

CHAPTER 210
PURCHASES, CONTRACTS AND SALES

210.01	Manager as Purchasing Agent.	210.05	Inspection of materials.
210.02	Purchases and contracts; compliance with Charter.	210.06	Sale of property.
210.03	Written contract required.	210.07	Payment of moneys.
210.04	Purchases and contracts; Council approval required.	210.08	Approval of legal Documents

CROSS REFERENCES

Finance generally -see Mich. Const. Art. 9, §§1 et seq.

Pecuniary interest in contract or purchase by Municipal
officers -see CHTR. §6.3

General finance; budget; audit -see CHTR. Ch. 7

Deferred payment contracts -see CHTR. §12.9

Purchase and sale of property -see CHTR. §12.8

Contracts -see CHTR. §12.7

Franchises -

210.01 MANAGER AS PURCHASING AGENT.

The Manager shall act as Purchasing Agent of the City in accordance with Section 6.3 of the Charter. The Manager shall adopt any necessary rules respecting requisitions and purchase orders.

210.02 PURCHASES AND CONTRACTS; COMPLIANCE WITH CHARTER.

Purchases of supplies, materials or equipment shall be made in accordance with the provisions of Chapter 12 of the City Charter.

210.03 WRITTEN CONTRACT REQUIRED.

All purchases and sales, regardless of monetary value, shall be made the subject of a written contract. A purchase order shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the City's affairs.

210.04 PURCHASES AND CONTRACTS; COUNCIL APPROVAL REQUIRED.

Any expenditure for supplies, materials, equipment, construction projects or contracts obligating the City, where the amount of the City's obligation is in excess of the provisions of Chapter 12 of the City Charter, shall be approved by the City Council and shall be governed by the provisions of this section and Section 12.9 of the City Charter.

(a) The Purchasing Agent shall solicit bids from a reasonable number of such qualified prospective bidders as are known to him or her. Bids shall also be solicited by newspaper advertisement when directed by the City Council.

(b) Unless amounts are prescribed by the Council, the Manager shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of cash, certified or cashier's check or 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 the amount is fixed by the Council, the Manager shall fix the amount of the performance bond, and in the case of construction

contracts, the amount: of the labor and materials bond to be required of the successful bidders.

(c) Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the Purchasing Agent, the City Clerk and at least one other City official, preferably the head of the department most closely concerned with the subject of the contract. The bids shall thereupon be carefully examined and tabulated and reported to the Council with the recommendation of the Purchasing Agent at the next Council meeting. After tabulation all bids may be inspected by the competing bidders. In lieu of the procedure for opening bids herein specified, the Council may direct that bids be opened at a Council meeting.

(d) When such bids are submitted to the Council, if the Council shall find any of the bids to be satisfactory, it shall award the contract to the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid. Such award may be by resolution or ordinance. The Council shall have the right to reject any or all bids, to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.

(e) At the time the contract is executed by him or her, the contractor shall file a bond executed by a surety company authorized to do business in the State of Michigan, to the City, conditioned to pay all laborers, mechanics, subcontractors and material men, as well as all just debts, dues and demands incurred in the performance of such work, and shall file a performance bond when one is required. Said contractor shall also file evidence of public liability insurance in an amount satisfactory to the City Manager, and agree to save the City harmless from loss or damage caused to any person or property by reason of the contractor's negligence.

(f) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him or her within five days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his or her bid shall be forfeited to the City, and the Council may, in its discretion, award the contract to the next lower competent bidder meeting specifications, or to another competent bidder meeting specifications if the Council shall determine that the public interest will be better served by accepting such other bid, or said contract may be re-advertised.

210.05 INSPECTION OF MATERIALS.

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

210.06 SALE OF PROPERTY.

Whenever any City property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale. Personal property not exceeding the limits contained in Chapter 12 of the City Charter may be sold for cash by the Purchasing Agent after receiving quotations or competitive bids for the best price obtainable. Property with a value in excess of the limitations contained in Chapter 12 of the City Charter may be sold after advertising and receiving competitive bids, as provided in Section 210.04 and after approval of the sale has been given by the Council.

210.07 PAYMENT OF MONEYS.

All moneys belonging to the City shall be paid out upon presentation of a valid warrant approved by the City Manager or the Mayor and issued in accordance with the Charter by checks drawn by the City Treasurer and countersigned by two of the following signatures: the Mayor, the Mayor Pro-Tem, the Clerk or the Treasurer.

210.08 APPROVAL OF LEGAL DOCUMENTS.

The Mayor shall sign, the City Clerk shall attest to, the City Manager shall approve as to substance, and the City Attorney shall approve as to form, all contracts and agreements requiring the assent of the City, unless otherwise provided for by law, the Charter, ordinance or the provisions of these Codified Ordinances.