

148. **AN ORDINANCE CONCERNING THE PURCHASING AND SALE OF
REAL PROPERTY FOR THE CITY OF GROTON
(INITIALLY APPROVED NOVEMBER 3, 2003;
FINALLY APPROVED DECEMBER 1, 2003)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROTON, CONNECTICUT:

Section 1. Purchasing Department Created. There is hereby established in the administrative service of the City of Groton a Purchasing Department and in said department the office of the City Purchasing Agent. The head and principal officer of the Purchasing Department shall be the Finance Director or the appointee shall be the Purchasing Agent.

Section 2. Make All Purchases. It shall be the duty and function of the Purchasing Department to purchase and contract for all materials, parts, supplies, services and equipment for the City of Groton and each department, agency, board or commission of the City, except the Department of Utilities, under the rules and regulations hereinafter enacted and established and subject to the control of the Mayor.

Section 3. Rules and Regulations. The following rules and regulations are hereby enacted and established for the purchase of materials, parts, supplies, services and equipment by the Purchasing Department:

- a. All purchase of materials, parts, supplies, services and equipment hereby required to be made by the Purchasing Department shall be made by the Purchasing Agent, and all purchase orders shall be signed by the Purchasing Agent. In the absence of the Purchasing Agent, such purchases may be made by the Finance Director and the purchase orders signed by the Finance Director or someone designated by the Finance Director for that purpose. Except as herein provided, it shall be unlawful for any City officer, officers, or employee to order or purchase any supplies, services or equipment, or make any contract within the purview of this Ordinance other than through the Purchasing Department, and any purchase or contract made contrary to the provisions hereof shall not be approved by the City and the City shall not be bound thereby.
- b. All purchases shall be made upon the requisition of the department desiring the same. The Purchasing Agent may purchase for stock on the basis of the total of such requisitions or upon estimates previously filed. All departments shall file estimates of materials, supplies, services and equipment required at such times and in such manner as shall be determined and requested by the Purchasing Agent. The Purchasing Department shall examine each requisition or estimate cost, but revision as to quality shall be in accordance with the standards and specifications established pursuant to this Ordinance.

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- c. The Purchasing Agent in cooperation with all officers of the several departments, agencies, boards, and commissions, shall provide for the standardization of materials, supplies, services and equipment in accordance with the use to which the various articles are to be put and shall provide for adequate specifications for materials, supplies, services and equipment used in large quantities or in common use by more than one department. The Purchasing Agent shall, in addition to other duties: (1) Act to procure for the City the highest quality in supplies and contractual services at least expense to the City, and (2) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales. All specifications shall be definite and certain and shall permit competition.
- d. When deemed necessary by the Purchasing Agent, bid security shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of bid security. A successful bidder shall forfeit any bid security required by the Purchasing Agent upon failure on his part to enter into a contract within ten (10) days after receipt of written notice of award or failure to deliver supplies and equipment in keeping with specifications. A bid security record shall be kept and maintained in the Purchasing Department.
- e. Any purchase calling for any expenditure involving more than ten thousand dollars (\$10,000.00) shall be subject to the approval of the Mayor and entered into and authorized only in accordance with an award of contract by the City Council.
- f. Competitive bidding shall not be required when unique or non-competitive articles are being purchased or when professional services are being contracted for, as determined by the Purchasing Agent, and approved by the Mayor and City Council.
- g. Advertisement for bids shall not be required for any purchase wherein the probable expenditure shall not exceed ten thousand dollars (\$10,000.00) but in such case the Purchasing Agent, if practicable, shall secure and record at least three informal bids.
- h. In all cases where bids are required and received, the contracts and purchase orders shall be awarded to the lowest responsible bidder. If, however, the Purchasing Agent believes the interests of the City would be best served by accepting other than the lowest bid, the reason for accepting such higher bid shall be submitted in writing as a part of the award and a copy thereof shall be presented to the City Council. The Purchasing Agent may, if found that the public interest will be served thereby, and with the approval of the City Council, reject any and all bids or parts of any bid or bids. All bids shall be sealed and delivered by the bidder to the Purchasing Agent for bids and in the presence of all bidders who attend. Bidders may inspect the bids after reference to and tabulation by the Purchasing Agent.

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- i. In determining “lowest responsible bidder”, in addition to price, the Purchasing Agent shall consider:
 - (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - (2) Whether the bidder can perform the contract or provide the service promptly or within the time specified without delay or interference;
 - (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - (4) The quality of performance of previous contracts or services;
 - (5) The previous and existing compliance by the bidder with the laws and ordinances relating to the contract or services;
 - (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - (7) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;
 - (8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
 - (9) The number and scope of the conditions attached to the bid.
- j. If all bids received are for the same total amount or unit price, quality and service being equal, the contract or purchase order shall be awarded to the local vendor, if there be one; otherwise, award shall be made by drawing lots.
- k. In case of actual emergency and with the consent of the Purchasing Agent, the head of any department or agency may purchase directly any supplies whose immediate procurement is essential to prevent delays in the work of the using department or agency. The head of such using department or agency shall send to the Purchasing Agent a requisition and a copy of the delivery record together with a full written report of the circumstance of the emergency.
- l. The Purchasing Agent shall prescribe by rules and regulations the procedure under which emergency purchases by head of departments or agencies may be made.

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- m. The Purchasing Agent shall have the authority with approval of the Mayor to declare vendors who default on their bids and contracts irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.
- n. The Purchasing Agent shall have the authority to join with the Department of Utilities in cooperative purchasing when the best interest of the City would be served. The Purchasing Agent shall also have the authority with the approval of the Mayor to join with other units of local, state or federal government in cooperative purchasing.
- o. The Purchasing Agent shall keep a record showing items purchased, from whom purchased and the price paid.

Section 4. Storehouses or Storerooms. The Mayor shall designate storehouses or storerooms, in which all personal property owned by the City, except such as in an actual use by the several departments of the City, shall be kept by the Purchasing Agent.

Section 5. Furnishing Supplies. All supplies required by any department, division or office should be furnished where feasible by the Purchasing Agent from stores under his control upon requisition made by such department, division or office. Said requisition shall be signed by the person in charge of such department, division or office or by one of the duly authorized subordinates.

Section 6. Additional Requirements. The Purchasing Agent may establish additional requirements and regulations in connection with the operation of this Ordinance not inconsistent with any of the provisions hereof, or with the provisions of the charter, and said department may recommend to the City Council for consideration such additional measures or action as shall be considered expedient.

Section 7. Inspection and Testing. All materials, supplies and equipment furnished under any purchase order or contract shall be subject to inspection for conformance with specifications. The Purchasing Agent shall have authority to prescribe tests for the determination of the quality of all proposed purchases or deliveries when such quality can be accurately determined by test. It shall have authority through the head of the department in charge thereof to require the use of laboratory facilities of the City and others and the technical staffs thereof for such tests of samples of proposed purchases or deliveries. Bills to cover the cost of such tests when approved by the Purchasing Agent shall be paid out of funds of the department for whose use the materials, supplies or equipment is delivered or is proposed to be purchased.

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Section 8. Approval of Purchase Order. Before any purchase order shall be valid or effective the Finance Director or some person authorized to act in their absence shall certify that the proposed purchase complies with all charter and ordinance requirements and that funds are available to cover such purchase.

Section 9. Approval of Invoices. The Purchasing Agent shall approve in writing all invoices for the payment of purchases made after the Purchasing Agent has found that such supplies, services and property have been delivered in accordance with the contract and specifications.

Section 10. Sales, Exchanges or Trades.

A. The Purchasing Agent is authorized to sell all supplies or other personal property, which may have become surplus or unsuitable for use, or to exchange the same for, or trade in the same on new supplies or equipment. The bidding procedures set forth in Section 3 shall be followed whenever the value of the article to be sold, traded, or exchanged exceeds \$10,000.00 or such greater amount as the City Council may establish by resolution.

B. The Purchasing Agent is authorized to sell any real estate owned by the City of Groton under the following conditions:

- (1) The City Council shall first declare by resolution that one or more parcels of real estate owned by the City of Groton is unsuitable for purposes or surplus to the needs of the City; and
- (2) The City Council shall transmit the resolution to the Planning and Zoning Commission for its consideration pursuant to Connecticut General Statutes §8-24; and
- (3) The Planning and Zoning Commission shall approve or disapprove the resolution and transmit its action back to the City Council for final action pursuant to Statute. Failure of the Planning and Zoning Commissioner to report its action to the City Council within thirty-five days after the official submission of the resolution to the Planning and Zoning Commission, shall be deemed approved; and
- (4) If the fair market value of the property is \$10,000.00 or more as determined by the Town of Groton's last evaluation, then the property shall be advertised for bid and disposed of as provided in the other provisions of this Ordinance pertaining to purchases; and

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- (5) If the value of the property is less than \$10,000.00 as determined by the Town of Groton's last assessment, then the Mayor and Council may list the property for sale by a real estate agent for sale to the highest bidder; and
- (6) Any designated property in subsection (1) above may be advertised for bid or offered for sale subject to any conditions as the City Council may impose; and
- (7) Any bid or offer to purchase pursuant to subsections (2) and (3) above shall be subject to rejection by the City Council if deemed too low or if it contains too many contingencies in the discretion of the City Council; and
- (8) The Purchasing Agent shall give advance notice of any proposed public bid or listing of a parcel of real estate owned by the City of Groton by a real estate agent to the owners of any adjoining properties.

Section 11. This Ordinance shall be known and may be cited as the "Purchasing and Sale of Real Property Ordinance of the City of Groton".

Section 12. Ordinance No. 50 is hereby repealed.

Section 13. The effective date of this Ordinance shall be upon final passage.

WHEREAS, the City of Groton's current Purchasing Ordinance needs revision to include procedures for the sale of real property; and

WHEREAS, this Ordinance repeals Ordinance #50; and

WHEREAS, this Ordinance was initially passed at the Mayor and Council meeting held on November 3, 2003; and

WHEREAS, this Ordinance was published in *The Day*, a newspaper having general circulation in the City of Groton on November 5, 2003 and November 8, 2003;

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THEREFORE, BE IT RESOLVED that the Mayor and Council **finally** approve “An Ordinance concerning Purchasing and Sale of Real Property for the City of Groton”.

Initially approved: November 3, 2003.

Finally approved: December 1, 2003.



Dennis L. Popp, Mayor



Debra Patrick, City Clerk