

ORDINANCE 2012-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF GUADALUPE, ARIZONA, AMENDING THE TOWN CODE OF GUADALUPE CONCERNING PROCUREMENT, BIDDING AND CONTRACTS, REPEALING SECTION 3-4-1, AND SECTION 3-4-2 OF CHAPTER 3 ARTICLE 3-4 AND REPLACING SAID SECTIONS WITH A NEW SECTION 3-4-1

The Town Council of Guadalupe, Arizona does hereby ordain:

1. Section 3-4-1 of Chapter 3 Article 3-4 of the Town Code of Guadalupe is hereby repealed and replaced with the following:

**Section 3-4-1 In General**

The Town Manager shall be the purchasing agent for the Town. No purchase or contract for services of any kind or description, payment for which is to be made with Town funds shall be made by the purchasing agent or any officer, employee or agent of the Town except as set forth in this Article and unless said purchase is in accordance with the adopted Town budget:

- A. Under \$3,000. Whenever any contemplated purchase or contract for services is for the sum of less than \$3,000, the purchasing agent may order the item as needed without further formality.
- B. \$3,000 to \$4,000 inclusive. Whenever any contemplated purchase or contract for services is for the sum of at least \$3,000 but not more than \$4,999, the purchasing agent shall solicit at least three bids for item or service. Said solicitation may be orally obtained by him, and he then award the purchase or contract of service to the lowest responsible bidder.
- C. \$5,000 to \$9,999 inclusive. Whenever any contemplated purchase or contract for services is for the sum of more than \$5,000 but less than \$9,999, the purchasing agent shall solicit at least three written bids for the item or service on bid forms and award the purchase or contract of services to the lowest responsible bidder.
- D. \$9,999 and over. Whenever any contemplated purchase or contract for service is for the sum of \$9,999 or more, the purchasing agent shall cause to be published in two issues of a newspaper of general circulation in the Town, notice inviting bids, which notice shall be published at least ten days prior to the date set for the receipt of the bids. The notice herein shall include a general description of the articles to be purchased or services to be performed and the time and place for opening bids. In addition, the purchasing agent shall post a notice inviting bids in the Town Hall and may also mail to all responsible prospective suppliers a copy of the notice inserted in the newspaper.
- E. No contract of \$9,999 or more shall be let except by the council. Whenever any contemplated purchase or contract for services is for the sum of \$9,999 or more, the purchasing agent (Town Manager) shall present the bids to the council for approval, and advise the council of the advantages or disadvantages of contract and bid proposals.

F. Professional services. Bidding and other requirements of this article shall not apply except to comply with any specific applicable federal, state or contractual procurement regulations and requirements pursuant to Sections A, B, C, D and E of these Procedures. This subsection does not apply to contracts with persons appointed by the Town Council to act as Town officials including but not limited to the Town Clerk, Town Manager, Town Attorney, Town Magistrate, or special consultants who are not "technical registrants" as defined by the Arizona Revised Statutes.

G. Exclusive Service. In the event there is only one firm or company or individual capable of providing a particular service or commodity and such services or commodities cannot be secured from other persons or companies this articles shall not be applicable, and such services or commodities can be secured without bidding.

2. Section 3-4-1 of Chapter 3 Article 3-4 concerning Exclusive Service is hereby repealed as this is now addressed in Section 3-4-1(G).

3. It is the intent of the Town Council that this Ordinance be fully enforced. In the event any portion of this Ordinance should be declared unconstitutional or illegal by any court of competent jurisdiction it is the intent of the Council that those portions not found to be unconstitutional or illegal be fully enforced.

4. Should any portion of this Ordinance be found to be in conflict with the Town Code, the Town of Guadalupe Accounting Procedures Manual or any previous Ordinance, the provisions of this Ordinance shall control.

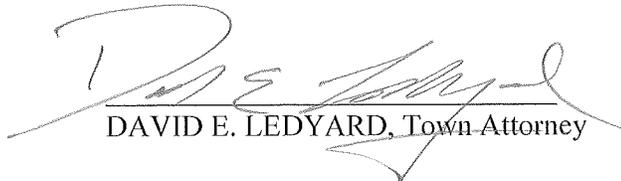
PASSED AND ADOPTED this 27 day of July, 2012, by the Mayor and Town Council of Guadalupe, Arizona.

  
A. YOLANDA SOLAREZ, Mayor

ATTEST:

  
ROSEMARY ARELLANO, Town Clerk

APPROVED AS TO FORM:

  
DAVID E. LEDYARD, Town Attorney