

City of Oak Ridge Tennessee

CONTRACTS AND PURCHASES

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5-401. Manager designated as purchasing officer.¹ The city manager is hereby designated as the purchasing officer of the city. (1969 Code, § 2-18)

5-402. Supplies, equipment, etc., to be acquired by purchasing officer; exception. All supplies, materials, equipment and services of any nature whatsoever shall be acquired by the purchasing officer or the purchasing

¹Charter references

City manager responsible for purchasing: art. V, § 17.

Purchases by superintendent of schools: art. VI, § 15.

officer's authorized representative, except as otherwise provided in this chapter. (1969 Code, § 2-19)

5-403. General procedure. Competitive bids on all supplies, materials, equipment, and services, except those specified elsewhere in this chapter, and contracts for public improvements shall be obtained, whenever practicable, and the purchase or contract awarded to the lowest responsible bidder, provided that any or all bids may be rejected as prescribed in this chapter. (1969 Code, § 2-20)

5-404. Emergency purchases. (1) Notwithstanding any other provision of this section, emergency purchases shall not require competitive bidding or prior approval of city council. When an emergency purchase amounts to more than twenty-five thousand dollars (\$25,000.00), a full report of the emergency purchase shall be filed by the city manager with city council at the next council meeting to inform city council of the emergency purchase.

(2) "Emergency purchase" means a purchase made in response to unforeseen circumstances beyond the control of the city which presents a real, immediate and material threat to the public interests or property of the city. (Ord. #23-99, Oct. 1999, as amended by Ord. #11-07, May 2007)

5-405. When formal sealed bids and approval by resolution required. Public advertisement and formal sealed bids shall be obtained for all materials, equipment, and supplies which are purchased by the city and for all services and public improvements, except such services as are provided for elsewhere in this chapter, which involve an expenditure of more than twenty-five thousand dollars (\$25,000.00), and the obtaining of such material, equipment, supplies or services shall be obtained by resolution of city council (Ord. #23-99, Oct. 1999, as replaced by Ord. #13-06, Aug. 2006, and Ord. #11-07, May 2007, and amended by Ord. #14-07, July 2007, and replaced by Ord. #16-07, Aug. 2007)

5-406. When written contract required. (1) Except as otherwise provided by this section, and except the services of salaried employees of the city, and services of a professional person or firm, including attorneys, accountants, physicians, architects and consultants required by the city, whose fee is five thousand dollars (\$5,000.00) or more, shall be evidenced by a written contract signed by the person or firm rendering the service and by:

(a) The city manager if the contract is twenty-five thousand dollars (\$25,000.00) or less.

(b) The mayor, after authorization by the city council, if the contract is more than twenty-five thousand dollars (\$25,000.00), provided, however, that city council, in its discretion, may contract for such services by the adoption of a written resolution defining the services to be rendered.

No competitive bidding shall be required for such services.

(2) Agreements entered into by the city for construction work involving the expenditure of five thousand dollars (\$5,000.00) or more must be evidenced by written contract. (Ord. #23-99, Oct. 1999, as replaced by Ord. #11-07, May 2007)

5-407. Notice inviting bids. Notice inviting bids shall be published once in either the official city newspaper, on television, on the city's official Internet homepage, or on any other media type with widespread usage in the community. Notice shall be published at least five (5) days preceding the last day set for the receipt of proposals. The notice shall include a general description of the articles to be purchased, shall state where bid documents and written specifications may be secured, and the time and place for opening bids. (Ord. #23-99, Oct. 1999)

5-408. Soliciting bids from persons on bidder's list. The purchasing officer shall solicit bids from all responsible prospective suppliers who have requested their names to be added to the bidder's list, which the purchasing officer shall maintain, by sending them a copy of the notice referred to in § 5-407 or such other notice as will acquaint them with the proposed purchase or work required. In any case, invitations sent to the suppliers on the bidder's list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent. (Ord. #23-99, Oct. 1999)

5-409. Bid deposits. When deemed necessary, bid deposits shall be prescribed and noted in the public notices inviting bids. The deposit shall be in such amount as the city manager shall determine, and unsuccessful bidders shall be entitled to a return of the deposits where such has been required. A successful bidder shall forfeit any required deposit upon failure on his or her part to enter a contract within ten (10) days after the award unless such delay is approved by the city manager. (1969 Code, § 2-27)

5-410. Bids for purchases \$25,000.00 and under. All purchases of twenty-five thousand dollars (\$25,000.00) or less, but more than two thousand five hundred dollars (\$2,500.00) shall not require public advertisement but shall, whenever possible, be based on at least three (3) informally written competitive bids and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in this chapter in determining the lowest responsible bidder. (Ord. #23-99, Oct. 1999, as replaced by Ord. #1306, Aug. 2006, and Ord. #16-07, Aug. 2007)

5-411. Submission, identification, opening and tabulation of bids.

(1) Bids for purchases of more than twenty-five thousand dollars (\$25,000.00) shall be submitted sealed to the purchasing officer and shall be

identified as to the exact bid solicitation, including the date and time of the scheduled opening. Such bids shall be opened in public at the time and place stated in the invitation to bid, and a tabulation of all bids so received shall be kept on file in the purchasing office for public inspection.

(2) The City of Oak Ridge shall comply with Tennessee Code Annotated, § 62-6-119, as may be amended, regarding the information required on the outside envelope of sealed bids. (Ord. #23-99, Oct. 1999, as amended by Ord. #16-07, Aug. 2007)

5-412. Rejection of bids. The purchasing officer shall have and hereby is granted the authority to reject any or all bids, parts of all bids, or all bids for any one (1) or more supplies or contractual services included in the proposed contract when the public interest will be served thereby. (1969 Code, § 2-30)

5-413. Bids not to be accepted from persons in default on payments due city. The purchasing officer shall not accept the bid of any vendor or contractor who is in default on the payment of any taxes, licenses, fees or other monies of whatever nature that may be due the city by such vendor or contractor. (1969 Code, § 2-31)

5-414. Considerations in determining lowest responsible bidder. In determining the lowest responsible bidder, as referred to in § 5-403 in addition to price, the purchasing officer shall consider:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the services required.

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous contracts or services.

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(9) The number and scope of conditions attached to the bid. (1969 Code, § 2-32)

5-415. Statement when award not given to low bidder. When the award is not given to the lowest responsible bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared and

filed with all the other papers relating to the transaction. The files shall be maintained by the purchasing officer. (Ord. #23-99, Oct. 1999)

5-416. Award in case of tie bids. (1) If all bids received are for the same total amount or unit price, quality and service being equal, the contract or purchase order shall be awarded to a local bidder.

(2) When a local supplier is not one of the lowest tie bids, or when the lowest tie bid includes more than one local supplier, the purchasing officer shall award the contract to one of the tie bidders by drawing lots in public.

(3) "Local bidder" and "local supplier" mean an individual or business entity whose principal place of business is located within the city limits of the City of Oak Ridge as evidenced by official documents filed with the secretary of state or any other official documentation. (Ord. #23-99, Oct. 1999)

5-417. Performance bond. The purchasing officer shall require a performance bond in such amount as shall be found reasonably necessary to protect the interest of the city before entering into any construction contract exceeding twenty-five thousand dollars (\$25,000.00), provided the city council may waive a performance bond in any instance it deems appropriate. The purchasing officer is granted the authority to require a performance bond before entering into any other type of contract, in such amount as shall be found reasonably necessary to protect the best interest of the city. (1969 Code, § 2-35)

5-418. Waiver of bid requirements. The city council, by written resolution passed by a vote of every member present, upon written recommendation of the city manager that it is clearly to the advantage of the city not to contract by competitive bidding, may waive the requirement of competitive bidding, but a resolution of city council shall be required in applicable cases even though competitive bidding may be waived. This section shall not apply to work done or services performed by salaried employees of the city. (1969 Code, § 2-36)

5-419. Record of bids. The purchasing officer shall keep a record of all open market orders and the bids submitted in competition thereon, including a list of the bidders, the amounts bid by each, and the method of solicitation and bidding; and such records shall be open to public inspection. (1969 Code, § 2-37)

**5-420. Minimum wage stipulations for certain contracts--
investigation to determine violations.** The city manager may on the city manager's own initiative and must, on a verified complaint in writing of any person interested, cause an investigation to be made to determine whether any contractor or subcontractor is violating minimum wage stipulations. The city manager may examine or cause to be examined the books and records of any contractor or subcontractor to ascertain the rate of wages paid to any person

employed by any contractor or subcontractor in the furnishing of work, labor or services used in the performance of the contract. (1969 Code, § 2-39)

5-421. Minimum wage stipulations—list of violators; effect of violation. The city manager is authorized and directed to prepare and maintain a list of persons or firms found to have violated minimum wage stipulations required in any contract. No contract shall be awarded to any person or firm appearing on this list until five (5) years have elapsed from the date of the violation by such person or firm. (1969 Code, § 2-40)

5-422. Antidiscrimination provisions—in lease or contract for use of city property. Any lease or contract for the use or occupancy of any city-owned property or facility shall contain therein a provision that the use or enjoyment of the property or facility which is the subject of the lease or contract shall not be restricted because of race, creed, color or national origin of persons seeking such use or enjoyment. (1969 Code, § 2-41)

5-423. Antidiscrimination provision—in contracts for work or services. All contracts entered into by the city whereby services are furnished or municipal functions performed shall contain therein a provision that the contractor, in performing the work required by the contract or furnishing the services provided for shall not discriminate against any person seeking employment with or employed by him or her, because of race, creed, color, national origin, age, sex, sexual orientation, disability, religion, or other legally protected status. (1969 Code, § 2-42, modified)

5-424. Division of purchases or contracts to avoid requirements of chapter. In determining the amount of a purchase or contract for the purposes of this chapter, the entire purchase price of the goods bought and the total amount of charges for work done under a contract shall be considered. No contract or purchase shall be subdivided to avoid the requirements of this chapter. (Ord. #23-99, Oct. 1999)

5-425. Officers and employees not to have financial interest. No purchase shall be made from nor any contract for purchase of services made with any officer or employee of the city or any firm or corporation in which any officer or employee of the city is financially interested. No officer or employee of the city shall accept, directly or indirectly, any fee, rebate, money, or other thing of value from any person employed by or doing business with the city, except on behalf of and for the use of the city. (1969 Code, § 2-44)