

Chapter 5
BIDDING AND PURCHASING PROCEDURES

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| <p>§ 5-1. Purpose; statutory authorization.</p> <p>§ 5-2. Method of contact and/or bidding.</p> <p>§ 5-3. Conflict of interest.</p> | <p>§ 5-4. Required bonding protecting labor and materialmen.</p> <p>§ 5-5. Bidding considerations.</p> <p>§ 5-6. Official borough form.</p> |
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[HISTORY: Adopted by the Borough Council of the Borough of Delmont by Ord. No. 96-5, as amended through 2000. Subsequent amendments noted where applicable.]

§ 5-1. Purpose; statutory authorization.

- A. The purpose of this chapter shall be to provide guidance in a standard/uniform method of complying with statutory requirements in the administrative functions of the Borough by Borough Council and/or its officers for Delmont contract and bidding procedures for amounts less than \$10,000, but larger than \$4,000.
- B. Statutory guidance and minimum requirements are established by 53 P.S. § 46402, Regulation of contracts, 53 P.S. § 46403, Evasion of advertising requirements, and 53 P.S. § 46404, Penalty for personal interest in contracts or purchases.

§ 5-2. Method of contact and/or bidding.

- A. The borough official requested to pursue contracting and/or bidding within the limits provided by this chapter shall do so by telephone and/or in writing for at least three contractors/vendors. The borough official shall be responsible for accurately completing the official Delmont Contract and Bidding Form with complete and accurate information. These documents shall be retained for three years after the date of acceptance by the borough. Acceptance shall only occur after the Delmont Contract and Bidding Form is completed, and the terms are read during a public and advertised meeting where a quorum of Borough Council is present. The form shall also set forth minimum specifications quoted exactly to each vendor.
- B. Uniform quote of specifications. The borough official contacting potential contractors/vendors shall have a prestated specification that shall be quoted exactly to each contractor and/or vendor. In addition, the specification should also set forth whether warranties for services and/or product provided shall be required and whether it shall be required from the manufacturer and the vendor and whether said warranties include replacement of product and labor, whether any performance bonding shall be required, and if so, what percentage of the total contract or vendor's agreement price, whether liability insurance is needed if services are provided, whether casualty or shipping insurance is required, and whether worker's compensation insurance is required if services are being performed.

§ 5-3. Conflict of interest.

It is further understood that as part of the borough bidding, no borough official or officer shall vote or participate in the process if they would know, should have known, or had reason to know, or by the exercise of reasonable diligence could know that they would have any direct, indirect, or any degree of interest in any purchase made or contract entered into involving the expenditure by the borough of more than \$2,000 in any calendar year. An exception to this section is permitted providing said officer or appointee of the borough is an employee of the person, firm, or corporation to which money is paid in a capacity with no possible influence on the transaction and in which he cannot possibly be benefited, either financially or otherwise in any capacity and that said borough official refrains from voting on the expenditure or ordinance relating thereto, and in no manner participates therein. Refer to 53 P.S. § 46404.

§ 5-4. Required bonding protecting labor and materialmen.

Pursuant to 53 P.S. § 46406, any contract in excess of \$1,500 shall have provided therein bonds for the protection of labor and materialmen not less than 50% and not more than 100% of the contract price. Said bonding shall be provided for every party contracting with the borough and shall be applied and cover even subcontractors of contractors or vendors.

§ 5-5. Bidding considerations.

- A. The lowest and responsible bidder.
- B. When bidding, the borough should also consider whether architects and engineers employed by the borough are bidding on any public work; if so, refer to 53 P.S. § 46411.
- C. The borough shall also ensure that the contractors shall employ no person making less than minimum wage and said contractors or vendors shall comply with all Pennsylvania Labor and Employment Laws as is required by 53 P.S. § 46407. Failure to comply with this law shall result in a stipulated penalty by the contractor or vendor in the amount of twice the difference between minimum wage and the wage actually paid the laborer or mechanic for each day that they had been employed at a wage less than that which is prescribed by law.
- D. The contractors and vendors shall also execute an affidavit that in hiring their employees for the performance of work pursuant to this contract or in the provision of manufacturing of products or services provided by this contract that said person or entities do not discriminate based on race, creed, color, age, sex, handicapped persons as defined by state and federal Law, against any person who is qualified or available to perform the work to which the employment relates (53 Pa.C.S.A. § 3701).
- E. The contractors, when providing services or services related to the delivery of products shall also agree to provide the appropriate worker's compensation insurance coverage protecting any and all employees for any act in the performance or complying with the contract required. Refer to 53 P.S. § 46401.

§ 5-6. Official borough form.

The official borough form shall be attached to this chapter¹ and shall be executed in its entirety and sworn to by the borough official acquiring said information and shall also have attached to it any of the other documents required by law.

¹ Editor's Note: Said form is on file in the borough offices.