

CHAPTER 36: PURCHASING

Section

36.01 Authority of City Manager or Chief Purchasing Officer

§ 36.01 AUTHORITY OF CITY MANAGER OR CHIEF PURCHASING OFFICER.

The City Council shall delegate to the City Manager or his or her Chief Purchasing Officer the authority to do the following:

- (A) Award purchase bids.
- (B) Reject bids.
- (C) Re-advertise to receive bids.

(D) Waive bid bond or deposit requirements and performance and payment bond requirements where this waiver is authorized by laws. The person to whom authority is delegated must comply with all the requirements in the competitive statutes. This basically allows the manager or his or her designee to award purchase contracts of any amount, except construction or repair contracts in the formal range, for the purchase of apparatus, supplies, materials and equipment.

(E) Waive the bidding requirements for the purchase of apparatus, supplies, materials or equipment from any person or entity that has, in the previous 12 months, after having completed a public, formal bid process substantially similar to that required by G.S. § 143-129, contracted to furnish the apparatus, supplies, materials or equipment to:

- (1) The United States of America or any federal agency;
- (2) The State of North Carolina or any agency or political subdivision of the

state;

(3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms and conditions as those provided under the contract with the other unit or agency, under the procedures and circumstance provided for in G.S. § 143-129(g)(3). This is commonly known as a "Piggybacking" clause, if the person or entity is willing to furnish the items at the same or more favorable pricing. The piggybacking authority has several restrictions. Any item using this clause must be awarded at a regularly scheduled meeting, and notice of intent to use this method of award must be published ten days prior to the meeting. The provision authorizing the Council to delegate the authority to award contracts does not apply to purchases made under this authority.

(F) Increase the limits for receiving formal bids for the purchase of apparatus, supplies, materials or equipment to \$50,000, as allowed under state statute.

(G) Declare as surplus, personal property valued at less than \$5,000 for any one item or group of items, set its fair market value and dispose of it by private negotiation and sale or exchange, with the following exception; no city employee, department head, elected city official or any person having connections to the city may purchase city personal property declared surplus.

(H) To have the option to include in the specifications for the purchase of apparatus, supplies, materials or equipment an opportunity for bidders to purchase as "trade-in" specified personal property owned by the city, if available, and approve the award of a contract for both the purchase of the apparatus, supplies, materials or equipment and the sale of the trade-in property.

(I) Waive the bidding requirements for the purchase of apparatus, supplies, materials or equipment when the performance of price competition for a product is not available; when a needed product is available from only one source; or when standardization or compatibility is the overriding consideration. Contracts awarded under the sole source award must also be awarded at a regularly scheduled meeting. The provision authorizing the Council to delegate the authority to award contracts does not apply to purchases under this authority.

(J) No city surplus property shall be donated to any individual or organization. All surplus property shall be sold by methods provided for in G.S. Ch. 160A. Exception: any declared surplus property items left behind after auction sales, whether sold or not, shall be disposed of by any means the city sees fit, if left for five consecutive days or longer.