

**Sec. 2:10-5. Purchasing in general.**

All purchases of any supplies, materials, equipment or contractual services for the City's account shall be made in the manner required by this Article, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and other applicable law. Except as otherwise permitted by law, all contracts for supplies, materials, equipment or contractual services that in a contract year exceeds in the aggregate the statutory bid threshold shall conform with applicable requirements of State statutes for competitive bidding. Professional service contracts, extraordinary unspecified services contracts, and all other contractual service contracts shall be awarded upon resolution of the governing body.

(A.C. 1969, 9.5; Ord. No. 2005-24, December 19, 2005)

**Sec. 2:10-6. Award of bids contract; Bids Committee.**

(a) Where contracts are let to public competitive bidding, the Council may upon recommendation of the City Administrator with respect to all contracts other than public works contracts, and upon recommendation of the Director of Public Works with respect to public work contracts, let the contract in the manner prescribed by law. Bids shall be received at the time and place specified in the public notice to bidders (which may be at a time and place other than at a meeting of the Council) and may be opened and analyzed either by the Council or a Bids Committee (herein designated as the contracting agent of the City Council for the purpose of reviewing bids, pursuant to N.J.S.A. 40A:11-23), composed of the director of the department for which the supplies or material have been ordered, the Purchasing Agent, and the City Administrator, or their respective designees. The Purchasing Agent shall serve as the head of the Bids Committee and shall supervise and monitor all bid activities and bid openings. The bids shall be unsealed in public, and the contents of each bid announced and the prices and terms thereof recorded in the minutes of the Council or the Bids Committee, as required by N.J.S.A. 40A:11-23.

(b) If received by the Bids Committee, the bids may then be analyzed by the Committee and a recommendation made as aforesaid, which recommendation, together with the original bids, shall be submitted to the Council at its next meeting, at which meeting the report of the Bids Committee shall be entered upon the minutes of the Council. The Council shall thereafter proceed either to let the contract in question or take other such action as the Council shall deem necessary and proper.

(c) Except for the purpose of reviewing bids by the Bids Committee, the Purchasing Agent shall serve as contracting agent for the City of Plainfield, shall perform such other duties and have such other functions as may be granted to such contracting agent, pursuant to N.J.S.A. 40A:11-1 et seq. Such duties shall not include the receipt of mailed bids, which duty shall be performed by the Clerk of the City, who shall accept mail receipt of such bids, maintain the same unopened, and turn such bids over to the contracting agent at the time and place set forth for the receipt of bids.

(A.C 1969, 9.6 as amended May 5, 1969; MC 1972-22, §§ 1, 2, July 5, 1972; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-7. Purchases by quotation.**

Where purchases that in the aggregate are less than the bid threshold but fifteen percent (15%) or more of that amount, the Purchasing Agent shall obtain, wherever possible at least two (2) written price quotations for the item or items purchased, shall record and retain such quotations for at least two (2) years from the time they are furnished, and shall include a copy of the record of the quotation solicitation with the voucher used to pay the vendor. The award shall be made to a vendor whose response is most advantageous, price and other factors considered.

(A.C 1969, 9.7; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-8. Contracts not to be divided.**

(a) No contract which in the aggregate is single in character or which includes the provision or performance of additional goods or services, shall be divided, so as to bring it or any of the parts thereof under the bid threshold, for the purpose of dispensing with the requirement of public advertising and bidding. In contacting for the provision or performance of any goods or services included in or incidental to the provision or performance of any work which is single in character or include the provision or performance of additional goods or services, all of the goods or services required to complete such contract shall be included in one (1) contract.

(MC 2005-24, December 19, 2005.)

**Sec. 2:10-9. Emergency purchases.**

Emergency contracts may be awarded on behalf of the City without public advertising for bids and bidding, even if the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services. Emergency contracts shall be made in accordance with the Local Public Contracts Law and implementing regulations, and shall also be made in the following manner:

(a) The division head in charge of the division wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of that official, shall notify the purchasing agent, their department head, and the City Administrator, of the need for an emergency contract, the nature of the emergency, the time of its occurrence and the need for invoking this section. Such notification shall be reduced to writing and filed with the Purchasing Agent. If the City Administrator or authorized designee and Purchasing Agent is satisfied that an emergency exists, the Purchasing Agent shall be authorized to award a contract or contracts for such purpose as may be necessary to respond to the emergent needs. The Purchasing Agent shall ensure that any documents required of the service provider by law, and where appropriate, a certificate of insurance, is provided prior to authorization of payment for the work.

(b) The governing body shall be advised in writing of the emergency contract award at the next agenda session of the Council.

(c) Upon the furnishing of such goods or services in accordance with the terms of the contract, the governing body shall take such action as shall be required to provide for the payment of the contract price.

(A.C. 1969, 9.8; MC 2005-24, December 19, 2005.)

**Sec. 2:10-10. Standards and tests.**

The City Administrator shall establish or approve uniform standards for requisitions and purchases. The Purchasing Agent in the Division of Administration shall control the delivery of all supplies, materials and equipment and other items purchased, shall make or cause to be made proper tests, checks and inspections thereof, and shall ensure that all documents required by law are affixed to the purchase order or contract. The Purchasing Agent shall ascertain whether the supplies, materials, equipment and other items purchased comply with the specification, and

shall cause laboratory or other tests to be made whenever, in the opinion of the division head, it is necessary to determine whether the materials of supplies furnished are of the quality and standard required.

(A.C. 1969, 9.9; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-11. Purchasing procedures.**

(a) Purchases shall be made upon requisition of a department head to the Purchasing Agent under such procedures and in such form as the City Administrator may prescribe or approve. Except as the City Administrator may authorize in case of emergency, no purchase shall be made and no bill, claim or voucher shall be approved unless the procedures prescribed by or pursuant to the Code and Local Public Contracts Law have been followed. All purchase orders and contracts shall be accompanied by the certification of the City Comptroller that a sufficient encumbrance balance of appropriation is available to pay therefor, and such other documents as may be required by law.

(b) The director of each department shall designate by writing filed with the City Comptroller the name or names of employees in the department authorized to receive supplies, materials and equipment. The person so designated shall accept deliveries, and sign for them, only where the goods are in exact conformity with the order. Should there be any doubt as to quality or quantity, the receiving employee shall immediately notify the department head for appropriate action. If any supplies, materials or equipment are rejected, the department head shall immediately notify the Comptroller.

(A.C. 1969, 9.10; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-12. Joint purchase agreements.**

(a) Pursuant to the provisions of N.J.S.A. 40:23-6.26 to 40:23-6.29, the City is hereby authorized to enter into contracts with the County of Union for the joint use by the City and other municipalities in the County of Union of administrative services and facilities of the Office of Purchasing Agent of the County of Union appropriate to the procurement of certain materials, supplies and equipment which may be determined to be required from time to time by the City, and which the City may otherwise lawfully purchase for itself.

(b) Pursuant to the provisions of N.J.S.A. 40A:11-9 to 11, the City is hereby authorized to enter into joint agreements between other contracting units for the provision and performance of goods and services for use by the City.

(A.C. 1969, 9.1; adopted January 19, 1970; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-13. Change orders.**

All change orders shall be made and approved so as to comply with the Local Public Contracts Law and implementing change order regulations. All change orders shall be approved by resolution of the governing body prior to commencement of the work, except for minor field modifications, which shall be made and approved as set forth in subsection (a) below:

(a) Minor field modifications. Minor field modifications may be approved by the Mayor or his or her designee without formal Council approval, subject to such limitations as established by State law and supplemental procedures as approved by the City Council.

(MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-14. Execution of City contracts.**

All contracts except for purchase orders shall be reviewed by the Corporation Counsel prior to execution. The Mayor or City Administrator shall execute and sign contracts let and authorized pursuant to the Charter and ordinances, and their respective signatures may be attested to by the Clerk.

(A.C. 1969, 9.6, as amended May 5, 1969; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-15. Form of questionnaire.**

(a) Standard questionnaire; effect of unsatisfactory answers. The City hereby adopts a standard form of statement or questionnaire for bidders on public works and contracts and hereby requires from any person proposing to bid upon any such public work or contract a statement or answers showing his financial ability and experience in performing public work and describing the equipment available to such bidder in the performance of such work or contract, and if not satisfied with the sufficiency of this

statement or answers may refuse to furnish plans and specifications to him. The form of such questionnaire shall be designated by the Director of Public Works in accordance with the standards set forth in this Article.

(b) Such statements and questionnaires shall be standardized for like classes of work to be submitted to prospective bidders who may be required to respond to questions under oath. The statement or answer shall disclose fully the financial ability, adequacy of plant and equipment, organization and prior experience of the prospective bidder, and such other pertinent and material facts as may be required.

(c) Prospective bidders shall be classified as to the character and amount of public work or contracts as to which they shall be qualified to submit bids, and bids shall be accepted only from persons so qualified. The classification shall be made and an immediate notice thereof shall be sent to the prospective bidders by certified or registered mail within eight (8) days after the date of receipt of their respective statement of answers. Such notice shall state in writing why such prospective bidder was found either unqualified or limited in qualification as to the character or amount of public work or contract as to which he may be qualified to submit bids.

(MC 1972-15 § 1, April 17, 1972, as amended by MC 1972-14, § 1, May 1, 1972; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-16. Classification of bidders.**

(a) There is hereby established a Board of Review upon classification and reclassification of prospective bidders. This Board shall consist of one (1) member of the City Council of the City of Plainfield and two (2) citizens of the City to be designated by the Mayor with the advice and consent of the City Council. In no event shall members of the Board of Review be appointed by the Mayor unless and until public notice is given to citizens of the City of Plainfield who shall be given an opportunity to propose candidates for such Board. The City Clerk shall be the Secretary of the Board of Review and shall keep a complete record of its proceedings and decisions. The members of the Board shall serve without compensation.

(b) Any prospective bidder who is dissatisfied with his original classification or reclassification may, upon receipt of notice thereof, request in writing a hearing of the matter before the Board of Review. The request shall be filed with the contracting agent and the Secretary of the Board. The Board shall hold a hearing at which the prospective bidder shall be entitled to be heard and to submit additional information. The Board shall review

the responsibility of all prospective bidders who have filed statements or answers, considering both the statements, answers, and any additional information given at the hearing, and shall certify to the contracting unit concerning its decision as to the original classifications or reclassifications, if any. The decision shall be by a majority vote. The Board shall give the prospective bidder a statement in writing setting forth the specific reasons for the Board of Review's decision, and enter the same upon the minutes of the Board of Review to be available to the City Council in the event of an appeal from the decision of the Board. In order for any change in classification by the Board to be effective for public work or contract previously advertised, the request shall be filed not less than five (5) days prior to the final day for submission of bids and the Board shall hold a hearing and act upon the request not less than two (2) days prior to the date fixed for this next opening of bids on any public work contract for which such prospective bidder might be qualified to bid as a result of the reclassification.

(c) If any person after being notified of his classification, shall be dissatisfied therewith or with the classification of other bidders, he may request in writing a hearing before the City Council, in accordance with N.J.S.A. 40A:11-29.

(MC 1972-15, § 1, April 17, 1972; as amended by MC 1972-14, §§ 2, 3, May 1, 1972; MC 2005-24, December 19, 2005.)

#### **Sec. 2:10-17. Rejection of bids.**

(a) Changes in circumstances after qualification of bidder; hearing. Nothing herein contained shall be construed as depriving the City Council of the right to reject a bid at any time prior to the actual award of a public work or contract, where the circumstances of a prospective bidder have changed subsequent to the qualification and classification of the said bidder, which in the opinion of the awarding contract unit would adversely affect the responsibility of the bidder. Before taking final action on any such bid, the Bids Committee established in Section 2:10-6, or the City Council shall notify the said bidder in writing of the specific reasons for the rejection of such bid and afford him or her an opportunity to present any additional information which might tend to sustain the existing classification.

(b) Supplementing prior statements. No person shall be qualified to bid on any public work or contract unless he shall have submitted a statement or answers as herein required within a period of six (6) months preceding

the date of opening of bids for the public work or contract, if the bidders thereon are required to be classified hereunder. In any case where the City of Plainfield shall require classification of the bidders in compliance with these sections, each bidder on any public work or contract shall be required to submit a statement listing the changes in the statement or answers herein required as part of his bid submission.

(c) Forfeiture of deposit in certain cases. A deposit made by any person who makes or causes to be made a false, deceptive or fraudulent statement or answers in response to a questionnaire or in the course of a hearing hereunder may be caused to be forfeited, as liquidated damages by and to the City of Plainfield.

(MC 1972-15, § 1, April 17, 1972; as amended by MC 1972-14, § 4, May 1, 1972; MC 2005-24, December 19, 2005.)