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Sec. 11-11. - Purchasing agent designated, duties.

- (a) A purchasing agent is hereby designated for the City of Albertville, Alabama, to serve in the office of the mayor, said agent to be appointed by the mayor and council and to serve at the pleasure of the council.
- (b) The purchasing agent shall be the head of the purchasing department of the city and shall perform such duties as the mayor and council may direct.
- (c) The purchasing agent shall have the authority, and it shall be his duty:
 - (1) To establish and enforce specifications with respect to supplies, materials, and equipment required by the city.
 - (2) To have charge of such general storerooms and warehouses as the mayor may direct.
 - (3) To transfer to or between offices, departments or agencies, accept temporary loans, or sell surplus, obsolete or unused supplies, material and equipment, as directed by the council.
 - (4) To perform such other duties as may be imposed upon him by resolution or ordinance, or by direction of the mayor.
 - (5) To see that all requirements of the competitive bid law, as the same applies to municipal corporations within the State of Alabama, are followed.
 - (6) To act in all respects, and at all times, so as to procure for the City of Albertville, the highest quality in materials and supplies at the lowest expense to the city.
 - (7) To discourage uniform bidding and to obtain as full and open competition as possible on all purchases made by the city.
 - (8) To keep informed of current developments in the field of purchasing, prices, market conditions, and new products, and to secure for the City of Albertville the benefit of research done in the field of purchasing by other governmental jurisdictions.
 - (9) To prescribe and maintain such forms as he may find necessary to the operation of this article.
 - (10) To make bulk purchases when advantageous to the city, to take full advantage of all discounts, and to act so as to procure for the city all federal and other tax exemptions to which it is entitled.
 - (11) To obtain repairs without competitive bidding on name brand equipment where there is available only one source of repair.

(Ord. No. 745, 1-3-77)

Sec. 11-12. - Purchases to be free from conflicts of interest.

No officer shall be financially interested or have any personal beneficial interest, either directly or indirectly, in the purchase of, or contract of, any personal property or contractual service of the city, and neither the mayor nor any councilman or any officer of the city shall buy, or be in any way concerned or interested in, the purchase of any

debt or claim whatever against the city, either before or after it shall be allowed and ordered paid. Nor shall any member of the council or officer of the city be surety for any person having a contract, work, or business with the city for the performance of which a surety may be required.

(Ord. No. 745, 1-3-77)

Sec. 11-13. - Purchasing agent only to make purchases.

No city official or person other than the purchasing agent shall make purchases in the name of or on the credit of the city, or create any debt or liability against the city unless specifically authorized by the city council, or the purchasing agent, except in case of emergency affecting public health, safety, or convenience, as hereinafter provided:

An emergency shall be deemed to exist whenever damage results by reason of floods, storms, panic, unusual fire or peace disturbances, or in any case in which it is necessary to purchase materials or supplies needed to maintain emergency equipment such as police and fire vehicles and equipment in a state of readiness.

(Ord. No. 745, 1-3-77)

Sec. 11-14. - Emergency purchasing powers of mayor and council.

In case an emergency exists and the city purchasing agent is not readily available, the head of the department, the mayor, or any member of the city council may secure such materials or supplies as are necessary to relieve such emergency, and the person making the purchases shall report such purchases within one working day to the city purchasing agent.

The person making the purchase shall also file, in writing, a statement setting forth the nature of the danger to public health, safety, or convenience which would have resulted from delay. Said statement shall be filed with the awarding authority as otherwise established by this article.

(Ord. No. 745, 1-3-77)

Sec. 11-15. - Purchasing authority of department heads.

Superintendents of all departments may make purchases of materials or supplies in an amount not exceeding three hundred dollars (\$300.00) for immediate use in the field where time or circumstance does not permit prior approval by the purchasing agent; provided, however, that an appropriation has been made to cover said expenditure, and further that the materials receipt or invoice for such purchase is signed by the person taking possession of the material and countersigned by the field supervisor, department head, or superintendent hereinabove specifically authorized to make such purchases and forwarded to the purchasing agent, together with a report of how the materials or supplies were used within seven (7) days.

Superintendents may make purchases in accordance with the terms of a contract theretofore entered into by the city which provides for the purchase of an unknown quantity of materials or supplies at a stated price per unit over an extended period of time; provided, however, the requisitions and the invoices for each such purchase must be forwarded to the purchasing agent within twenty-four (24) hours of the order on receipt of the materials or supplies as the case may be. The purchasing agent shall furnish a price list for the materials or supplies under such an extended contract to each department which normally and customarily uses such materials or supplies.

All employees of the city not specifically authorized to purchase, without a written requisition as hereinabove provided and desiring the purchase of any materials or supplies, shall make a written requisition or order therefor directed to the city purchasing agent. The city purchasing agent shall purchase all such materials or supplies at the best available price, using his judgment as to the quantity to be purchased.

The department or agency of the city receiving such supplies or materials shall, upon receipt of said material, deliver to the purchasing agent a material receipt in all cases where said supplies or materials have not been

received for previously. Receipt may be made on the invoice, or upon such other form as prescribed by the purchasing agent.

(Ord. No. 745, 1-3-77)

Sec. 11-16. - Competitive bidding required.

The expenditures of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, except when competitive bids are not required by Section 2 of Act No. 217 of the 1967 Special Session of the Legislature of Alabama, as the same may be from time to time amended, involving two thousand dollars (\$2,000.00) or more, made by or on behalf of the City of Albertville, Alabama, shall be made under contractual agreement entered into by free and open competitive bidding on sealed bids to the lowest responsible bidder; provided, however, that in the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm or corporation which has continuously maintained a place of business within the City of Albertville for which a business license has been paid to the City of Albertville during the current and immediately preceding license year, deemed to be a responsible bidder, and where such bid is no more than three (3) per cent greater than the bid of the lowest responsible bidder, and where such personal property is either manufactured within the City of Albertville or regularly warehoused and stored for distribution at a place within the City of Albertville, the awarding authority shall award said contract to such resident responsible bidder; and provided further, that the expenditure of funds for labor, services or work, or for the purchase or lease of materials, equipment, supplies, or other personal property involving an amount of at least one thousand two hundred fifty dollars (\$1,250.00), but no more than two thousand dollars (\$2,000.00) may be made without competitive bidding when authorized by the mayor upon the written recommendation of the purchasing agent that special circumstances at the time make it advantageous to the city to expend such funds without competitive bids.

(Ord. No. 745, 1-3-77)

Sec. 11-17. - Purchasing procedures prescribed.

Except in cases of emergency, neither the city purchasing agent nor any other officer or employee of the city shall make purchases in the name of the city or on the credit of the city, or create any debt or liability against the city, unless the same has been previously authorized by the city council, or unless the funds for said expenditure have been appropriated by the city council, either specially or in the annual budget of the city. In all cases where a purchase is to be made for which funds have previously been appropriated by the city council involving less than one thousand two hundred fifty dollars (\$1,250.00), the city purchasing agent or other person authorized to make purchases under the provisions of this article shall purchase such materials, supplies, labor or services at the best available price, using his judgment as to the quantity to be purchased. In cases where an appropriation therefor has previously been made by the city council, and where the amount is at least one thousand two hundred fifty dollars (\$1,250.00), but no more than two thousand dollars (\$2,000.00), the purchasing agent, with the approval of the mayor, shall have the authority to purchase such material, supplies, labor or services without bid as herein otherwise provided. In cases where an appropriation therefor has previously been made by the city council, and where the amount involved is not more than two thousand dollars (\$2,000.00), the city purchasing agent shall have the authority with the approval of the mayor, to issue invitations for bids, receive bids, and act as awarding authority, and in all respects accept or reject all bids for and on behalf of the city. In all cases where an appropriation has been made by the city council, and where the amount involved is more than two thousand dollars (\$2,000.00), the purchasing agent shall proceed to open said bids at the time and place stated in the advertisement for bids, and he shall immediately report the results of such bids to the mayor, and the mayor shall accept or reject said bids and shall in all respects act as the awarding authority for all such purchases. In all cases where an appropriation has not been previously made by the city council, the purchasing agent shall proceed to open said bids at the time and place stated in the advertisement for bids, and he shall report the results of such bids at the next regular meeting of the council, where they shall be accepted or rejected by the council, and the city council shall, in all respects, act as the awarding authority for all such purchases where an appropriation has not been previously made. The city purchasing agent shall in any event forward to the finance chairman of the city council a recap of all bids received with a notation thereof, indicating the name of the low bidder and, in the event the award was not made to the low bidder, the name of the bidder to whom the award was made.

(Ord. No. 745, 1-3-77)

Sec. 11-18. - Purchasing by certain boards and agencies.

The various boards and agencies of the city having authority to make purchases from funds appropriated by the city, or from any other fund, shall have the authority to designate a person employed by said board who shall act as purchasing agent. Such board or agency may provide, by resolution or by law entered upon the minutes of the board, that the purchasing agent so designated will have the authority to act as awarding authority for and behalf of the board and said agent must follow all laws and requirements of the city purchasing agent.

(Ord. No. 745, 1-3-77)

Sec. 11-19. - Invitations for bids to be posted on official bulletin board.

A suitable bulletin board shall be installed outside the door of the office of the purchasing agent of the City of Albertville, Alabama, within the area open to the public, which bulletin board is hereby designated as the official bulletin board of the city. All invitations for bids required to be posted under the competitive bid law of the State of Alabama shall be posted for a period of time selected by the purchasing agent, not less than five (5) days from the time of the original invitation. Each board or agency of the city having its own purchasing agent shall designate a place where all invitations for bids shall be posted, together with such other rules and regulations as such board or agency may deem appropriate. All bids shall be publicly opened by the purchasing agent at the time and place stated in the invitation to bid, at a regular or special meeting of the city council.

(Ord. No. 745, 1-3-77; Ord. No. 1074, § 1, 2-8-82)

Sec. 11-20. - Policy regarding employment of unauthorized aliens.

- (a) It is the policy of the City of Albertville ("city") that unauthorized aliens shall not be employed to (1) perform work on city contracts for the performance of services or (2) employed to supply materials or things to the city. The city shall not enter into a contract for the performance of services or for the supply of materials or things, unless the supplier or contractor shall provide a statement under oath on city provided forms that (1) it has and will verify, to the extent allowable by federal law, that no unauthorized aliens will be employed to perform work for the city or supply materials or things to the city, and (2) to the best of their knowledge and belief, it is not employing or otherwise using unauthorized aliens to provide services, materials or things to the city, and that it will require its subcontractors to execute the Verified Statement Regarding Unauthorized Aliens.
- (b) This policy shall only apply to contractors, subcontractors, and suppliers with three (3) or more employees pursuant to 8 U.S.C. Section 1324b(a)(2).
- (c) An "unauthorized alien" is defined as an alien who does not have the legal right or authorization under federal law to work in the United States as described in 8 U.S.C Section 1324a(h)(3).
- (d) A contractor or supplier shall verify whether an employee is an unauthorized alien by inspecting such documents as are designated by federal law. For contracts in excess of one hundred thousand dollars (\$100,000.00) in any twelve-month period, the contractor or supplier shall certify to the city that it and its subcontractors have and will verify, to the extent allowable by federal law, by using the federal E-verify program, that no unauthorized aliens are utilized in providing services, materials or things to the city.
- (e) By submitting a bid to the city to provide services, materials or things, contractors and suppliers agree upon request to certify to the city, under oath by an officer or a management level employee, that they have verified to the extent possible under federal law, that named or otherwise described employees utilized in providing services, materials or things to the city are not unauthorized aliens.
- (f) If the contractor, subcontractor or supplier fails to terminate an employee determined by the federal government to be an unauthorized alien or fails to provide the verification described above, the city purchasing department shall report these facts to the city council.
- (g) The city council may terminate a contract if the contractor, subcontractor or supplier fails to terminate an employee determined by the federal government to be an unauthorized alien or fails to provide the verification described above. The contractor or supplier shall be given reasonable notice of its violation and shall be given

a hearing before the city council to present evidence on its behalf before a contract is terminated.

- (h) All contractors and suppliers must agree to the above provisions on a verified statement regarding unauthorized aliens when submitting a bid to the city purchasing department. Any bidder failing to submit this statement with its bid shall be deemed to be a non-responsible and non-responsive bidder under the Alabama Competitive Bid Law.
- (i) The requirements and obligations of this policy shall be interpreted and implemented in a manner consistent with all federal and state laws, such invalidity or conflict shall not affect the other provisions of this policy which can be given effect without the invalid provision. The provisions of this policy are declared to be severable.

(Res. No. 945-08, §§ 1—9, 12-1-08)

FOOTNOTE(S):

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Editor's note— Ord. No. 745, adopted Jan. 3, 1977, expressly amended Ch. 11 by adding a new Ch. 11, §§ 11-1—11-11. In order to facilitate inclusion of future material in this Code, Ord. No. 745 has been codified herein as §§ 11-11—11-19 in the editor's discretion. Former §§ 11-1—11-5, dealing with purchasing procedures, were derived from Ord. No. 354, §§ 1—7 adopted Dec. 2, 1963. ([Back](#))