

ORDINANCE NO. 2008-242

**AN ORDINANCE OF THE TOWN OF WINDSOR
AMENDING ARTICLE 1 OF CHAPTER 6
OF TITLE I GENERAL PROVISIONS
GOVERNMENTAL ORGANIZATION AND ADMINISTRATION
OF THE TOWN'S MUNICIPAL CODE
TO RAISE THE TOWN MANAGER'S PURCHASING AUTHORITY
FROM \$25,000 TO \$50,000**

**THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1. Sections 1-6-100, 1-6-105 and 1-6-120 Amended. Sections 1-6-100, 1-6-105 and 1-6-120 of the Town of Windsor Municipal Code are hereby amended as follows:

1-6-100 Competitive Bidding.

- a. In the absence of other laws, the Purchasing Agent shall use the following guidelines to select the type of bidding process to be used. For products or services with an estimated value of:
 1. Five hundred (\$500.00) dollars or less - Informal quotes may be obtained from vendors but are not required;
 2. Five hundred one (\$501.00) dollars to five thousand (\$5,000.00) dollars - Informal quotes either (a) received in writing or (b) taken verbally and logged in writing shall be obtained;
 3. Five thousand one (\$5,001.00) dollars to fifty thousand dollars (\$50,000.00) - Written quotations from vendors shall be obtained; at the Purchasing Agent's discretion the formal sealed bid procedure described in Section 1-6-105 may be followed except the award of contract or rejection of bids may be by the Purchasing Agent;
 4. Fifty thousand one dollars (\$50,001.00) and greater - Formal Sealed Bid/Proposal Procedures shall be followed as described in Section 1-6-105.
- b. For products or services which are purchased repeatedly throughout a year, the bidding procedures used shall be consistent with the estimated cumulative expenditures during a twelve (12) month period.

1-6-105 Purchases by Town Council; Formal Sealed Bids. When the estimated amount or value involved exceeds fifty thousand dollars (\$50,000.00) the purchase shall be made by the Town Council through a sealed competitive bid process as outlined below:

- b. Notice inviting bids shall include a general description of the services and/or articles to be purchased or sold, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether a bid deposit or bond will be required.
- c. Notice inviting bids shall be advertised in a newspaper generally available throughout the Town.

- d. The Purchasing Agent shall also directly solicit sealed bids from known responsible prospective suppliers and may advertise the notice inviting bids in applicable publications.
- e. When deemed necessary by the Purchasing Agent or Town Council, any bidder may be required to submit a bid deposit or bond in an amount determined by the Purchasing Agent or Town Council. A successful bidder (and his/her surety, if a bond is furnished) shall be liable for any damages upon the bidder's failure to perform in accordance with the tenor of his/her bid.
- f. When deemed necessary by the Purchasing Agent or Town Council, any person or entity entering into a contract with the Town may be required to furnish a faithful performance deposit or bond in an amount determined by the Purchasing Agent or Town Council.
- g. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.
- h. At its discretion, the Town Council may reject all bids presented and readvertise for bids.
- i. Contracts shall be awarded by the Town Council to the lowest responsible bidder, except as otherwise provided herein.
- j. If two (2) or more bids received from responsible bidders are for the same total amount or unit price, quality and service being equal, preference shall be given to the local vendor, or the Town Council may accept the lowest bid made by negotiation with the tie bidders and the Purchasing Agent at the time of bid opening.

1-6-120 Execution of Purchase Agreements. Purchase Agreements up to an amount of fifty thousand dollars (\$50,000.00) may be authorized by the Purchasing Agent. Purchase Agreements exceeding fifty thousand dollars (\$50,000.00) shall be authorized by the Town Council.

SECTION 2. – Severability. If any part of this Ordinance or the application thereof to any person is held invalid, the remainder of the Ordinance and the application of such provisions to other persons shall not be affected thereby.

SECTION 3. – Effective Date. This Ordinance shall take effect and be in force thirty (30) days following its adoption.

SECTION 4. – Posting. The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 6th day of August 2008, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, GOBLE, PARKER, SALMON AND
MAYOR FUDGE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK