

MUNICIPALITY OF NORRISTOWN
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 17-08 of 2017

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE ADMINISTRATIVE CODE OF THE MUNICIPALITY OF NORRISTOWN TO AMEND THE PUBLIC BIDDING REQUIREMENTS TO BE CONSISTENT WITH THOSE OF THE STATE; REPEALING ALL INCONSISTENT ORDINANCES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Norristown Municipal Council has enacted the Administrative Code of the Municipality of Norristown which contain, *inter alia*, provisions governing the requirements for public bidding; and

WHEREAS, the State bidding requirements have been amended to require the public bidding of contracts exceeding nineteen thousand seven hundred dollars (\$19,700.00); and

WHEREAS, the State requires written or telephonic quotes for contracts from ten thousand dollars seven hundred (\$10,700.00) to nineteen thousand seven hundred dollars (\$19,700.00); and

WHEREAS, the aforementioned amounts shall be considered the (“Contract Thresholds”) for the requirements of obtaining bids and quotes in the Municipality of Norristown; and

WHEREAS, the Norristown Municipal Council desires to amend the Administrative Code to maintain consistency with the Charter.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Norristown Municipal Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. The Administrative Code of Norristown is amended as follows:

A. Section 4-35 Contracts is amended to read as follows:

“The Municipal Administrator, where funds are available, shall have the power to make contracts for purchases pursuant to the thresholds in this Article and employment of personnel and make expenditures pursuant to the authorization for such expenditures in the current fiscal budget and this Administrative Code. No obligation shall be made or incurred until such time as the Director of Finance shall certify to the Municipal Administrator that sufficient unencumbered funds are available for expenditures as authorized by the budget.”

B. Section 4-35 A. is amended to read as follows:

A. "Contracts in excess of \$19,700.

- (1) Except as hereinafter mentioned, all contracts for purchases and/or expenditures in excess of \$19,700 shall be made to the lowest responsible bidder after due advertising. All such bids shall be advertise in one newspaper of general circulation in the Municipality at least two (2) times, at intervals of not less than three (3) days. The first advertisement shall be published no more than forty-five (45) days and the second advertisement not less than ten (10) days prior to the date fixed for the opening of bids. Advertisements for contracts or purchases shall also be posted in a conspicuous place within the Municipality. Advertisements for contracts or purchases shall contain the date, time and location for opening of bids and shall state the amount of the performance bond required to be posted with the Municipality.
- (2) All bids shall be opened at a time and place as the Municipal Administrator may designate. Such bid opening shall be open to the public and shall be attended by at least two (2) of the following named Municipal officials: the Municipal Administrator, the Municipal Secretary, any Council person, a Municipal department head and/or Municipal Solicitor. If, for some reason the bids are not opened at the scheduled meeting, the time, date and place for the subsequent opening of bids shall be announced at the time of the originally scheduled bid opening.
- (3) If the bid prices received are within the budget authorization, the Municipal Administrator with the advice of the Municipal staff, shall, as provided in the Home Rule Charter and this Administrative Code, award the contract to the lowest responsible bidder or, in his/her sole discretion, shall reject all bids. In awarding contracts, the Municipal Administrator shall have the right to take into consideration such factors as availability, cost and quality of the product/service. If the bid prices are in excess of the amounts authorized by the Council in the budget, the contract shall not be awarded, and the Municipal Administrator shall seek the advice and consent of the Council on how to proceed with the bid.
- (5) A bid performance bond or certified check guaranteeing performance, in the amount of 10% of the bid, must be submitted with all bids for contracts. The successful bidder shall be required to furnish a bid performance bond with suitable security in the amount of 50% of the contract to guarantee the work to be done on the contract. The successful bidder shall be required to post such other bonds, security, proof of financial responsibility or other guarantees as the Municipal Administrator deems appropriate to the performance of the contract. In exceptional circumstances, the Municipal Administrator, for good cause shown, may waive the bid bon or performance bond required set for in this section.

(6) Contracts not requiring advertising or bidding.

(a) Contracts involving expenditures of over \$19,700 which shall not require advertising or bidding are as follows:

- [1] Contracts for labor or services rendered by any person in his/her capacity as an officer or employee of the Municipality.
- [2] Contracts relating to the acquisition of real property.
- [3] Contracts for professional or unique services or supplies
- [4] Contracts for particular types, models or pieces of equipment which are patented or copyrighted products which the Municipal Administrator, with the consent of Council deem necessary.
- [5] Contracts for emergency repair of public works of the municipality.
- [6] Contracts with other government entities, authorities, agencies or political subdivisions.
- [7] Contracts for purchase/materials and other expenditures where prices and/or bids are obtained through state-approved agencies and procedures.

(b) In making contracts of the above nature, the Municipal Administrator shall use due diligence and proper management effort to obtain the necessary product/service for a reasonable price.

(7) All contracts in excess of \$19,700 shall be in writing and shall be awarded by Municipal Council, and the contract document shall be executed by the Municipal Administrator.”

C. Section 4-35 B. is amended as follows:

B. “Contract equal to or less than \$19,700, the Municipal Administrator or his or her designee shall request written or telephone price quotations from at least three (3) qualified and responsible contractors for all contract that exceed \$10,700, but are not more \$19,700. In lieu of price quotations, a memorandum shall be kept on file showing that fewer than three (3) qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephone price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor’s representative, the construction, reconstruction, repair, maintenance or work which is subject to quotation and the price. Written price quotations, written records of telephonic prices quotations and memoranda shall be retained by the Municipality for a period three (3) years. The Municipal Administrator shall establish a purchasing policy and procedures which provides for rules and regulations for the acquisition of goods, services and other contracts required by all departments of the Municipality.”

D. Section 4-35 C. is amended as follows:

C. "Interest in contracts. Except as provided in the Home Rule Charter and herein, no Municipal official or employee shall be interested, directly or indirectly, in any purchase of contract made by the Municipality relating to the business of the Municipality."

E. Section 4-35 D. is amended as follows:

D. "No person, consultant, firm or corporation contracting with the Municipality for the purposes of rendering personal or professional services entering into contracts with the Municipality or involved in any financial transaction with the Municipality shall share with any Municipal official or employee any portion of the compensation or fees paid by the Municipality pursuant with any Municipal contract with the person, consultant, firm or corporation contracting with the Municipality."

F. Section 4-35 E. is amended as follows:

E. "Public capital improvement contracts. All contracts for construction of public capital improvements shall first be authorized by the Municipal Council by ordinance."

G. Section 4-35 is amended by adding sub-section F as follows:

F. "This Ordinance shall be deemed automatically amended at any time that the Commonwealth of Pennsylvania bidding requirements are amended under Act of Nov. 3, 2011 P.L.367, No. 90 after the effective date of this Ordinance, and the contract thresholds set forth in the Pa. Department of Labor and Industry Bulletin shall be deemed the amounts controlling the enforcement of this Ordinance."

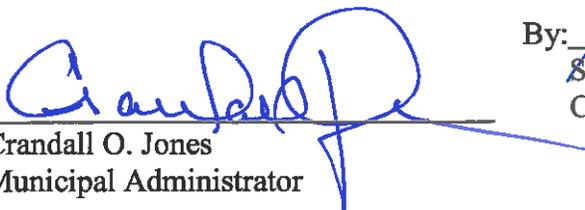
- II. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Home Rule Charter or the Administrative Code of the Municipality of Norristown.
- III. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.
- IV. This Ordinance shall take effect 5 days following its legal enactment.

ENACTED and **ORDAINED** this 20th day of June, 2017

Seal:

**Municipality of Norristown
Municipal Council**

Attest


Crandall O. Jones
Municipal Administrator

By: 
Sonya Sanders
Council President

