

## **CHAPTER 7.**

### **PURCHASING AND FINANCE**

#### **Article 1. PURCHASE AND SALE OF PROPERTY**

- § 7.101 Purchasing Agent; powers and duties
- § 7.102 Purchases; limitations
- § 7.103 Purchases; written requisition required
  - § 7.104 Purchases; under \$4,000
  - § 7.105 Purchases; \$4,000 and over
  - § 7.106 Purchase of services
  - § 7.107 Purchases; competitive bid procedure
  - § 7.108 Purchases; awards
- § 7.109 Purchases; records
  - § 7.110 Purchases; unusual
  - § 7.111 Purchases; emergency
  - § 7.112 Purchases; combined
- § 7.113 Sales; under \$1,500
  - § 7.114 Sales; \$1,500 or more; real estate
  - § 7.115 Annual public sale

#### **Article 2. MUNICIPAL TAXES**

- § 7.201. Due Date

## **CHAPTER 7. PURCHASING AND FINANCE**

### **ARTICLE 1. PURCHASE AND SALE OF PROPERTY**

#### **Section 7.101. The Purchasing Agent; powers and duties.**

The Purchasing Agent shall have under his/her supervision and management the purchase of all supplies, materials and equipment for the use of the City in the operation and maintenance of its several departments. All the provisions of this Article shall apply to the School Department and the designated agent within that department responsible for purchases. He/She shall establish and enforce specifications with respect to supplies, materials, and equipment required by the City Government. He/She shall inspect or supervise the inspection of all deliveries of supplies, materials, and equipment and determine their quality, quantity and conformance with specifications. He/She shall have charge of such general store-rooms and warehouses as the Council may provide by ordinance. He/She is granted authority to supervise and manage the sale or transfer of property within departments, including real estate, subject to the limitations of this Article.

#### **Section 7.102. Purchases; limitations.**

No purchase of supplies, material and equipment shall be made unless funds are appropriated for by the Council, except as otherwise provided in the City Charter or by specific order of the City Council.

#### **Section 7.103. Purchases; written requisition required.**

Purchases shall be made by requisition, in such form as the Purchasing Agent may require. All such requisitions shall state the quantity, quality, description and other specifications of the item or items desired, and shall be signed by the head of the department, office or agency against whose appropriation such expenditure is to be charged. Specifications shall be in such forms as to permit competitive bidding whenever practicable.

#### **Section 7.104. Purchases; under \$4,000.00.**

Purchases involving less than Four Thousand Dollars (\$4,000.00) may be made in the open market by the Purchasing Agent without competitive bids, but shall be on a competitive basis to the maximum extent practicable.

#### **Section 7.105. Purchases; \$4,000.00 and over.**

On all purchases, except as provided in Sections 7-10. and 7-11. hereof, involving an expenditure of Four Thousand Dollars (\$4,000.00) or more, the normal procedure shall be to seek competitive bids. This may be accomplished by publishing a notice describing the supplies, material or equipment desired to be purchased and affixing a date and time limit for the reception of bids, said publication to be one (1) time in a

newspaper having general circulation in the City of Bath, said time at least five (5) days prior to the date of closing of bids. As an alternate method, the City may directly solicit bids from a representative number of vendors where it is deemed by the Purchasing Agent that this method more appropriately suits the nature of the supplies, material or equipment sought to be purchased.

#### **Section 7.106. Purchase of services.**

In instances where the City is purchasing services, there need not be any competitive bid process, except in instances where such a process is required by order of the Bath City Council or deemed to be an appropriate method of obtaining services in the judgment of the Purchasing Agent.

#### **Section 7.107. Purchases; competitive bid procedure. -**

All bids shall be in writing, sealed, with outside envelope or wrapper plainly marked "Bid, not to be opened until" (with appropriate date inserted) and mailed to or filed with the Purchasing Agent. No official or employee of the City shall open such a bid until the appointed time. At the time and place stated in the notice, all bids shall be opened and publicly read by the City Purchasing Agent or by someone designated by him for that purpose. All such bids may be inspected by those present.

#### **Section 7.108. Purchases; awards.**

(a) Awards following competitive bids or proposals shall be made by the Purchasing Agent to the lowest bidder, price, quality and service considered, subject to the authority of the purchasing Agent to reject any and all bids. Nothing herein shall be construed to affect the authority of the Purchasing Agent to reject any bid on any reasonable basis.

(b) The Purchasing Agent, in determining lowest responsible bidder, price, quality and service considered shall allow all bidders having a place of business within the City limits of the City of Bath a preference of two per cent (2%) of the amount of such bid submitted by such local bidder, and in the event that any bid submitted by local bidder shall be less than two per cent (2%) in excess of the bid submitted by a bidder not having a place of business within the limits of the City of Bath, such bid shall be awarded to such local bidder, providing such local bidder is in all other respects a qualified and responsible party and that his, hers or its bid shall meet all other specifications of such invitation to bid.

(c) All purchases exceeding One Hundred Thousand Dollars (\$100,000.00) shall be awarded in a public meeting by the City Council.

### **Section 7.109. Purchases; records**

The Purchasing Agent shall keep a record of all submitted bids and all purchases made under Sections 7-110. and 7-111. hereof without bids, and such record shall be open to inspection by any interested person.

### **Section 7.110. Purchases; unusual.**

When the nature of a purchase renders the competitive bidding process ineffective by virtue of a single supplier or other complication, the Purchasing Agent shall document in full detail the nature of the purchase and the technique used to insure the best quality and price for the City. Such documentation shall suffice for the records required in Sections 7-106, 7-107, and 7-108 of this Article.

### **Section 7.111. Purchases; emergency**

In the case of any emergency or unusual circumstances, a department head, acting with the advice and approval of the City Manager, may require the immediate purchase of materials, supplies, apparatus, or property in the open market at the lowest price obtainable. The Purchasing Agent shall notify the City Council as soon as possible after the emergency situation has subsided, as to the steps taken to affect the purchase, the emergency situation that existed, and the methodology utilized to assure the best possible price given the attendant circumstances.

### **Section 7.112. Purchases; combined.**

The City Purchasing Agent is hereby authorized to combine with other units of Government, the Maine Municipal Association, or any other organization formed to increase the purchasing power of the City for purchasing purposes, in which event such regulations as may be jointly agreed to shall be applicable in lieu of the regulations herein.

### **Section 7.113. Sales; under \$1,500.00.**

The Purchasing Agent shall conduct the sale of any municipal supplies, material and equipment no longer required by the City, of value less than One Thousand Five Hundred Dollars (\$1,500.00) on request of the proper department head, and in such manner as provided by this Article.

### **Section 7.114. Sales; \$1,500.00 or more; real estate.**

A. Municipal Property. No Municipal Property, supplies, material or equipment of a value that exceeds \$1,500 may be sold by the City of Bath unless the sale is authorized by Order of the Council. The sale will be conducted in the same manner and subject to the same requirements as those applicable to purchases in amounts of \$4,000 as provided in Section 7-5.

B. Real Estate.

1. General. With the exception noted in Subsection 2 below, the City Council shall determine when and in what manner real estate owned by the City of Bath may be disposed of. The City council may consider disposing of real estate under the following methods:
  - a. Sale by solicitation of public bids;
  - b. Sale by solicitation of limited bids where the market of the property appears limited to a few potential purchasers;
  - c. Lease where use of the property by another entity is deemed appropriate and in the city's interest but permanent disposal of the property is deemed inappropriate.
  - d. Sale to an abutter without bid process where the nature of the property is such that only an abutter would have any interest in acquiring the real estate;
  - e. Gift of the property without compensation to the City where it is deemed to be in the city's best interests (i.e. conveyance of property to a non-profit entity proving a service of benefit to the citizens of Bath, or disposition of real estate to put the property back on the tax roles etc.)
  - f. Any other disposition of real estate by a method that is deemed the City Council to be in the best interest of the City of Bath.
  
2. Tax Acquired Property. Property which has been acquired by the City of Bath for nonpayment of taxes pursuant to 36 M.R.S.A. Section 943, and for which the period of redemption has expired, may be returned by Municipal Quit-Claim Deed to the taxpayer who was the owner of record of the property at the time of acquisition by the City, or that taxpayer's successor in interest. The Quit-Claim Deed is to be executed by the City Manager and the City Treasurer without the necessity of Council action. The Deed shall not be delivered to the taxpayer or successor until the payment of all back taxes, interest and costs, including such taxes, together with appropriate interest and costs thereon, which would have become assessed and due during the period it was City owned. (Ord. 5/6/98)

### **Section 7.115. Annual public sale.**

All surplus or obsolete equipment, machinery, tools, supplies and all other articles belonging to the City for which there is no longer any use, shall be sold by the Purchasing Agent at public sale once each year. All articles to be disposed of by the purchasing agent at such sale shall be subject to approval by the City Council, and the time of such sale shall be fixed by vote of the City Council each year.

## **ARTICLE 2. MUNICIPAL TAXES**

### **Section 7.201. Due Date.**

The date upon which property taxes shall become due and payable for property taxes assessed by the City for the fiscal year beginning July 1, 1994, shall be December 30, 1994. For subsequent fiscal years beginning July 1, 1995, the tax due date shall be the first day of the fourth month of the City's fiscal year. Should such day fall on a Saturday, Sunday or a holiday, then the tax due date will be on the next day which is not a Saturday, Sunday or a holiday. Interest shall accrue and shall apply to delinquent taxes which are not paid by the close of business on the specified due date, until those taxes are paid in full. The rate of interest shall be established yearly by Resolution of the City Council. (Ord. 10-19-94)<sup>27566</sup>