising after the bid packages are produced must be distributed in an addenda. Addenda may be issued at any time after the bid package is produced and may be the result of additional information or revisions by the City or in response to bidder questions.

F. OPENING OF BIDS

No bids shall be accepted for any reason after the due date and/or time set forth in the bid package.

Bids must be sealed when delivered to the City and must:

- Indicate delivery date
- Be plainly marked on the outside of the envelope as instructed in the bid packet
- Contain any other information, documents, or material required by the specifications, instructions to bidders, or any other portion of the bid package.

All proposals shall be opened in public at the time and place stated in the advertisement and the proposal. A Purchasing Department representative should be present at all bid openings.

The department director shall review all bids and make a recommendation to the Purchasing Department. If the low bid is not recommended, documentation and justification is required.

A tabulation of all bids received should be made and retained in the Purchasing Department contract file and will be available for public inspection upon request.

The City of Concord reserves the right to accept or reject any or all bids and to waive minor irregularities.

G. AWARD AND PREPARATION OF CONTRACTS

All bids shall be awarded in accordance with North Carolina statutory requirements, such as 132-129. The award will be made to the lowest responsive, responsible bidder taking into consideration quality, performance, and time specified in the proposals for the performance of the contract.

A "BID REVIEW AND ROUTING FORM" shall be completed and signed by the department director and routed for the required approvals.

For purchases of apparatus, supplies, materials, and equipment, an approved on-line

purchase requisition is required to process the purchase order.

For formal construction purchases a contract review and routing form will be signed and approved prior to the purchase order being issued.

H. PERFORMANCE AND PAYMENT BONDS

Performance and payment bonds are required for all construction projects on which the total cost is \$50,000 or more, except in the case of those projects serving low to moderate income persons by providing affordable housing, for which the said bonds shall be required if the total cost of the project is \$200,000 or more. Where projects serving low to moderate income persons by providing affordable housing are part of a larger project with an overall cost of \$300,000 or more, bonds shall be required from any contractor whose individual contract totals \$50,000 or more.

I. DBE POLICY STATEMENT

The City of Concord has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U. S. Department of Transportation (DOT), 49 CFR Part 26 and state law found at N.C.G. S. 136-28.4. The City of Concord has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Concord has signed an assurance that it will comply with 49 CFR Part 26 (hereinafter Part 26 or 26).

It is the policy of the City of Concord to ensure that DBEs as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in contracts. It is also our policy:

1. Ensure nondiscrimination in the award and administration of U.S. DOT - assisted contracts;
2. Promote and maintain a level playing field on which all small businesses meeting the requisite size standards, including DBEs, can compete fairly for U.S. DOT-federal assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Identify and remove barriers to the participation of all small businesses meeting the requisite size standards, including DBEs, in bidding, awarding, and administration of U.S. DOT federal assisted contracts;
6. Assist the development of DBE's so that can compete successfully in the market place outside the DBE Program.
7. Increase the participation of all small businesses meeting the requisite size standards, including DBE's, in the City's produrement of materials, equipment and supplies, and
8. Facilitate the implementation of the DBE program using race-neutral measures to the maximum feasible extent

Further, in non-U.S. DOT assisted projects, the City of Concord is required to administer a DBE program by state law.

The City's Grant Administrator has been designated as the DBE Liaison Officer. In that capacity, the Grant Administrator is responsible for implementing all aspects of the DBE program, including developing, implementing, and monitoring the daily operations. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Concord in its financial assistance agreements with the U.S. Department of Transportation.

The City of Concord has disseminated this policy statement to the Concord City Council and all of the components of our organization. We make this statement available to DBE and non-DBE business communities that perform work for us on U.S. DOT-assisted contracts. The DBE policy is published on the City's website. The policy statement is available in the City's Clerk's office and the DBE Liaison's office and will be mailed to all parties requesting a copy or a City transportation-related RFP, or expressing an interest in obtaining a transportation-related contract with the City.

It is the policy of the City of Concord to provide minorities and women equal opportunity to participate in all aspects of City contracting and purchasing programs, including but not limited to participation in procurement contracts for commodities and services as well as for contracts relating to construction, repair work, and/or leasing activities.

It is further the policy of the City of Concord to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, sex, religion, or national origin and to conduct its contracting and purchasing programs so as to prevent such discrimination.

The City of Concord in co-operation with other local, state, and federal agencies, and with the assistance of minority groups and agencies, will actively seek and identify qualified minority and women business enterprises and offer them the opportunity to participate as providers of goods and services to the City.

III. STATUTORY EXEMPTIONS TO BIDDING REQUIREMENTS

A. PURCHASES FROM OTHER UNITS OF GOVERNMENT

No bidding requirements apply for the purchase of apparatus, supplies, materials, or equipment from any governmental unit in the United States.

B. EMERGENCIES

In the event of a "special emergency involving the health and safety of the people or their property," bidding is not required for purchase or repair contracts. This is a very narrow exception and the emergency must be present, immediate, and existing rather than merely anticipated.

C. GROUP PURCHASING PROGRAMS; INFORMATION TECHNOLOGY GOODS AND SERVICES; STATE CONTRACT PURCHASES AND PREVIOUSLY BID OR "PIGGYBACKING"

These types of exemptions are related and overlap. They are all based in the premise that the purpose of the competitive bidding requirements has already been served by another

agency.

Where a formally organized program exists that offers competitively obtained purchasing at discount prices to two or more public agencies, bidding requirements are not required.

No bidding is required for the purchase of information technology through contracts awarded by the state Office of Information Technology.

No bidding is required for purchases under contracts awarded by the state Division of Purchase and Contract.

No further bidding is required when the vendor has, within the last twelve months, contracted through a competitive process to supply the specific item to any other governmental unit in the United States and the vendor is willing to supply the item under the same or more favorable terms. Modifications to the item should be kept to an absolute minimum or the exception will be invalidated. A new contract with the supplier is required and City Council approval is required

D. GAS, FUEL AND OIL

Purchases of gas, fuel and oil are subject to the informal bidding procedures rather than the formal procedures, regardless of the amount of the purchase contract.

E. SOLE SOURCE

When performance or price competition is not available, or when only one source of supply exists, or standardization or compatibility are an overriding consideration, the sole source exemption will apply. All sole source contracts must be approved by City Council regardless of the amount of the contract, and such approval may not be delegated.

F. PURCHASE OF USED GOODS.

No bidding is required.

G. FORCE ACCOUNT CONSTRUCTION OR REPAIR

No bidding is required for construction or repair when the permanent work force of the City is used for the work so long as the statutory dollar thresholds are met. Materials, equipment, and supplies are still subject to the bidding requirements.

IV. PURCHASING PROCEDURES

A. PURCHASING REQUISITIONS

The purchase requisition is the prerequisite, along with any additional required approvals upon which the purchase order is prepared. Each department of the City is set up to enter purchase requisitions on-line. The department manager or designated person has the approval authority for requisitions. Additional approval is required from the Assistant City Manager or City Manager for any requisition in the amount of \$10,000 or more. Finance approval will be required for fixed assets.

B. REGULAR PURCHASE ORDERS

Procedures

Purchase orders are generated by the Purchasing Department in the computer system from the on line requisitions. Purchase orders must have the pre-audit signature to be valid, reference (N.C.G.S. 159-28). Vendors that are issued purchase orders must have an assigned vendor number through appropriate forms completion and be current with the City of Concord Business License, if required.

Purchase orders are required for purchases of \$1,000.00 or more (excluding sales tax and including freight). Do not split purchases to avoid the purchase order process.

C. EMERGENCY PURCHASES

Procedure

When unforeseen situations arise which are detrimental to health, safety and the well being of the people or property that are aside the process for declared emergencies, then the emergency purchase procedure will apply. Reference N.C.G.S. 143-129(e)(2).

During Office Hours

The Department Head or designated person will contact the Purchasing Department to obtain a verbal emergency purchase order number. Information to be provided are vendor, department, name of requestor, and approximate amount. The requisition process will still apply for the purchase order processing. and the emergency number should be noted on the requisition.

After Office Hours

The appropriate Department Manager will assume full responsibility for determination that an emergency does exist and approve purchases or services for this. The vendor can be advised of the emergency and that an actual purchase order can be processed as soon as possible, and should be within 24 hours or in a very timely manner.

Expedited Purchase Order

When a purchase is needed that is not in the emergency definition N.C.G.S. 143-129(e)(2), however is urgent in need due to unforeseen situations, a request can be made to the Purchasing Department and noted on the requisition for it to be expedited. The purchase order can then be processed the same day if at all possible. These purchases should be kept to a minimum and all necessary approvals should be secured prior to this processing.

D. BLANKET PURCHASES

Procedure

The blanket purchase is used to make repetitive purchases from a single vendor over a period of time, generally for small purchases or maintenance service work. Blanket purchase orders should not be used beyond stated specified dates.

Requisitions for blanket orders should be entered by the department and should include detail descriptions, date coverage, as well as approvals and business license compliance. Requests for increases to blanket orders over \$10,000 require additional approvals from City administration. Blanket orders should not be used to bypass the competitive bidding process.

Blanket purchase orders are issued after a complete requisition is received from the Department Manager. Blanket purchase orders will be issued at the beginning of each fiscal year. Each blanket purchase order will be established with an aggregate and individual dollar limit. The aggregate limit will be encumbered. The limits will vary according to the items being purchased. All blanket purchase orders should have included the coverage dates.

Maintenance agreements procedures are the same as blanket orders in that a date, coverage and detailed description is required and approval is required for \$10,000 and over or a change order that would increase the total over this amount. Maintenance and blanket orders should be reviewed frequently for payment history and will be closed at the fiscal year end.

Document Flow

The distribution of the blanket purchase order copies is the same as with regular purchase orders.

Vendor Information

Vendor information is essential for all voucher and check processing, as well as 1099 forms. A vendor form with instructions, W9 with instructions, as well as other useful vendor information is available on the City website as well as Intranet.

All information should be completed on the vendor information form. Any questions concerning the business license should be directed to the Tax Department. The form can be used for new as well as updating current vendor records. The IRS requires that the federal tax ID or social security number match the remittance name.

EXAMPLE:

If you place an order with Morgan's Home Repairs, the Federal Tax ID number is required. Since the owner uses his social security number for tax purposes, the requisition, purchase order, and check all need to be in the name of the owner.

Don Morgan – SS# 200-00-0000
D.B.A. Morgan's Home Repairs

“No agency of the State or its political subdivisions, or any agent or coworker of a government agency, shall: intentionally communicate or otherwise make available to the general public a person's social security number or other identifying information.”

Identifying information is defined in a criminal code provision (N.C.G.S, 14-113.20) and adopted by reference into the Public Records Act; it includes the following:

Social Security or employer taxpayer identification numbers
Drivers License, State identification card, or passport number (except when the driver's license number appears on law enforcement records)
Checking account number
Saving account numbers
Debit card numbers
Personal identification (PIN) code as defined in N.C.G.S. 14-113.8 (6)
Digital signatures
Any other numbers or information that can be used to access a person's financial resources other than electronic identification numbers, electronic mail names or addresses, internet account numbers, internet identification names, or parents legal surname prior to marriage
Biometric data
Fingerprints
Passwords
Parents legal name prior to marriage

Change Orders

In order to adjust, modify, or cancel an existing purchase order, the user department must initiate a request via email to the Purchasing Department before the goods are purchased or the additional work is started. All change orders over \$10,000 or a change that increases the total over this amount must have the approval of the City Manager or Assistant City Manager depending on their areas of responsibility. The purchase order number, account number, vendor name, and amount of the change should be included in the email.

Change orders will not be allowed:

- That would alter the procurement procedures that were used in the original process, (ie., from informal to formal)
- Adding new items or services to the purchase order
- After the scope of services have been rendered, materials have been received, or the invoice is received.

E. PURCHASES FOR WHICH A PURCHASE ORDER IS NOT REQUIRED

Items covered under this procedure include:

- Land Acquisition Payment
- Advertising (legal ads, radio announcements, etc.)
- Appraisal Fees
- Audit Fees
- Down Payment Assistance
- Payments to Grant Subrecipients and Other Governmental agencies.
- Food for meetings
- Insurance Premiums
- Legal services and fees
- Physical Examinations
- Membership, Dues, and Subscriptions
- Postage
- Temporary Services
- Refunds
- Rehabilitation/Emergency Repair Payments

- Relocation Payments
- Rent Payments
- Tuition Reimbursement for Education Purposes
- Utility Bills (electrical, water, sewer, gas)
- Casual Labor (officials, scorekeepers, instructors)
- Travel Advance
- Travel Expense (registration and lodging)
- Telephone expenses

If the item is not specifically listed, a purchase order is required if the purchase amount is \$1,000 or more.

F. PETTY CASH

This system is used to handle small purchases not to exceed \$50 unless approved by the Finance Director or his/her designee. Purchases should not be listed on two different petty cash reimbursement forms to avoid exceeding the \$50 amount.

An coworker must sign a cash receipt before receiving the cash. After the purchase is made, the receipt and change (if any) must immediately be returned to the custodian. The amount used is charged to the appropriate account number. For internal control purposes, the Petty Cash Reimbursement Voucher should be signed by someone other than the custodian of the funds. The reimbursement voucher should then be approved by the department head/supervisor. The custodian should not disburse funds to him/herself

Department planning should be made in advance to secure items with regular purchase orders. When small purchases are necessary to finish a job, or in an emergency situation, petty cash is acceptable.

G. PAYMENT REQUEST

Procedure

A payment request is used to pay a vendor via check or electronic funds transfer. DO NOT split purchases to avoid the purchase order process.

Invoices received by the requisitioning department will be e-mailed to Accounts Payable (AP) immediately upon receipt. AP will load the invoice into the electronic invoice routing system for departmental approval. The authorized department representative will verify that goods have been received or services have been rendered before seeking approval for payment from the Department Head or designee. Once approved to pay, the representative will provide the proper general ledger account coding, instruct AP whether to make payment separately from other invoices, whether this is the final pay request if it is related to the purchase order, and approve the invoice.

Supporting documentation will be retained by the requisitioning department. Any remittance that needs to be mailed along with check will be mailed by the department after requesting that the check is returned to the department.

Accounts Payable processes the request and pays according to vendor's payment terms as listed on the invoice. If no terms are listed, then the standard term is 30 days.

The payment request, along with electronic approval, must be received by Accounts Payable

by 5:00 PM on Tuesday to be considered for payment on Friday of the same week, or per the vendor's payment terms. Incomplete requests will be returned to the department and not included with the current week's payments. All checks are mailed unless indicated in the document approval system to return the check to the department. Vendors are NOT allowed to pick up checks from the Finance Department.

Any request for an off-line check must be authorized by the Director of Finance, Deputy Finance Director, or the Finance Manager. Pre-audit requirements apply to all payment requests.

H. PURCHASING CARD POLICY (P-CARD)

The purpose of this policy is to provide an enhancement to the purchasing process with the use of purchasing cards (P Cards) for small value purchases (**less than \$1,000 per item, unless otherwise authorized**) and some travel & training costs. If authorization is given for a purchase over the \$1,000 amount, then a purchase order will have to be processed in order to purchase.

A purchasing card is a card issued by a contracting bank in an employee's name (cardholder) with the City's name on the card. It is a fast, flexible tool, which offers an alternative to the existing purchasing process and provides an extremely efficient and effective method for small value purchasing. The card works in a manner similar to a credit card. Some travel and training costs may also be handled best through the purchasing card process. The card is to be used only for official City of Concord purchases

The purchasing card will be used only when:

1. The items and/or services to be purchased are for the official use of the City of Concord.
2. The types of items and/or services to be purchased are those established by the Department Director/Manager/Supervisor and approved by Finance.
3. The cost of the proposed purchase does not exceed the small value purchase transaction limit (\$1,000.00) established by the Department Director/Manager/Supervisor and approved by Finance. An exception to this is if there is an approved purchase order in place for the specific purchase or if the transaction has been approved by the City Manager.
4. The current Travel & Training Policy set by the City of Concord will determine limits along with the pre-audit process for use of the P Card for travel and training expenses.

PROCEDURE

A P Card Procedures Manual will be given to all employees who will be authorized to use the P Card. For the purchasing card process to operate efficiently, a timely response to each of the elements of the procedures is required from those concerned. Failure to do so will result in past due transactions appearing on the statements and cards being rejected because of limits being exceeded. Employee absence should be anticipated and arrangements put in place so that the process flow will not be delayed.

For the protection of all, the Purchasing Card Administrator is to be notified immediately when a card is lost or stolen.

Issuance of purchasing card:

1. The employee must sign documentation verifying agreement to conditions of use.
2. The Department Director/Manager/Supervisor will determine the purchase authority of their employee and sign the employee agreement/card request form indicating approval.
3. Finance will review the enrollment form and process for issuance of a purchasing card to the employee.
4. New purchasing cards are ordered as needed.

Use of purchasing card

The cardholder will retain vendor's receipts, packing slips, records of telephone orders and/or copies of mail orders and file for future reconciliation of the purchase card statement. Cardholder may fill out a Transaction Log and/or attach all backup documentation to the statement.

Payment of purchasing card charges

- The Department Director/Manager/Supervisor will ensure that sufficient funds are available within their budget to pay for every purchase.
- The cardholder will receive a statement on a monthly basis. It is the cardholder's responsibility to assign the correct account number to each item on the monthly statement.
- The cardholder will reconcile the monthly statement with the receipts and sign as correct and approved to pay.
- The Department Director/Manager/Supervisor will review the reconciled statement, sign and return to the Finance Department with receipts attached. If the Department Director chooses to assign this task to someone else within the department, the Department Director is still ultimately responsible for all transactions within their department.
- Finance will review all transactions on all statements. The cardholder is responsible for providing sufficient detailed justification for each transaction.
- Any disputed transactions are to be reported to the Purchasing Card Administrator immediately.
- The Purchasing Card Administrator will review all completed statements and post the charges to the General Ledger on a monthly basis.

COMPLIANCE

The Finance Department will review all statements to ensure that purchases are made in accordance with guidelines set forth in this policy. Statements producing results out of compliance with the policy and procedures may result in the revocation of the P card and/or disciplinary action up to and including termination depending on the severity of the misuse. ***The Purchasing Card Policy is a part of the City's Purchasing Policy; and at no time does the Purchasing Card Policy supersede the Purchasing Policy.***

I. WAREHOUSE MATERIALS REQUESTS

Materials requests are made in person at the front counter of the Purchasing Department. Purchasing has established material checkout sheets that list frequently used items. Purchasing warehouse personnel will then pull the requested items and position the material on the loading dock for pick up by the person requesting the requisition. The materials and quantities are then updated in the WIN bar coding system and charged to the proper department and account. An adequate inventory of materials used by the departments of the City is maintained in the warehouse. **It is very important that communication is open with the departments to ensure that adequate levels of inventory are available when needed. For larger orders of material requisitions should be turned in at least 24 hours before needed.**

J. GARAGE PURCHASES

The purchase of materials for the maintenance of vehicles, running equipment, and auxiliary equipment will be performed by the Fleet Services parts inventory system. The parts department will exercise all purchasing policies as defined by City requirements and State law in the acquisition of materials. All purchased supplies will be charged to the Fleet Services inventory account, and will then be charged out by completion of a work order.

Most vehicle parts will be carried in inventory by the parts department and available to all City departments in the above manner. Inventory levels will be determined by a cost and usage formula for each piece of Equipment, and reordered in quantity on that predetermined basis.

Contact persons for purchases will be the Parts Manager or Parts Clerk, Fleet Services.

K. LEASE PURCHASE VEHICLES AND EQUIPMENT

The Fleet Services Department will process all necessary information for applying for titles and license plates:

- Receiving Record
- InvoiceMVR-1
- Certificate of Origin
- Odometer Disclosure Statement

Vehicles and equipment purchased on the Master Lease Program are an exception to the accounts payable process. All documentation must be submitted through the Fleet Services Department to the Purchasing Department. Departments are notified which items are included on the Master Lease Schedule and the dollar amount approval for each item. Order and delivery of these items will be coordinated with the Fleet Services and Finance Department.

L. INVENTORY PURCHASES

Requisitions for inventory items must include and inventory stock number, unit measure, and unit price. The unit measurement requested must match the unit measurement listed in the inventory system. The inventory system is linked to the purchase order system, therefore, when stock is received from a purchase order, the inventory is updated.

Current inventory system departments are listed in the City's general ledger.

M. PURCHASES FOR RIDER TRANSIT SYSTEM (USING FEDERAL TRANSIT ADMINISTRATION FUNDS)

Relative to purchases using FTA (Federal Transit Administration) funds. - The following must be followed in addition to state, local and other applicable procurement laws, rules, regulations, orders and policies. **Purchases made on State Contract are not exempt, and must adhere to the following procedures when purchasing using FTA funds.**

- I. Purchases for the Concord/Kannapolis RIDER system must follow FTA guidance in addition to state, local and other applicable procurement laws, rules, regulations, orders and policies. Specifically the Federal Transit Authority (FTA) Circular 4220. 1F and the FTA Master Agreement (Sections 4.3, and 4.4 of this Manual). Guidance may also be found in the FTA Best Practices Procurement Manual, at: <http://www.fta.dot.gov/library/admin/BPPM/toc.html>.
- II. If there is no North Carolina law addressing a particular aspect of procurement, Federal contract law principles will apply.
- III. All FTA required clauses must be included in the procurement process. In the event of a conflict, FTA requirements control.
- IV. The list of parties excluded from Federal procurement and non-procurement programs available at <http://epls.arnet.gov/>.
- V. Cost Analysis
 - a. A cost analysis entails the review and evaluation of the separate cost elements and the proposed profit of an offeror's cost and pricing data and the judgmental factors applied in estimating the costs
 - b. A cost analysis is generally conducted in order to form an opinion on the degree to which the proposed cost, including profit, represents what the performance of the contract should cost, assuming reasonable economy and efficiency.
 - c. A cost analysis must be performed: when the offeror is required to submit the elements of the estimated cost (e.g. labor hours, overhead, materials, etc.) and when adequate price competition is inadequate for sole source or limited procurements, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.
- VI. Price Analysis
 - a. A price analysis involves examining and evaluating a proposed price without evaluating its separate cost and profit elements. Price analysis is based essentially on data that is verifiable independently from the offeror's data.
 - b. A price analysis should be used to determine the reasonableness of the proposed price in all circumstances in which a cost analysis is not used.
 - c. The accepted methods of price analysis, each which is discussed more fully in The Pricing Guide for FTA Grantees, available on-line at <http://www.ftahelpine.com/Price Guide.doc>, include:
 - i. Adequate price competition
 - ii. Prices set by law or regulation
 - iii. Established catalog prices and market prices
 - iv. Comparison to previous purchases
 - v. Comparison to a valid KVRTA independent estimate
 - vi. Value analysis.

- VII. Chapter VI, Section 8 a. of FTA Circular 4220. 1F expressly permits award to other than the lowest bidder so long as such an award furthers an objective consistent with the purposes of 49 U.S.C. Chapter 53 and any implementing regulations, directives, circulars, manuals, requirements, or other guidance from FTA.
- VIII. Source Selection Approaches
- a. A "best value" or tradeoff process is appropriate when it may be in the best interest of the City of Concord to consider award to other than the lowest priced offeror or other than the highest technically rated offeror. Such a process permits tradeoffs among cost or price and non-cost factors and allows the City of Concord to accept other than the lowest priced proposal. The award selection is based upon consideration of a combination of technical and price factors to determine the offer deemed most advantageous and of the greatest value to the City of Concord. In such a case, the perceived benefits of the higher priced proposal must merit the additional cost, and the rationale for the tradeoff must be documented in the procurement file. Chapter VI, Section 8 a.of FTA Circular 4220. 1F expressly permits award to other than the lowest bidder so long as such an award furthers an objective consistent with the purposes of 49 U.S.C. Chapter 53 and any implementing regulations, directives, circulars, manuals, requirements, or other guidance from FTA.
 - b. A lowest price technically acceptable process is appropriate when best value is expected to result from selection of the technically acceptable proposal with the lowest evaluated price. If this process is used, the RFP must specify that the award will be made on the basis of the lowest evaluated price of proposals meeting or exceeding the acceptability standards for non-cost factors and proposals are evaluated. FTA Matters
 - a. Pursuant to Chapter IV, Section 3 d 1 c of FTA Circular 4220. 1F, the City of Concord must allow FTA to
 - review and approve technical specifications and requirements to the extent FTA believes necessary.
 - b. Pursuant to Chapter VI, Section 2 a 4 of FTA Circular 4220. 1F, apart from inconsistent requirements imposed by Federal statutes or regulations, the City of Concord must comply with the requirements of 49 U.S.C. § 5323(h) by refraining from using any Federal assistance awarded by FTA to support procurements using exclusionary or discriminatory specifications.
 - c. Pursuant to Chapter IV, Section 3 d 1 a of FTA Circular 4220. 1F, the City of Concord may use functional specifications to acquire bus seats in accordance with the requirements of 49 U.S.C. § 5323(e).
 - d. Pursuant to Chapter IV, Section 6 c 2a. sf FTA Circular 4220. 1F, when the City of Concord is using Federal financial assistance to procure reports of information to be distributed to, among others, FTA, the City of Concord must include in its specifications a requirements that the reports or information will be prepared using electronic or information technology capable of assuring that, when provided to FTA, the reports of information will meet the applicable accessibility standards of Section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d, and U.S. ATBCB regulations, "Electronic and Information Technology Accessibility Standards, " 36 CFRPart 1194. Handle Protests (If Applicable^:
 - If a potential bidder, bidder, or contractor wishes to remedy a wrong in the procurement process, they may file a protest. There are three basic types of protests, based on the time in the procurement process when they occur: pre-bid / pre-solicitation; pre-award; and post-award. While some general protest rules apply to all three types, each is handled using separate protest procedures.
 - a. General Protest Rules and Procedures
 - b. All protests shall be filed, handled, and resolved in a manner consistent with the requirements of FTA

- Circular 4220. 1F and the procedures set forth in this Section 3.4.7.
- c. Protests will only be considered if they are submitted by an interested party: an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.
 - d. All protests shall be filed in writing with the Purchasing Manager and shall:
 - i. Contain the protestor's name, address, and phone number
 - ii. Identify the procurement at issue
 - iii. State the factual and legal grounds for the protest
 - iv. Include copies of any supporting documents
 - v. Describe the relief requested.
 - e. The office of the Purchasing Manager shall document the date and time of receipt of any protest in the procurement file.
 - f. The City of Concord shall give all known potential offerors timely notice of any protest filed and the basis therefore by addendum,
 - g. The procurement committee (if applicable) shall respond in detail in writing to each substantive issue raised in the protest,
 - h. A protestor may withdraw its protest at any time before the City of Concord issues a final decision,
 - i. All protest decisions shall be made;
 - i. in the case of a pre-bid/pre-proposal or pre-award protest, within fifteen (15) working days of the date the protest is received by the City of Concord; or
 - ii. in the case of a post-award protest, within twenty-five (25) working days of the date the protest is received by the City of Concord; and
 - iii. writing by the City Manager; and
 - iv. clearly state the decision and grounds on which it is based;and
 - v. be final,
 - j. The protestor may file a request for reconsideration within five (5) working days of the issuance of the City of Concord's decision, but only if:
 - i. New information becomes available that was not previously known; or
 - ii. There has been an error in law or regulation,
 - k. When it receives any protest relating to a contract required to comply with FTA Circular 4220. 1F, the City of Concord shall, at a minimum, informally notify its FTA regional office of that protest and thereafter keep that office apprised of the status of the protest.
 - l. The City of Concord's protest procedures must be exhausted before an actual or potential protestor may pursue a protest with FTA.
 - m. A copy of the protest rules and procedures set forth here shall be included in every Procurement Packet.
 - n. Pre-Bid / Pre-Solicitation Protests are received prior to the bid opening or proposal due date.
 - o. Pre-bid / pre-solicitation protests relating to the contents of the Procurement Packet must be filed not less than three (3) working days before the bid opening or proposal due date. Thereafter, all issues relating to the contents of the Procurement Packet are deemed waived by all interested parties. After it is received by the City of Concord, the pre-bid / pre-solicitation protest shall be handled in accordance with the general protest rules and procedures set forth here.
 - p. If a pre-bid / pre-solicitation protest is not timely received, the procurement process shall continue in the normal manner unless the procurement committee, upon investigation, finds that remedial action is desirable, in which event such action shall be taken.
 - q. The procurement committee shall respond in writing to each pre-bid / pre-solicitation protest within fifteen (15) working days of the date it is received by the City of Concord.
 - r. If a pre-bid / pre-solicitation written protest is received, bids or proposals submitted to the City of Concord shall not be opened prior to the resolution of the protest unless the procurement committee

determines in writing that proceeding to open bids or proposals is justified for urgent and compelling reasons or is in the best interest of the City of Concord because failure to proceed would otherwise unduly delay delivery or performance or otherwise cause undue harm to the City of Concord or the state or federal government. A memorandum documenting any such determination and the reasons therefore must be placed in the procurement file.

- s. Pre-Award Protests are protests against making an award and are received after the bid opening or proposal due date but before the award of a contract.
- t. The procurement committee shall respond in writing to each pre-award protest within fifteen (15) working days of the date it is received by the City of Concord. After it is received by the City of Concord, the pre-award protest shall be handled in accordance with these requirements and the general protest rules and procedures set forth here.
- u. If a pre-award protest is received, the City of Concord shall not award the contract at issue until five (5) calendar days after the resolution of the protest unless the City of Concord determines in writing that proceeding to award the contract is justified for urgent and compelling reasons or is in the best interest of the City of Concord because failure to proceed would otherwise unduly delay delivery or performance or otherwise cause undue harm to the City of Concord or the state or federal government. A memorandum documenting any such determination and the reasons therefore must be placed in the procurement file.
- v. If the City of Concord withholds the award of the contract at issue pending the resolution of the protest, the offerors whose bids might become eligible for award shall be requested, before expiration of any bid acceptance period, to extend that period (with consent of sureties, if any) to avoid the need for starting the procurement over.
- w. If the City of Concord determines that the award of the contract at issue should be made during the pendency of a protest, it shall:
 - i. Notify FTA prior to making such award (the FTA reserves the right not to participate in the funding of any contract awarded during the pendency of a protest to FTA); and
 - ii. Provide written notice of the decision to proceed with the award to the protestor and, as appropriate, to other concerned parties.
- x. Post-award protests are received after the award of a contract.
- y. Post-award protests must be filed within ten (10) working days of contract award. Thereafter, all issues relating to the award of the contract are deemed waived by all interested parties.
- z. The procurement committee shall respond in writing to each post-award protest within twenty-five (25) working days of the date it is received by the City of Concord. After it is received by the City of Concord, the post-award protest shall be handled in accordance with these requirements and the general protest rules and procedures set forth here.
- A. Upon receipt of a post-award protest, the City of Concord shall suspend performance of the contract at issue until five (5) calendar days after the resolution of the protest unless the City of Concord determines in writing that proceeding to award the contract is justified for urgent and compelling reasons or is in the best interest of the City of Concord because failure to proceed would otherwise unduly delay delivery or performance or otherwise cause undue harm to the City of Concord or the state or federal government.
 - i. The contractor/awardee shall be notified of the protest and the basis therefore within one working day after its receipt by the City of Concord,
 - ii. The contractor/awardee may, at its option, submit a written response to the protest within twenty (20) working days of the date the protest was received by the City of Concord.
 - iii. In order to prevent the improper disclosure of confidential business information, unredacted copies of the protest shall be provided solely to attorneys or other appropriate representatives of the contractor/awardee who have signed and are subject to a confidentiality agreement designed to prevent such disclosure.

B. Appeals to FTA

FTA reviews of protests are limited to:

- i. The City of Concord's failure to have or follow its own protest procedures or its failure to review a complaint or protest; or
- ii. Violations of Federal law or regulation. An appeal to FTA must be received by the FTA regional or headquarters office within five (5) working days of the date that the protestor learned or should have learned of an adverse decision by the City of Concord or other basis of appeal to FTA. An appeal to the FTA must be filed in accordance with FTA Circular 4220. 1F.

N. RECEIVING REPORTS

The standard procedure is to be used for all receiving, to insure ensure accuracy and accountability for vouchers, procurement card, purchase orders or any means of purchase.

- a. Department requests quote(s) and places an order.
- b. Department receives merchandise with packing slip or delivery ticket.
- c. Department verifies quantities received and holds this as a "receiving record" to use when the invoice is received.
- d. Accounts Payable receives the invoice.
- e. Accounts Payable loads the invoice into the electronic invoice routing system and routes to the receiving department for approval.
- f. Department verifies quantity billed on invoice against receiving record.
- g. Department obtains approval from Department Head or designee to request payment for invoice.
- h. Department codes invoice to proper general ledger accounts, including tax accounts, within the electronic invoice system and approves invoice.
- i. Accounts Payable receives the approved invoice electronically and enters the invoice into the accounting software for payment.
- j. Payment is made timely to the vendor.

O. INVOICES

Procedure

Accounts Payable will accept electronic invoices from vendors for payment processing. Any invoices received by the department should be scanned immediately and sent to Accounts Payable. Accounts Payable will load the invoice into the electronic invoice routing system and route the invoice to the department for coding and approval. All packing slips and receiving reports should be maintained by the department purchasing the goods to compare quantities received to quantities billed on the invoice.

Invoice Contents

The vendor's invoice is based on the purchase order and should contain the following basic information:

- Purchase order number
- Itemized listing of materials or services rendered
- Quantity of each item
- Unit price with extensions
- Taxes, delivery charges, or cartage must be listed as separate items for materials or services
- Vendor invoice number

P. MAINTENANCE CONTRACTS

Maintenance and service contracts should be contracted using purchase orders and a standard contract form. Some of these contracts involve both a service and the purchase of tangible property and may require a purchase requisition and purchase order. In the event a contract involves both a service and the purchase of some item(s) the predominant part of the contract must be determined and if the majority of the transaction is the purchase then the contract should be bid accordingly.

All maintenance contracts are to be:

- Duplicate original contract, using the City contract forms whenever possible.
- Dated July 1- June 30 for a fiscal year. Pro-rated for the current year, if necessary.
- Original duplicate contracts sent to the vendor to be signed.
- Duplicate executed contracts received from vendor along with a certificate of insurance.
- Routed in the Laserfiche system.
- Original contract sent to City Clerk; duplicate original returned to vendor; copy of contract retained by originating department.

The requisition for these contracts should have a complete description and the date coverage listed.

Q. EXCEPTIONS TO PURCHASING POLICY

The City Manager may approve exceptions to the Purchasing Policy related to single purchase limits that are processed on the City's P-Card. All exceptions must be approved by the City Manager and should be on file in the Purchasing Department and the Financial Department.

IV. DISPOSAL OF SURPLUS AND OBSOLETE MATERIALS

The disposal of surplus scrap, obsolete material, and equipment is the responsibility of the Purchasing Department, working in conjunction with the City Clerk. Each department shall report all types of materials or equipment in this classification. Disposition may be by any one of the following means:

- Transferring funds to other departments
- Returning to the manufacturer or supplier
- Trade-in on new equipment
- GovDeals (on-line auction service)
- Auction sale
- Advertising for sale
- Sold as scrap
- Junking - If any items are to be disposed by junking, they are to be reported by memo to the Purchasing Department. Approval will be secured through the City Manager.

When surplus, obsolete, or worn out material or equipment is sold, it will be done through arrangements made by the Purchasing Department, in conformance with State Statutes, and competitive conditions including, when necessary, newspaper advertising and sealed bids. Other departments will have the opportunity to acquire surplus items before disposal, if appropriate.

No City coworker or department head may, at any time, dispose of City property of any kind without City Manager or Council approval.

All sales are made in compliance with the North Carolina Statutes governing such.

V. BULK PURCHASES

A bulk purchase if item(s) is done when feasible considering pricing, delivery time, space, actual need. Some examples of bulk items are copy paper, ice, bottle water, and printed material (letterhead, envelopes).

VI. OFFICE SUPPLIES

The majority of office supplies are ordered by individual departments of the City. Each department could be unique in type, quantities, and special needs for office supplies. This can prevent obsolete on hand and better management of stock. Most suppliers offer on line internet ordering with next day delivery. Procurement card purchases are common for this type purchase being under the \$1,000.00 limit. Requisitioned purchase orders are required for office supply purchases over the \$1,000 amount.

VII. DEFINITIONS

- A. ADDENDUM – An addition to a document such as items or information added to a procurement document or contract.
- B. AMENDMENT/CHANGE ORDER – A modification to a contract or purchase order or other agreement
- C. APPROPRIATION - An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes.
- D. AMENDMENT/CHANGE ORDER – A modification to a contract or purchase order or other agreement.
- E. APPROPRIATION ACCOUNT - A budgetary account set up to record specific authorization to spend. The account is credited with original and any supplemental appropriation and is charged with expenditures and encumbrances.
- F. BID - A quotation specifically given a prospective purchaser upon his request, usually in competition with other vendors.
- G. CITY COUNCIL – The local government unit charged with the legislative affairs of the City
- H. CONSIDERATION – Something of value given or done as recompense that is exchanged by

two parties; that which binds a contract.

- I. BUDGET DOCUMENT - The instrument used by the budget making authority to present a comprehensive financial program to the appropriating body.
- J. CONTRACT - A legal document between the City and another government agency, company, corporation, individual or group of individuals obligating the City to pay money for services rendered or products. This could be a written or electronic document containing the elements of offer, acceptance, and consideration to which an agency is a party.
- K. COOPERATIVE PURCHASING – The combining of requirements of two or more governmental units to obtain the benefits of volume purchases and/or reduction in administrative expenses.
- L. DEBARMENT – The disqualification of a person to receive invitations for bids or requests for proposals, or the award of a contract by a governmental body for a specified time commensurate with the seriousness of the offense, the failure, or the inadequacy of performance.
- M. DESIGN SPECIFICATION – A specification setting forth the required characteristics to be considered for award of contract, including sufficient detail to show how the product is to be manufactured.
- N. ENVIRONMENTALLY PREFERABLE PRODUCT (EPP) – A product or service that has a lesser or reduced impact on human health and the environment when compared with competing products or services that serve the same purpose.
- O. EQUAL OR APPROVED EQUAL – Used to indicate that an item may be substituted for a required item if it is equal in quality, performance and other characteristics.
- P. FISCAL YEAR - A twelve-month period of time to which the annual budget applies and at the end of which a government unit determines its financial position and the results of its operation.
- Q. INVOICE - An itemized statement, from the vendor, of merchandise which is shipped and delivered and is the means of settlement of the financial obligation incurred after the purchase order is issued.
- R. PERFORMANCE BOND – A contract of guarantee, executed subsequent to award by a successful vendor to protect the buyer from loss due to the vendor's inability to complete the contract as agreed.
- S. PROCUREMENT – The combined functions of purchasing, inventory control, transport, receiving, inspection, store keeping, and salvage and disposal operations.
- T. PETTY CASH - A sum of money set aside for the purpose of making change or paying small obligations for which the issuance of a formal voucher and check would be too expensive and time-consuming.
- U. PRE-AUDIT - An examination for the purpose of determining the propriety of proposed financial transactions. This shall be done on transactions, which have already taken place but have not

yet been recorded. If the transaction requires the approval by the designated officials for recording, this examination will take place prior to that approval.

- V. PRICE QUOTATION SHEET - A form used to confirm vendor name, price, and delivery information when using telephone quotes and requisitions not requiring written quotes from vendors.
- W. PURCHASE ORDERS - A legal document bidding a vendor to provide a service or product and the city to pay a specified price. The purchase order places the actual order with the vendor and contains all terms of sale and prices.
- X. REGULAR PURCHASE ORDERS - Issued for the day to day purchases of most items which are not immediately required.
- Y. EMERGENCY PURCHASE ORDERS - Issued when unforeseen circumstances require immediate actions.
- Z. BLANKET PURCHASE ORDERS - Used to make repetitive purchases from a single vendor over a period of time, typically the fiscal year, July 1- June 30.
- AA. PETTY CASH - Used for purchases less than \$50.00 in value. Petty Cash should be obtained prior to making the purchase, when possible. Petty Cash purchases should be reasonable in nature.
- BB. RECEIVING REPORTS -Used to record the receipt, quality, and quantity of purchased goods.
- CC. RECYCLED CONTENT- The portion of a product that is made from materials directed from the waste stream; usually stated as a percentage by weight.
- DD. REQUISITION - The authority upon which the purchase order is prepared. The purchase requisition is used by all City departments, whenever goods or services are to be purchased. Only department heads and their authorized representatives may sign purchase requisitions.
- EE. SOLE SOURCE ITEM - When an item is of such a special nature that it is only manufactured by one company. This is a rare situation and requires Council approval to purchase.
- FF. SURPLUS PROPERTY - Items which are obsolete or are no longer of any value to the City. The City Council must declare any given item as surplus.
- GG. UNENCUMBERED BALANCE - That portion of a balance which has not been expended or obligated.
- HH. VENDOR - One who sells a commodity or a service.
- II. WAREHOUSE MATERIALS REQUEST - A warehouse materials request is used to request goods purchased for inventory and stored in the warehouse.

ACCOUNTS PAYABLE TERMINOLOGY

AP - Accounts Payable

Blanket PO's - Purchase orders that are used to make repetitive purchases from a single vendor over a period of time. Usually covers one fiscal year (7/1/00-6/30/01). These purchase order numbers end with "B".

Cash Requirements - Report that shows all invoices keyed to the system and due to be paid through a certain date.

Cash Requirements Due Date - This report shows all invoices keyed to the system, referencing a record number. This record number is used to make any necessary corrections.

Check Run - Group of checks printed each Friday in City Hall.

Encumbrance - Obligated funds; purchase order for \$1,000 or more.

Final Payment - Payment made which completes the purchase order. Final payment is made when noted in the electronic invoice approval system.

Inventory - "960" signifies the inventory fund. Invoices must be keyed to the month merchandise was received.

No Encumbrance - Non-obligated funds; purchase order is not required for purchases of less than \$1,000, unless excluded in Section IV. E.

Off-Line Check - Manual check approved by Finance Director, Deputy Finance Director or Finance Manager only. Manually keyed into accounting system.

Partial Payment - Payment made against a purchase order when only partial shipment has been made.

Pre-Audit - The review of a document to insure its compliance to City policy.

Receiving Documents - Signed and dated packing slips with copy of referenced purchase order.

ROW -Right of Way

Temp Vendors - Vendor number that begins with "T". Meant for one time use only for refund type transactions. Number is assigned when keying invoices to system.

VIII. FORMS

A. REQUISITIONS (ON-LINE)

Each department of the City of Concord is set up to enter requisitions on-line. After entering the requisition into the computer system and approved, the Purchasing Department will convert these requisitions into purchase orders. Approval of these requisitions is done on-line by the department head or designated person.

B. PURCHASE ORDERS

The purchase order serves as authorization to the vendor to furnish a product or service to the City. It is also used to encumber funds for purchases, maintenance contracts, and service contracts.

A purchase order will not be issued without receiving an approved requisition from the ordering department. After the purchase order is printed copies are sent to the department requesting the products, to the vendor, and a copy is held in the Purchasing file.

The purchase order will contain:

- Date
- Vendor name and address.
- Department shipping address.
- Vendor code.
- Terms.
- Purchase Order type.
- Item number or inventory commodity number.
- Quantity ordered
- Description of item ordered or services required and date coverage when applicable.
- Unit price, unit measure, total price or extension.
- Purchase order subtotal, applicable tax, freight and grand total. Signature of Finance Director.

C. TUITION ASSISTANCE PROGRAM

The tuition assistant program application form must be filled out prior to taking a class in which reimbursement will be requested. This form can be found on the City's Intranet under Forms and Documents. Each coworker should complete a separate form for each course. The form should be forwarded to the Supervisor/Department Head who will approve it and who will then send to Human Resources. Once Human Resources approves, the co-worker will receive a copy. When the class is complete, the Tuition Assistance Reimbursement Form, also found on the intranet, with a report card, registration form showing cost of course, receipt for payment and copy of the approved application must be sent to Accounts Payable within 30 days of completion of course. An official grade and copy of tuition form should also be sent to Human Resources. If any coworker drops out of the class or does not complete it, immediately notify Human Resources. This then allows the department to use those funds for other travel/training. Also, if a coworker does not comply with the 30 day rule, their reimbursement may be denied.

Please refer to the City's Personnel Policy to review section 7.12 Training & Education Assistance.

D. PURCHASING BID REVIEW AND ROUTING FORM

The Purchasing bid Review and Routing Form will be completed and signed by the Department Head. This form can be found on the City's Intranet under Forms and Documents.

E. SURPLUS PROPERTY DISPOSAL FORM

A "Notice of Surplus Property" form must be completed and signed by the department director for items determined to be obsolete with a value of less than

\$30,000.00. This form can be found on the City's Intranet under Forms and Documents. The completed form is then forwarded to the Purchasing Manager for approval and then forwarded City Manager for his approval and signature. On items that have an estimated value exceeding \$30,000, the approval to surplus must be approved by the City Council.

F. STANDARD CONTRACT FORMS

Standard contract forms shall be used for general contracting needs. Because the forms change with some frequency, a new blank form should be downloaded from the City's Intranet under Forms and Documents for each new contract.

CONTRACT	WHE	AMOUNT
Standard Contract	All Contracts	Up to \$2,000
Professional Services Contract	Contracts for all professional services, knowledge work where the City does not buy a product or having something built. Examples of	\$2,001 to \$300,000
Services Contract	Contracts for services to be performed	\$2,001 to \$300,000
Construction Contract	Contracts for Construction	\$2,001 to \$300,000
First consult with Managers, Department Head(s) and Lawyers(s)		Above \$300,000

For specialized contracts or amendments to the standard forms, contact the Legal Department.

IX. SUSTAINABILITY PROCUREMENT POLICY

A. INTRODUCTION

Sustainability is a broad term that addresses three fundamental principles: economic strength, environmental stewardship and social equity. A sustainable community is one that provides opportunity for all residents, cares for the environment, and has a long term vision for a prosperous future.

The City of Concord will pursue sustainable procurement so that the products and services that the City acquires and provides are as sustainable as the City can make them – with the lowest environmental and most positive social and economic impacts. Some attributes to be considered in evaluating potential procurement include:

- maximized recycling;
- absence of hazardous chemicals;
- minimized energy consumption;
- solid waste reduction;
- air quality enhancement;
- water conservation;
- disposal management;
- maximizing product useful life;
- minimized packaging; and
- biodegradability.

B. PURPOSE

The purpose of this policy is to implement the goals adopted by the City Council of the City of Concord and for Concord to be a responsible environmental leader.

The City of Concord is a large consumer, as well as a provider of goods and services. The procurement decisions of our coworkers and contractors can positively or negatively affect environmental, as well as economic and social attributes of life in the City. By including environmental considerations in our procurement decisions, along with our traditional concerns with price, performance and availability, we will remain fiscally responsible while promoting practices that improve public health and safety, reduce pollution, and conserve natural resources. The purpose of this document is to establish the framework for a sustainability-based procurement program for Concord.

By giving preference to environmentally friendly products whose quality, function, and cost are equal or superior to more traditional products, this policy will:

- conserve natural resources;
- minimize pollution;
- reduce the use of water and energy;
- eliminate or reduce environmental health hazards to workers and our community;
- support strong recycling markets;
- reduce materials that are placed in the land field;
- increase the use and availability of environmentally preferable products;
- reward vendors and contractors who reduce environmental impacts in their production and distribution systems or services;
- create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals;
- support locally produced goods and services; and
- educate ourselves, our vendors, and our end users.

From an environmental perspective, the following are questions to consider prior to selecting a product to be purchased.

- Is the product less hazardous than available alternatives?
- Is it reusable or more durable?
- Is it made from recycled materials?
- What happens to the product at the end of its useful life?
- Can it be recycled?
- Will the manufacturer take the product back?
- Will it need special disposal?
- Does it conserve energy or water?
- Is it made from plant-based raw materials?

C. POLICY

All City departments shall make every reasonable effort to reduce the amount and toxicity of solid waste they generate, reuse and/or recycle materials and equipment recoverable from their operations, and maximize the procurement of recycled, energy efficient, and non-toxic products. Department directors shall monitor compliance with the policy in collaboration with the Purchasing Manager.

It is not the intent of this policy to require a department, buyer, contractor, or grantee to: (1) take any action that conflicts with local, state or federal requirements; (2) procure products that do not perform adequately for their intended use; (3) exclude adequate competition; or (4)


pursue products not available at a reasonable price in a reasonable period of time.

D. DEFINITIONS

1. Environmentally Responsible - products or product usage procedures which are acknowledged to have minimal impact on the environment. Such products or procedures should reduce environmental impact through their composition and/or recyclability or by reduction in quantity and toxicity of waste products, energy use or water consumption.
2. Fiscally Responsible - The cost factor or purchase price for recycled products, or for more environmentally responsible items, should be consistent with a suggested variance of 10% above the acquisition cost for similar or less environmentally responsible items. Additional costs should be counter balanced by savings from improved usage procedures.
3. Recycled Product(s) - Products made with an identifiable percentage (1% - 100%) of post consumer material content or of discarded virgin materials salvaged from the industrial waste stream. High-content recycled products contain a minimum of 50% of post consumer material.
4. Waste Reduction - The act of avoiding, eliminating and reducing the amount of solid waste at the source of generation, at the point of usage and at the time of its discard.
5. Non-Toxic Product(s) - Any item which is not considered hazardous waste and that does not otherwise pose a threat to short or long-term human health during its use.
6. Energy-Efficient Product(s) – Products that meet the US Environmental Protection Agency's Energy Star qualifications or US Department of Energy's Federal Energy Management Program (FEMP) and vehicles that meet the US Environmental Protection Agency's SmartWay qualifications.
7. Life-Cycle Cost – The total cost of a product including procurement, use, maintenance, and disposal.

E. THIRD PARTY CERTIFICATIONS, STANDARDS AND GUIDELINES

There are several national and international organizations which evaluate products and services based on environmental impacts. For example:

	<p>GREEN SEAL, a nationally recognized nonprofit organization, certifies a variety of products that pass stringent testing standards. Approved products carry a Green Seal logo, recognized throughout industry and government as a leading environmental standard. Green Seal bases its work on thorough scientific evaluations using internationally accepted methodologies. Products are evaluated using a life-cycle approach so that all significant environmental impacts of a product are considered, from raw materials extraction through manufacturing to use and disposal. http://www.greenseal.org/</p>
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	<p>Sponsored by the U.S. Department of Energy and the U.S. Environmental Protection Agency, ENERGY STAR labels products such as computer CPUs, monitors, printers, copiers, and other devices that exceed US energy efficiency standards. ENERGY STAR also includes lighting, appliances, windows and many other products. http://www.energystar.gov/</p>
	<p>United States Environmental Protection Agency (EPA) develops and enforces regulations to implement environmental laws enacted by Congress. EPA is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, EPA can issue sanctions and take other steps to assist the states in reaching the desired levels of environmental quality. The EPA provides Comprehensive Procurement Guidelines (CPG) updated every two years. Through the CPG, EPA designates items that must contain recycled materials when purchased with federal funds by federal, state, and local agencies. http://www.epa.gov/</p>
	<p>American Society for Testing and Materials (ASTM) is one of the largest voluntary standards development organizations in the world and a trusted source for technical standards for materials, products, systems, and services. Known for their high technical quality and market relevancy, ASTM International standards have an important role in the information infrastructure that guides design, manufacturing and trade in the global economy. Standards for over 12,000 items can be downloaded at: http://www.astm.org/</p>
	<p>Greenguard Environmental Institute (GEI) is an industry-independent, non-profit organization that oversees the GREENGUARD Certification Program. As an ANSI Authorized Standards Developer, GEI establishes acceptable indoor air standards for indoor products, environments, and buildings. http://www.greenguard.org/</p>

F. PURCHASING

All City coworkers shall make every reasonable effort to reduce negative environmental impacts of purchased products and to purchase environmentally responsible products.

1. The Purchasing Division and all departments will purchase products that are made with recycled, non-toxic, and/or recyclable materials and that minimize environmentally harmful processes and products in their production, as long as those items meet or exceed specifications and required quality levels set forth by the City, and meet cost guidelines set forth in this policy. The City will give special emphasis to products and materials made from post-consumer recycled materials. All purchases will be made in accordance with all local, state and federal purchasing requirements.
2. When purchases are necessary, serious consideration shall be given to durable items,

reusable items, items having minimal packaging, and items that are readily recycled when discarded.

3. City departments are encouraged to use independent, third-party, environmental product or service label standards when writing specifications for, or procuring, materials, products, or services.
4. City departments shall make every reasonable effort to procure chemicals and products that have low toxicity or are non-toxic, except for water treatment purposes. Products with the following attributes should be favored:
 - a. Have the fewest adverse health effects such as skin, eye, nose, throat, and lung irritation from toxic compounds.
 - b. Contain the fewest chemicals that can enter the food chain to be consumed by aquatic plants and animals.
 - c. Contain the fewest volatile organic compounds (VOC's) that can escape during product use.
 - d. Avoid unnecessary additives such as fragrances and dyes.
 - e. Reduce product packaging and use recovered/recoverable materials when packaging is necessary.
5. Departments shall purchase and use rechargeable batteries where applicable and practicable.
6. Departments shall purchase and use recycled paper (minimum 30% post-consumer recycled content) for all documents whenever possible.
7. All departments shall be provided with a constant supply of recycled paper in a 30-100% post consumer range, with 100% post consumer recycled paper being the goal depending on availability and quality.
8. All new business cards shall be printed on recycled card stock and shall display the recycling symbol.

G. ENERGY EFFICIENCY

1. New and replacement equipment for lighting, heating, ventilation, refrigeration and air conditioning systems, water consuming fixtures and process equipment and all such components shall meet or exceed Federal Energy Management Program (FEMP) recommended levels, whenever practicable.
2. All products purchased by the City of Concord and for which the U.S. EPA Energy Star certification is available shall meet Energy Star certification. When Energy Star certified products are not available, products shall meet or exceed the FEMP recommended levels. See <http://www1.eere.energy.gov/>.
3. Solar thermal or on-demand water heaters shall be purchased whenever practicable, giving consideration to costs and benefits, including water conservation. Where renewable forms of energy are unavailable or not practicable, natural gas shall be considered in lieu of electricity for water heating.
4. When replacing vehicles, the City shall purchase only the most energy-efficient models

readily available that are suitable for each task. Where practicable, hybrids and alternative fuel vehicles will be purchased, provided a viable fueling source exists. Horsepower ratings for medium- and heavy-duty vehicles shall be the minimum needed to perform the vehicle's primary function within the confines of an urban environment in a relatively flat area. For non-emergency vehicles, this rating will be between 240 and 300 based upon the Gross Vehicle Weight Rating (GVWR). Preference will be given to OEMs that warranty their engines for a 20% bio-diesel blend.

H. TRAINING

1. All new coworkers will be made aware of this policy and the reasoning behind it during New Coworker Orientation. Current coworkers will be fully informed about this policy through departmental staff meetings.
2. A catalog of Environmentally Preferable Products made available through the Purchasing Division shall be available on-line to increase awareness of opportunities to purchase Environmentally Preferable Products.

I. COST

Department heads are advised that the purchase of some Environmentally Responsible products may exceed the costs of comparable products. This factor alone should not determine whether an Environmentally Responsible product should be purchased, although it should be a factor in the decision. All purchases shall be handled in a fiscally responsible manner. Generally, for non-paper products, if the life-cycle cost of the environmentally responsible product does not exceed the cost of the alternative by more than 10%, and the product meets all necessary specifications, departments are urged to request that the Environmentally Responsible product be purchased, provided that all applicable legal requirements are met. Recycled paper should be purchased whenever possible, regardless of incremental cost.

J. PROGRAM EVALUATION

The Purchasing Manager, in collaboration with department directors shall evaluate the success of this Policy's implementation. The Purchasing Manager shall provide an annual report to the City Manager. The report shall relate progress in meeting the goals and objectives of this Policy and note any barriers encountered, recommendations for resolution, and or/description of assistance needed to continuously improve staff's ability to meet this Policy's objectives for the procurement of environmentally preferable products and services.

K. VENDORS, CONTRACTORS AND GRANTEES

1. A. Vendors, contractors, and grantees are urged to comply with applicable sections of this policy for products and services provided to the City of Concord. In particular, vendors, contractors and grantees providing written materials to the City shall do so using both sides of the paper and on recycled paper meeting minimum standards of the US EPA Guidelines and labeled as such. In addition, the use of binders, plastic covers, and other items that impede the recycling process are especially discouraged. Whenever practicable, written materials shall be submitted electronically rather than in printed form.
2. If the buyer making the selection from competitive bids or the requesting department

seeks to purchase products that do not meet the sustainable procurement criteria in this Policy, the Purchasing Manager may request an explanation for why compliance is not practicable, e.g. the product is not technically practical, economically feasible, or available within the timeframe required.

3. If a vendor, contractor, or grantee that is under contract with the City of Concord is no longer able to provide a product that meets this Sustainable Procurement Policy, the Purchasing Manager may request written documentation for why compliance is not practical.
4. Vendors, contractors and grantees whose current combined contracts with the City total less than \$1,000 are exempt from this policy, but are encouraged to follow this policy to the greatest extent possible.

The Sustainable Procurement Policy is a part of the City's Purchasing Policy; and at no time does the Sustainable Procurement Policy supersede the Purchasing Policy.

