

ORDINANCE NO. 2022-10

STRIKING CODE ORDINANCE 30.03, 31.18A, B, and C

**AN ORDINANCE ESTABLISHING PURCHASING/PROCUREMENT
REQUIREMENTS**

WHEREAS the Town of Nashville (“Town”) accepts funding from various sources, including the State and Federal Government, and receives grants from various sources including the State and Federal Government;

WHEREAS, when the Town accepts funding from the Federal Government it must adopt a purchasing policy regarding the procurement of goods, materials and services in accordance with Title 2, Part 200 of the Code of Federal Regulations;

WHEREAS, the Town Council finds that it is in the Town’s best interest to establish a purchasing policy to comply with Federal regulations and to promote economic efficient and continuity in purchasing;

WHEREAS, the Town is governed by the State of Indiana’s public purchasing statutes include but not limited to the “Public Purchasing Law” found at Indiana Code 5-22-1-1, as amended from time to time. In addition to Indiana Code, the Town’s purchasing activities are further governed by local ordinances and resolutions of the Town Council;

WHEREAS, the Town Council is the Purchasing Agency for the Town of Nashville, and for the Utility Services Board of Nashville;

WHEREAS, the Town Council has authorized the Clerk-Treasurer and Town Manager to act as the Purchasing Agents for the Town of Nashville to act as the purchasing agents for every agency, board, office, branch, bureau, commission, council, department or other establishment of the town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, INDIANA AS FOLLOWS:

1. The Clerk-Treasurer and Town Manager shall act as the purchasing agents for the Town for every agency, board, office, branch bureau, commission, council, department or other Establishment of the Town, with the Town Council authorizing the Clerk-Treasurer to make payment of items that need to be made in a timely manner, and include them on the next claim docket at the council meeting for approval.
2. The Clerk-Treasurer and Town Manager may designate in writing any employee of the Town as a purchasing agent.

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Purchasing Requirements

1. The Town Council shall follow all rules and procedures of individual federal funding programs set forth in federal law for procurement for projects and services funded with federal funds.
3. Purchases made with local or state funds requiring a contract under \$50,000 shall be signed by the Clerk-Treasurer or Town Manager and shall be submitted to the Town Clerk-Treasurer to be placed on the next meeting of the Town Council agenda under the Consent Agenda, pursuant to I.C. 5-22-8.
4. Purchases between \$50,000 and \$150,000 shall be made by inviting quotes from at least three persons known to deal in the lines or classes of supplies to be purchased. Invitations to quote shall be mailed at least seven days before time fixed for receiving quotes. If a satisfactory quote is received, purchase agent shall award a contract to the lowest responsive and responsible quoter. All quotes may be rejected. If no quotes are received from a responsible and responsive quoter, the purchasing agent may purchase supplies using the methods outlined for "Special Purchases", pursuant to I.C. 5-22-8.
5. For purchases greater than \$150,000, the sealed competitive bid process will be used pursuant to I.C. 5-22-7.
6. The Town Council shall ensure that all Contracts are approved by the Town Attorney, and that they contain the proper name of the parties, terms and conditions that are clearly stated and consistent throughout the document with no conflict with federal, state, or local laws or regulations, the amount of payment due on the contract must be clearly stated, and must have a certificate of insurance included, with an effective start and end date of the contract and any applicable renewals, and only officers empowered by the Indiana Code may sign contracts. Contracts must be signed by the other parties before being submitted to the Town Council.
7. The Town Council shall follow Preferences when purchasing in favor of the Department of Corrections pursuant to I.C. 5-22-11 and the Rehabilitation Center Products pursuant to I.C. 5-22-12.
8. The Town Council may follow Small Business Set side pursuant to I.C. 5-22-14 and Local Business Preference pursuant to I.C. 5-22-15-20.9.
9. The Town shall follow product preferences for steel manufactured in the United States pursuant to IC. 5-22-15-25 if steel products are used in the manufacture of the supplies required under the contract; or supplies used in the performance of the services under the contract by the contractor or a subcontractor of the contractor;

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- 10. The Town shall, whenever possible purchase products specified as “biobased products” by the USDA pursuant to I.C. 5-22-5-9;
- 11. The Town shall give a preference to foods and beverages that contain a higher level of calcium pursuant to I.C. 5-22-15-24.
- 12. The Town shall not award a contract for the purchase of supplies if the supplies were made in a country other than the U.S. if the supplies were made using forced labor pursuant to I.C. 5-22-15-24-2.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, BROWN COUNTY, INDIANA, THIS 18th DAY OF AUGUST, 2022.

ATTEST:

Brenda K. Young
Clerk-Treasurer, Brenda K.

Nancy Crocker yea nay abstain
President Nancy Crocker

Jane Gore yea nay abstain
Vice-President Jane Gore

Anna Hofstetter yea nay abstain
Council Member Anna Hofstetter

Tyra Miller yea nay abstain
Council Member Tyra Miller

Wanda E. Jones
Wanda E. Jones, Town Attorney

Dave Rudd yea nay abstain
Council Member Dave Rudd