

**ORDINANCE NO. 98-5-9
WINONA LAKE, IN**

**AN ORDINANCE AMENDING
ORDINANCE 98-5-1 CREATING AN INDEPENDENT
MUNICIPAL PURCHASING AGENCY**

WHEREAS, IC 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Town of Winona Lake, IN (the "Town Council") is a governmental body under the Act; and

WHEREAS, the Act authorizes the Town Council to establish a purchasing agency for the Town of Winona Lake; and

WHEREAS, the Town Council desires to establish a purchasing agency for the Town of Winona Lake, IN;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF WINONA LAKE, INDIANA:

Section 1. The Winona Lake Town Council (the "Purchasing Agency") is established as the purchasing agency for the Town of Winona Lake, IN.

Section 2. The Purchasing Agency shall have all the powers and duties authorized under IC 5-22, as may be supplemented from time to time by ordinances adopted by the Town Council and policies adopted by the Purchasing Agency.

Section 3. The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the Town of Winona Lake, IN.

Section 4. The Purchasing Agency may designate in writing any employee of the Town of Winona Lake as a purchasing agent.

Section 5. This Ordinance is effective upon passage and signing by the presiding officers.

Adopted by the Town Council of the Town of Winona Lake, IN, this 26 day of May 1998, by a vote of 5 yeases and 0 nos,

YES

NO

[Handwritten signature]

Randall D. Roggen

Hal W. Dunn

Eana E. Gumbel

Richard L. Taylor

 TOWN COUNCIL
 WINONA LAKE, INDIANA

ATTEST:

Retha S. Hicks

 Retha S. Hicks, Clerk - Treasurer

(SEAL)

**ORDINANCE NO. 98-5-3
WINONA LAKE, INDIANA**

AN ORDINANCE ADOPTING PURCHASING RULES OR POLICIES

WHEREAS, IC 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Winona Lake Town Council is a governmental body under the Act; and

WHEREAS, the Act authorizes the Winona Lake Town Council to establish certain purchasing rules and policies for the Town of Winona Lake;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF WINONA LAKE, INDIANA:

SECTION 1 . The following are the purchasing rules for Town of Winona Lake, Indiana:

Protection of Offers; Status of Documents as Public Records.

1. Protection of Offers Prior to Opening. The Clerk-Treasurer shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
2. Unobstructed Evaluation of Offers. After offers have been opened, the Clerk-Treasurer shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
3. Public Records Status of Bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.
4. Register of Proposals. The Clerk-Treasurer shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

Discussions With Offerors Responding to a Request for Proposals.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

Delay of Opening of Offers.

When the Town Council makes a written determination that its in the Town's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

Evidence of Financial Responsibility

1. Purchases Less Than \$25,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.
2. Purchases Between \$25,000 and \$100,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
3. Purchases Over \$100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
4. Small Business Set-Asides. The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

Use of RFP for Purchases of Designated Types of Supplies

The Town Council determines that:

(A) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and

(B) Receiving proposals is the preferred method for purchasing the following types of supplies:

Property & Liability Insurance every two years

Modification and Termination of Contracts

1. Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(A) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(B) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(C) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(D) Price adjustments must be computed in such other manner as the contracting parties may mutually agreed upon; or

(E) in the absence of an agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

2. Adjustments in Time of Performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

3. Unilateral Rights of Purchasing Agency. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the purchasing agency to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

4. Quantity Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

Purchase of Services

The Town Council determines that the purchasing agency and department may purchase services, except for the services of attorneys, in whatever manner the purchaser determines to be reasonable. Only the Town Council and the Clerk-Treasurer may purchase the services of attorneys.

Wastewater Utility

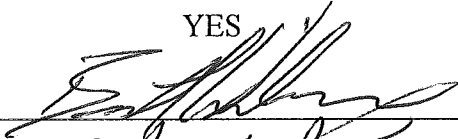
The Town Council determines that the Wastewater Utility will be adopted under the I.C. 5-22 purchasing regulations.

SECTION 2. This Ordinance is effective upon passage and signing by the Town Council.

Adopted by the Town Council of the Town of Winona Lake, Indiana, this 9 day of June 1998, by a vote of 4 yes's and 0 no's.

YES

NO



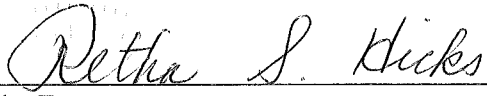
Richard L. Taylor

Edna E. Gamba

Randall L. Rogge

TOWN COUNCIL
WINONA LAKE, INDIANA

ATTEST:



Clerk - Treasurer

(SEAL)

ORDINANCE NO. 98-5-6

PURCHASING POLICIES OF WINONA LAKE, INDIANA

Publication of Notices

1. Invitation for Bids. All notices of invitation for bids shall be published in accordance with IC 5-3-1 in the Warsaw Times Union.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

2. Request for Proposals. All notices of request for proposals shall be published in accordance with IC 5-3-1 in the Warsaw Times Union.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

3. Request for Specifications. All notices of request for specifications shall be published in accordance with IC 5-3-1 in Warsaw Times Union.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

4. Electronic Notices. Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

Receiving Offers

1. Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

2. Electronic Receipt of Offers. The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

An electronic offer may only receive an electronic offer if:

- (A) The solicitation includes the procedure for the electronic transmission of the offer; and
- (B) The purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

3. Correction and Withdrawal of Bids. An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

4. Cancellation of Solicitation. When the purchasing agent makes a written determination that it is in the Town's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

Small Purchases

The purchasing agency may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes.


The purchasing agent who also has the title of Supervisor/Head of Department may purchase supplies with an estimated cost of less than \$2,500 on the open market without inviting or receiving quotes.

The purchasing agent who is an employee may purchase supplies with an estimated cost of less than \$100 on the open market without inviting or receiving quotes.

This Ordinance is effective upon passage and signing by the Winona Lake Town Council. Adopted by the Town Council of the Town of Winona Lake, IN, this 9 day of June, 1998, by a vote of 4 yes's and 0 no's.

YES

NO



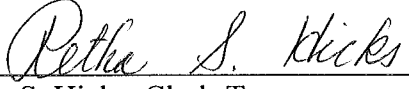
 Edna C. Gamble

 Richard L. Taylor

 Randall L. Dippel

 TOWN COUNCIL
 WINONA LAKE, INDIANA

ATTEST:



 Retha S. Hicks, Clerk-Treasurer

ORDINANCE NO. 98-5-5

WINONA LAKE, INDIANA

WHEREAS, IC 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Town of Winona Lake, IN (the "Town Council") is a governmental body under the Act; and

WHEREAS, the Act requires the Town Council to establish certain purchasing rules and policies for the Town of Winona Lake;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF WINONA LAKE, INDIANA:

SECTION 1. The following are the required purchasing rules for Town of Winona Lake, Indiana:

Purchase of Supplies Manufactured in the United States. Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town determines that:

- (A) the supplies are not manufactured in the United States in reasonably available quantities;
- (B) the prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- (C) the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (D) the purchase of supplies manufactured in the United States is not in the public interest.

SECTION 2. This Ordinance is effective upon passage and signing by the Winona Lake Town Council.

Adopted by the Town Council of the Town of Winona Lake, IN, this 9 day of June, 1998, by a vote of 4 yes's and 0 no's.

YES/

NO

Edna E. Gamble _____
Richard S. Taylor _____
Edna E. Gamble _____
Darrell L. Pappal _____

TOWN COUNCIL
WINONA LAKE, INDIANA

ATTEST:

Retha S. Hicks
Retha S. Hicks, Clerk-Treasurer

(SEAL)