

THE VILLAGE OF OXFORD ORDAINS: ORDINANCE NO. 410: ARTICLE V – FINANCE, DIVISION 2, SECTION 2-181 THROUGH SECTION 2-188 OF THE CODE OF ORDINANCE, OXFORD, MICHIGAN IS HEREBY AMENDED TO READ AS FOLLOWS:

DIVISION 2. - PURCHASING, CONTRACTING AND SELLING PERSONAL PROPERTY

Sec. 2-181. - Purchasing agent.

The Village Manager shall be the designated purchasing agent of the Village of Oxford. The Village Manager may, as necessary, adopt rules and procedures to further govern purchases, contracts and the disposal of personal property. The Village Manager may work with staff and department heads to carry-out all or part of the actions required herein.

(Ord. No. 193, § 1, 2-13-1968)

Sec. 2-182. - Purchases of less than \$5,000.00.

Purchases of supplies, non-emergency repairs, materials, or equipment, the total purchase cost of which is less than \$5,000.00, may be made in the open market. These purchases shall, where practicable, be based on at least three (3) competitive and competent bids and the purchase shall be awarded to the lowest competent bidder. The purchasing agent may solicit such bids in writing, verbally, by email or by telephone. Where bids are solicited by written communication, a request for such bids shall be also posted at the Village offices. A record shall be kept for six (6) months of all open market bid processes and the responsive bids submitted. The records shall be available for public inspection. Any or all bids may be rejected at the sole discretion of the Village.

(Ord. No. 193, § 2, 2-13-1968)

Sec. 2-183. - Purchases of supplies, materials, equipment, construction projects or contracting \$5,000.00 or higher.

Any expenditure for supplies, materials, equipment, construction projects or contracting, obligating the Village in an amount in excess of \$5,000.00, shall be governed by the provisions of this section.

- (1) Expenditures under this section shall be made the subject of a written contract. A purchase order shall be a sufficient written contract in situations where the expenditure is in the usual and ordinary course of the Village's affairs. In no case shall a purchase order be sufficient for the construction of public works or the contracting of supplies or services over any period of time or where the quality of the goods or materials or the scope of the services bargained for is not wholly standardized. All contracts shall be reviewed and approved by the Village Attorney.

- (2) For purchases Over \$25,000.00 a sealed competitive bid process will be used. An appropriate notice inviting sealed competitive bids shall be published in one or more newspapers of general circulation in the Village at least seven (7) business days before the final date for submitting the bids.
- (3) The purchasing agent shall solicit bids from a reasonable number of qualified prospective bidders as are known to the purchasing agent by sending each a copy of the notice requesting bids. Notice of the bid process shall be posted at the Village offices.
- (4) Unless set forth by the Village Council, the Village Manager shall set and define the amount of any security to be deposited with any bid. Any required deposit shall be in the form of a certified check, a cashier's check or a bond written by a surety company authorized to do business in the state of Michigan. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the Village Council, the Village Manager shall fix the amount of the performance bond and in the case of construction contracts, the amount of the labor and material bond to be required of the successful bidder.
- (5) All sealed bids shall be opened in public at the time and place designated in the notice requesting sealed bids and in the presence of the Village Manager, the Village Clerk, or the Village Treasurer and at least one other Village official, preferably the head of the department most closely concerned with the subject of the contract. The bids shall be reviewed and tabulated and reported to the Village Council with the recommendation of the purchasing agent at the next regular meeting of the Village Council. After tabulation, all bids may be inspected by the competing bidders.
- (6) The following criteria shall be considered in the review and selection of the successful bid:
 - a. The ability, capacity and skill of the bidder to perform the contract or provide the services required;
 - b. The ability of the bidder to perform the contract or provide the services promptly within the time specified and without delay or interference;
 - c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - d. The quality of performance of previous contracts for services or goods of the bidder;
 - e. Previous and existing compliance by the bidder with all laws and ordinances relating to the contract or services or the providing of goods;
 - f. The conformance or nonconformance of the bid with the published bid specifications;
 - g. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide services;

- h. The quality, availability and adaptability of supplies or contractual services to the particular use required;
 - i. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract, where applicable;
 - j. The number and scope of the conditions attached to the bid;
- (7) When such bids are submitted to the Village Council, the contract to be executed, in a form approved by the Village Attorney, shall also be submitted and, if the Village Council shall find any of the bids to be satisfactory, it shall award the contract to the selected bidder and shall authorize execution of the contract. Upon execution of the contract by the successful bidder and the filing of any bonds which may have been required, which bonds shall first be approved by the Village Attorney as to form and content, such award may be by resolution of the Village Council. The Village Council shall have the right to reject any or all bids and to waive irregularities in the process and to accept bids which do not conform in every respect to the bidding requirements, provided that the Village Council shall not have the authority to accept a bid of lower specifications without re-advertising.
- (8) All bids, deposits of certified or cashier's checks may be retained until the contract is awarded and fully executed. If any successful bidder fails or refuses to enter into the contract awarded to their company/him within five (5) days after the same time, the deposit accompanying their/his bid shall be forfeited to the Village, and the Village Council may, in its sole discretion, award the contract to the next successful bidder or such contract may be re-advertised.

(Ord. No. 193, § 3, 2-13-1968)

Sec. 2-184. - Professional services and waiving the competitive bid process.

Competitive bidding shall not be required for contracts for professional services. In any other case where competitive bidding clearly is not practical or where no advantage would result to the Village to require competitive bidding, the Village council, upon written recommendation of the Village Manager, may authorize, by a majority vote, the execution of a contract without competitive bidding. Where a contract is let without competitive bidding, the proposed contract shall be approved by the Village Attorney as to form and content, unless prepared by the Village Manager by direction of the Village Council and submitted to the Village Council.

Using the State of Michigan purchasing contracts or other recognized/government sponsored bid process is permitted to satisfy the bid process. The State contracts and other recognized state processes have already been competitively bid and can be used without an additional bid process. The use of MiDeal (the State of Michigan's extended purchase program) shall satisfy the bid process.

Every attempt shall be made to ensure that all purchases are fair and impartial with no impropriety or appearance of impropriety. All qualified businesses shall have access to City business. No individual or business shall be arbitrarily excluded under any circumstance.

In all processes herein, every attempt will be made to secure the maximum amount of competition.

(Ord. No. 193, § 4, 2-13-1968)

Sec. 2-185. - Emergency purchases.

In the case of an emergency, any department head, with the approval of the Village Manager, may purchase directly any supplies, repairs, materials or equipment, the immediate procurement of which is necessary to the continuation of the work of the department. Such purchases and the emergency causing them shall be reported in detail to the purchasing agent within one (1) week from the time when made and such report shall be preserved by the purchasing agent for a period of two years.

(Ord. No. 193, § 5, 2-13-1968)

Sec. 2-186. - Inspection and acceptance of purchases.

The responsibility for the inspection and acceptance of all materials, supplies, and equipment shall rest with the ordering department.

(Ord. No. 193, § 6, 2-13-1968)

Sec. 2-187. - Sale of personal property.

Whenever any Village personal property is no longer needed for corporate or public purposes, the same may be offered for sale on approval of the Village Council. Personal property not exceeding \$1,000.00 in value may be sold for cash by the purchasing agent upon approval of the Village Manager after receiving quotations or competitive bids therefor, for the best price obtainable. Property with a value in excess of \$1,000.00 may be sold after advertising and receiving competitive bids, as provided in this code and after approval of the sale has been given by council. In the sale of automatic equipment, bidders may include in their bid, a trade-in allowance for old equipment, which shall be in lieu of all other bids herein required.

(Ord. No. 193, § 7, 2-13-1968)

Sec. 2-188. - Local preference for purchasing.

Unless prohibited by any other local, state or federal applicable law, bid responses for supplies, materials, equipment or contractual services which demonstrate they are produced in one of the following locations or are services provided by an entity doing business in one of the following locations and which are otherwise a responsible bid shall be treated as the lowest

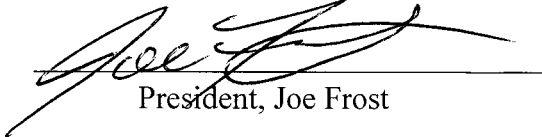
responsible bid in accordance with the following:

Entity	Percentage Within Lowest Bid
United States	3%
State of Michigan	5%
Township of Oxford	7%
Village of Oxford	10%

(Ord. No. 384, 1-8-2013)

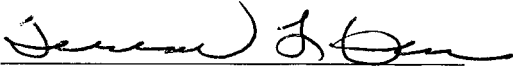
Secs. 2-189—2-200. - Reserved.

ORD. NO. 410, 10-08-2019


President, Joe Frost

CERTIFICATION

I certify that this Ordinance was introduced and adopted by the Council of the Village of Oxford, Oakland County, MI. in accordance with Section 4.1 of the Village Charter at a regular meeting duly called and held on October 08, 2019.

by: 
Teresa L. Onica, Clerk