TOWN OF BORDEN PURCHASING POLICY

I. POLICY STATEMENT

The Town of Borden is a political subdivision of the state of Indiana and is governed by the state's public purchasing statutes including, but not limited to, the "Public Purchasing Law" found at Indiana Code 5-22-1-1 et seq. and "Public Works Project" found at Indiana Code 36-1-12 et seq. as amended from time to time. In addition to Indiana Code, the Town's purchasing activities are further governed by executive orders from the Town Council, local ordinances and resolutions of the Common Council.

The Town's Council has adopted the following policies and procedures to be applicable to the purchase of goods and services and for public works projects in accordance with the Indiana Code. These policies and procedures apply to all Town departments.

If the policy refers to a section in Indiana Code, the information provided is for informational purposes only and the Indiana Code must be followed.

II. DEFINITIONS

The following terms have meanings specific to the purchasing statutes, where used in this Procurement Policy, the following terms shall mean:

GOVERNMENT BODY	Governmental body means an agency, a board, a branch, or another establishment of a political subdivision. A governmental body may be the council or the parks board. The Council can designate a town employee for specific purchases.
POLICY	Refers to this Procurement Policy.
PROFESSIONAL SERVICES	Services performed by architect, professional engineers or surveyors.
PUBLIC WORKS PROJECT	The construction, reconstruction, alteration, or renovation of a public building or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by a political subdivision under a lease containing an option to purchase.
PURCHASE	Purchase includes to buy, procure, rent, lease, or otherwise acquire. The term includes: 1. A description of requirements (specifications, delivery terms, etc.) 2. Solicitation or selection of sources from which purchase will be made 3. Preparation and award of the purchase contract 4. All phases of contract administration and 5. All functions that pertain to purchasing

PURCHASING AGENT	The body authorized to enter into contract by Indiana Code, by rules adopted by the governmental body or another law. For purposes of this policy, the Town Council is the Purchasing Agency for the Town of Borden. The Town Council can at its discretion, name the Borden Parks Board as a purchasing agent.
SERVICES	Means the furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.
SUPPLIES	Any property, including equipment, goods, and materials. Does not include real property.

III PURCHASING REQUIREMENTS

PUBLIC WORKS
IC 36-1-12

Purchase Amount	Procedure	Approval
Greater than $150,000	Full specification and bidding requirements, including: (1) develop specifications; (2) publish notice no more than six (6) weeks before date of receiving bids (ten (10) weeks if project is over $25 million); (3) open bids publicly; and (4) award to lowest responsible and responsive bidder, or reject all bids. If the lowest bid is rejected, reasons for the rejection must be noted in the meeting minutes. Once bids have been reviewed, they should be given to the Clerk for storage and return of bid bonds. See also IC 36-1-12-4	Governmental Body
Less than $150,000, but greater than $50,000	Invite quotes on behalf of the Town Council by mail, including: (1) develop specifications; (2) invite quotes from at least three (3) persons known to deal in the class of work proposed by mailing them notice stating the plans and specs are on file; (3) mail notice no less than seven (7) days before deadline for receiving quotes; (4) open bids publicly; and (5) award contract to lowest responsible and responsive bidder, or reject all quotes. If the lowest quote is rejected, reasons for the rejection must be noted in the meeting minutes. See also IC 36-1-12-4.7	Governmental Body
Less than $50,000	Invite quotes on behalf of the Town Council by mail, but may reject all and negotiate, including: (1) same procedures as above, except: (2) if all quotes are rejected, then write the reasons for rejecting all quotes; and (3) may then negotiate and enter into agreements in open market without inviting or receiving quotes. May also solicit quotes by telephone, fax or email for under $50,000 including: (1) solicit three quotes by email, telephone or fax; and (2) 7 day waiting period does not apply. If using this procedure, bid result must be read aloud in a the Board meeting. See also IC 36-1-12-5	Governmental Body

Emergencies – any price	Declare emergency (reflect declaration in board meeting minutes); and invite bids or quotes from at least two persons known to deal in the public work required to be done (reflect name of persons invited to bid in meeting minutes). See also IC 36-1-12-9	Governmental Body
Using Own Workforce - $100,000 - $250,000	For projects between $100,000 and $250,000, (1) publish notice, hold a public meeting and determine it is in the public's interest to use government workforce; and (2) follow public purchasing rules for purchase of materials. See also IC 36-1-12-3	Governmental Body
Routine Maintenance – Less than $150,000	Follow procedures for purchase of supplies and equipment	Governmental Body

PURCHASE OF SUPPLIES AND EQUIPMENT
IC 5-22

Purchase Amount	Procedure	Approval
Greater than $150,000	Full bidding requirements, including: (1) issue invitation for bids (IFB); (2) publish notice of bid twice 1 week apart, with the second publication made at least 7 days before bid opening; (3) open bids publicly; (4) award contract to lowest responsible and responsive bidder; and (5) maintain bidder information. If the lowest quote is rejected, reasons for the rejection must be noted in the meeting minutes. Once quotes are reviewed, they should be given to the Clerk for storage.	Governmental Body
Less than $150,000 but greater than $50,000	Invite quotes by mail, including: (1) invite quotes from at least 3 persons known to deal in supplies purchased; (2) mail invitation to quote at least 7 days before time fixed for receiving quotes; and (3) award contract to lowest responsible and responsive offeror, or reject all quotes.	Governmental Body
Less than $50,000	If purchase requires a contract, invite at least one quote by email, fax, telephone or mail. If purchase does not require a contract, purchasing agent may purchase from one supplier without obtaining quotes.	Governmental Body
Special Purchases Greater than $50,000	Determine whether special purchasing may be used; maintain a separate contract file, detailing why a special purchasing method was used and why a particular contractor was chosen; supplies or services must meet the specifications of the Town; and must be purchased at a fair market price. Special Purchases require a Declaration or Resolution from the Town Council.	Governmental Body
Nonprofit Agencies for Persons with Severe Disabilities (Exception, IC 5-22-13)	The town may purchase supplies and services from a qualified agency without advertising or bidding.	Governmental Body
Vehicles & Equipment	For vehicle and equipment purchases, prior approval from the Council and Clerk-Treasurer is required.	Governmental Body

Any purchases that require a contract under $50,000 that are signed by the Town Council or Parks Board shall be submitted to the Clerk-Treasurer to be placed on the next meeting agenda.

SERVICES
IC 5-22-6

Agreements or contracts are required for services. Agreements for services shall require the same approvals as purchase of supplies and equipment herein. All contracts for services must be reviewed and approved by the Town Council.

PROFESSIONAL SERVICES
IC 5-16-11.1

1. The Town hereby determines that notice as required by IC 5-16-11.1-4 is not required for professional services and that approval of professional services shall follow the same requirements as services.
2. Each contract for professional services shall be on the basis of competence and qualifications for the type of services to be performed and negotiate compensation that the Town determines reasonable.

REQUESTS FOR PROPOSLAS
IC 5-22-9

Competitive bidding is not advantageous or practicable for certain services, supplies or equipment that require feedback from the offeror or a collaborative approach between the Town and the offeror, and therefore the Request for Proposal process is the preferred method for that type of service, supply or equipment.

A purchasing agent may award a contract for services, supplies or equipment through a RFP procedure instead of competitive bidding, subject to the policies of the Town.

The process includes:

1. The RFP must be published two times, one week apart with the second publication at least seven days prior to the date fixed for receiving proposals.
2. The RFP must include the following: factors or criteria to be used in evaluating proposals, statement concerning the relative importance of price and the other evaluation factors, proof requirements, and a statement on whether discussions may be conducted with responsible offerors.
3. Proposals must be opened to avoid disclosure of contents to competing offerors during the process of negotiation.
4. The purchase contract shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the Town. The purchase may be awarded to more than one offeror, as long as it was outlined as a possibility in the RFP.
5. Offerors must be accorded fair and equal treatment with opportunities for discussions and revisions of proposals.

The Clerk-Treasurer shall prepare and maintain a register of proposals that must be open for public inspection after the contract award.

CONTRACTS

1. All contracts must include the following:
   A. The proper name of the parties
   B. Terms and conditions that are clearly stated and consistent throughout the document with no conflict with federal, state, or local laws or regulations
   C. The amount of payment due on the contract must be clearly stated with a detailed description as to the payment schedule, rate of pay, if applicable, the services to be provided with any deliverables clearly identified, and all deadlines or schedules stated as appropriate
   D. Indemnity and Insurance requirements (Certification of Insurance should be included)
   E. The effective start and end date of the contract, and any applicable renewals
   F. Does not contain any visible SSN in the contract or any of the attachments

2. This list is not inclusive and additional terms may be required pursuant to Indiana Code. Therefore, all contracts must be reviewed by the Town Council before being submitted to the appropriate entity.

3. All contracts for financial services must be reviewed by the Town's legal services before being submitted to the appropriate entity.

4. Only the Town Council can execute a contract on behalf of the Town of Borden. The Town Council may authorize certain persons to sign contracts on its behalf, but unless expressly authorized by the Town Council, an employee without expressed approval is considered unauthorized to bind the Town to the contract.

5. Certificates of Insurance from the contractor or vendor are required for contracts for public works, professional services and services.

6. All contracts must be signed by the other parties and keep on file in the Clerk-Treasurer's office.

All of which is approved by the Town Council of the Town of Borden this 8 day of March, 2022

Paul Brewer
Town Council President

John Hayes
Town Council Vice President

Ruth Sparks Sr.

Attest:

Town Council Secretary

Mandy Holmes

Clerk-Treasurer