

Chapter 46
PURCHASES AND REPAIRS

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[HISTORY: Adopted by the Council of the Borough of Berwick 1-12-1970 as Ch. 73 of the 1970 Code. Amendments noted where applicable.]

ARTICLE I
Adoption of Standards

§ 46-1. Standards adopted.

From and after the enactment of this chapter, the rules and regulations contained in the memorandum entitled "Standard Operating Procedure of the Borough of Berwick for Making Purchases and Ordering Repairs to Borough Equipment," dated February 14, 1966, and now on file with the Secretary of Council,¹ are hereby adopted as the standard operating procedure for making purchases of material, supplies and equipment for the Borough of Berwick or for ordering repairs to equipment of the Borough of Berwick.

§ 46-2. Compliance with procedures.

All purchases made and repairs ordered except in strict compliance with said standard operating procedures shall be unauthorized, and no invoice for purchases made or repairs ordered shall be paid except in strict compliance with said standard operating procedures.

ARTICLE II
Standard Operating Procedures

§ 46-3. Standard procedure established.

The following rules and regulations are hereby adopted as standard procedure for all purchases and repairs hereinafter made by the Borough of Berwick.

¹ Editor's Note: This quoted title refers to provisions of Article II of this chapter.

§ 46-4. Procedures to be followed.

No purchases nor repairs shall hereafter be made and no invoice for the same shall be paid except in strict compliance with the procedure herein set forth.

§ 46-5. Purchases.**A. Purchase requisition.**

- (1) A requisition shall be prepared and signed by the proper Borough Council committee chairman or the President of Council or its authorized representative previously designated by Council by a formal resolution.
- (2) The purchase requisition shall indicate in detail a description of the material desired and the quantity.
- (3) The purchase requisition shall be sent to the Secretary, and, on its receipt, the Secretary shall prepare a purchase order.

B. Purchases: requirements and orders. [Amended 3-20-1978 by Ord. No. 1122; 8-18-1986 by Ord. No. 1190; 5-4-1992 by Ord. No. 92-2]

- (1) Except for the making of purchases which are specifically exempt from the Borough Code regulations of contract and/or the making of purchases which are completed because of then-existing emergencies, all purchases shall be made in the following manner.
- (2) Purchase order/requisition form.
 - (a) All contracts or purchases in excess of \$10,000, except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder after due notice in one newspaper of general circulation in the borough, at least two times at intervals of not less than three days where daily newspapers of general circulation are available for such publication; in case of weekly newspapers, such notice once a week for two successive weeks. The first advertisement shall be published not more than 45 days and the second advertisement not less than 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 borough. The amount of the contract shall in all cases, whether of straight sale price, conditional sale, bailment lease or otherwise, be the entire amount which the borough pays to the successful bidder or he assigns in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits of the whole bargain. In awarding bids, the Council shall have the right to take into consideration such factors as the availability, cost and quality of service.
 - (b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed \$4,000, but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that

fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic 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 was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

- (c) The acceptance of bids shall only be made by public announcement at the meeting at which bids are received, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the above meetings shall not be held, the same business may be transacted at any subsequent meeting if at least five days' notice thereof shall be published in the newspaper aforesaid. At Council's request, all bids advertised for shall be accompanied by cash, money order, a certified or cashier's good faith check or a bond with corporate surety in such amount as the Council shall determine, and, when requested, no bid shall be considered unless so accompanied.
- (d) If the cost of the item to be purchased exceeds \$10,000, the Secretary shall advise the Council or the committee chairman submitting the requisition that specifications need to be prepared and a request for bids be advertised unless the purchase is exempt from advertising and bidding requirements as provided in Section 1402(d)(1), (2), (3), (4) and (5) of the Borough Code, Act. P.L. 537, No. 155, and amendments thereto,² or purchases completed to correct emergency situation.

C. Receiving report.

- (1) Upon receipt of the material, the person who has previously been designated by Council as the person responsible shall check the material for description, quantity and quality and for compliance with the purchase order.
- (2) If satisfied that the material received complies with the purchase order as to description and quantity and with the standards of the borough for quality, the responsible person shall sign the receiving report and send the original to the Secretary, who shall compare it with the purchase order in the open purchase order file and attach it to the purchase order.
- (3) Upon receipt of the invoice from the vendor, the Secretary shall compare it with the purchase order and the receiving report and attach it to the purchase order and receiving report.

D. Payment.

- (1) If satisfied that the invoice complies with the purchase order and the receiving report and that it is mathematically correct, the Secretary shall prepare the invoice for payment and forward it to Council for approval for same.

² Editor's Note: See 53 P.S. § 46402.

- (2) No invoice shall be approved for payment or paid unless the purchase order along with the requisition and the receiving report, properly verified, are attached.
- (3) Upon payment of the invoice, the Secretary shall mark the invoice, the purchase order and the receiving report "paid."

§ 46-6. Repairs and/or replacement. [Amended 3-20-1978 by Ord. No. 1122; 8-18-1986 by Ord. No. 1190]

A. Work orders.

- (1) For all repairs and/or replacement, a work order shall be obtained and submitted to the administrative staff designee of Borough Council.
- (2) Requirements for completion order.
 - (a) If the estimated cost of repair and/or replacement is less than the sum of \$500 and it is a budgeted item, the Manager or Council purchase agent designee is authorized to order completion of the repairs after obtaining a work order and on the basis of at least two oral or written quotes, if available.
 - (b) When the cost of repairs or replacement is between \$500 and less than \$4,000, the Manager or purchasing designee of Council, upon receipt of a work order, shall have authority to order completion of the repairs or replacement after obtaining at least two written bids or quotes. Before the placement of a work order, prior approval of Council of the cost of the item to be repaired and/or replaced is to be obtained.
 - (c) If the cost of repairs or replacement exceeds \$4,000, the Manager or Council purchasing representative shall advise Council that specifications need to be prepared and a request for bids be advertised, unless said repairs and/or replacement are exempt from the advertising and bidding requirement as provided in Section 1402 (d)(1), (2), (3), (4) and (5) of the Borough Code, Act P.L. 537 No. 155, amended December 22, 1981, and amendments thereto,³ or in the event repairs or replacement are made to correct a then-existing emergency situation.
- (3) All work orders shall be prepared in duplicate by the proper Borough Council committee chairman or its authorized representative previously designated by Council, which work order shall list the particular piece of equipment to be repaired, the repairman and the repairs to be made in detail.
- (4) The original work order shall be delivered to the repairman, who shall make the repairs indicated.
- (5) When the work or repairs are completed, an inspection shall be made of the repaired item and the duplicate work order shall be signed by the committee chairman or his authorized representative, which signature shall indicate that the work has been performed satisfactorily in accordance with the work order.

³ Editor's Note: See 53 P.S. § 46402.

- (6) The signed duplicate work order shall be forwarded to the Secretary, whereupon he will compare the work order with the repairman's invoice, and, if in agreement or if satisfactory, then the invoice will be prepared for approval by Council and payment.
- (7) No invoice shall be paid unless a properly prepared and approved work order has been executed and is attached to the invoice.
- (8) Upon payment of the invoice, the Secretary shall mark the invoice and the work order "paid."

