

TOWN OF EVA

P.O. Box 68
Eva, Alabama 35621

TELEPHONE 205/796-7360

RESOLUTION 90-10

BE IT RESOLVED by the Town of Eva that the following Purchasing Procedures be adopted and implemented immediately:

PURCHASING PROCEDURES OF THE TOWN OF EVA

SECTION 1. Reference. These procedures shall be known and may be cited as the "Purchasing Procedures of the Town of Eva.

SECTION 2. Definitions. For the purpose of these procedures, the following terms, phrases, words and other derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include" the future, words in the plural number include the singular number, and words in the singular number include the plural number.

- A. Town shall mean the Town of Eva.
- B. "Purchasing Agent" or "Agent" means the Mayor of Town of Eva.
- C. "Supplies" shall mean and include all supplies, materials, equipment, labor, services, work and other items to be procured, purchased, leased or otherwise acquired by the Town of Eva.

SECTION 3. Scope of Purchasing Authority. The Purchasing Agent shall have the power, and it shall be his duty:

- A. To establish and enforce specifications with respect to supplies, required by the Town of Eva.
- B. To perform such other duties as may be imposed upon him by resolution or order of the Town of Eva.

- C. Upon prior order of the Town of Eva to purchase all supplies needed by the Council or requisitioned by any department head in accordance with purchasing procedures as prescribed by this resolution, and such other rules and regulations as shall be prescribed by Town of Eva.

SECTION 4. Competitive Bidding Required. All purchases of and contracts for supplies, including leases thereof, shall be based wherever possible on competitive bids, unless (a) the procurement is exempt from competitive bidding under the general law of the State of Alabama; (b) the Town of Eva has not expressly directed in its order pertaining the procurement that competitive bidding be employed; and (c) the Purchasing Agent, in his discretion, does not believe that competitive bidding is necessary or desirable under the circumstances.

SECTION 5. Bid Procedure. All supplies, except as otherwise provided herein, when the cost thereof equals or exceeds \$5000.00 shall be acquired from the lowest responsible bidder after due notice inviting proposals as follows:

- A. Notice Inviting Bids; Posting. Notice inviting bids shall be given by posting notice thereof on a bulletin board in the Town of Eva and on the first floor for not less than five days preceding the last day set for the receipt of proposals, unless a shorter time is ordered by the Town of Eva. The Purchasing Agent shall also send notice of each invitation to bid by mail to any persons, firms, or corporations who have filed a request with the Town of Eva in writing that they be listed for solicitation of bids for such particular items as are set forth in such request. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three such solicitations, such listing shall be cancelled. The Purchasing

Agent may also invite sealed bids from other responsible prospective suppliers. In addition to such requirements of notice and posting, the Purchasing Agent shall also advertise for such bids in such additional form as required by the Town of Eva or by law.

- B. Bid Deposits. When deemed necessary by the Town of Eva or otherwise required by law, bid bonds or deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of such bonds or deposits. A successful bidder shall forfeit any such bonds or deposits required by the Town of Eva, upon failure on his part to enter into a contract within ten days after the award, and in such case, the Town of Eva may, at its discretion, invite new bids.
- C. Bid Opening Procedure.
1. Sealed. Bids shall be presented sealed to the Purchasing Agent and shall be identified as bids on the envelope.
 2. Opening. Bids shall be opened in public at the time and place stated in the public notices.
 3. Tabulation. A tabulation of all bids received shall be available for public inspection, and all original bids, together with all documents pertaining to the award of the contract, shall be retained and made a part of a permanent file or records in the office of the Purchasing Agent and shall be open to public inspection.
- D. Rejection of Bids. The Town of Eva reserves the right to reject any or all bids, to waive any informality in bids and, unless otherwise specified by the Town of Eva, or by the bidder, to accept any item in the bid. In case of error in the extension of prices in the bid, the unit prices will govern.
- E. Award of Contract.
1. Awards to be made by the Town of Eva. Contracts shall be awarded by the Council unless prior authority is granted the Purchasing Agent by the Council.

2. Lowest Responsible Bidder. Contracts shall be awarded to the lowest responsible bidder, and in determining such lowest responsible bidder, there shall be taken into consideration, in addition to price, the following:
 - a. Qualities of the commodities proposed to be supplied.
 - b. Their conformity with specifications.
 - c. The purposes for which required.
 - d. The terms of delivery.
 - e. Transportation charges.
 - f. The dates of delivery.

The Purchasing Agent in the purchase of a contract for personal property or contractual services, shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or by Alabama persons, firms, or corporations.

3. Award to Other Than Low Bidder. When it is proposed that the award not be given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Purchasing Agent, submitted to the Town of Eva for its consideration and filed with the other papers relating to the transaction.
4. Tie Bids. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to either bidder as determined by the Town of Eva.
5. Performance Bond. The Purchasing Agent shall have the authority to require performance and/or material payment bonds before entering a contract in such amount as he shall find reasonably necessary to protect the best interest of the Town of Eva or when required by invitation for bids or proposals, or otherwise required by law.

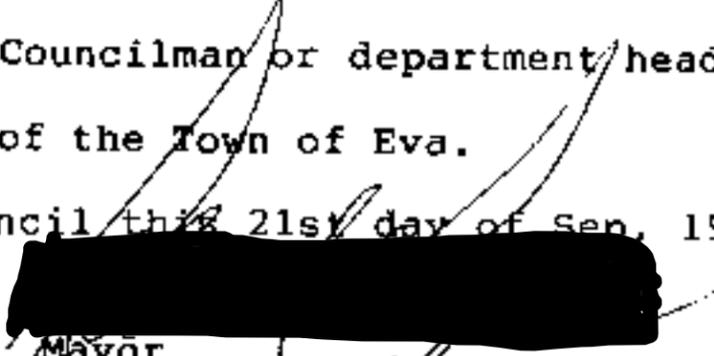
- F. Prohibition Against Subdivisions. No contract or purchase shall be subdivided to avoid the requirements of this section.

SECTION 6. Emergency Purchases. In case of emergency affecting public health, safety, or convenience, so declared in

writing by the Purchasing Agent setting forth the nature of the danger to public health, safety, or convenience because of delay, contracts may be let to the extent necessary to meet the emergency without public advertisement. Such action and the reasons therefore shall immediately be made public by the Purchasing Agent reporting the same in writing to the Town of Eva, where the same shall be spread upon the minutes of the Town of Eva.

SECTION 7. General. All purchases of supplies authorized to be made by the Town of Eva shall be made by the Purchasing Agent according to the procedures established by this resolution. Unless otherwise specifically authorized by order of the Mayor, no individual Councilman or department head shall make any purchase on behalf of the Town of Eva.

Adopted by Eva Town Council this 21st day of Sep, 1990.


Mayor

ATTEST:


Eva Town Clerk

