

TOWN OF SHADELAND
RESOLUTION 2025-06
PURCHASING RESOLUTION
Replacing Resolution 2024-6

It is the policy of the Town that the Clerk Treasurer, Council President or a Council Member designated as the head of a committee shall act as the purchasing agent for the Council. This policy applies only to purchases that are not paid from Federal funds or Town matching funds. All purchases that are paid from Federal funds or Town matching funds shall be made pursuant to federal rules and regulations

Purchases of Supplies

For purposes of this policy "supplies" means any personal property. The term includes equipment, goods, and materials. The term does not include an interest in real property. For purposes of this policy "purchase" means buy, procure, rent, lease, or otherwise acquire.

The purchasing agent may make open market purchases of supplies totaling no more than \$50,000 for a single item or a group of similar items which the amount has been approved in a current year budget line item. Prior to any such purchase, the purchasing agent shall contact the Clerk Treasurer to ensure that budgeted amounts are available for expenditure.

The purchasing agent shall seek at least three (3) price quotations on purchases of supplies that are more than \$50,000 but less than \$150,000 except in cases of emergency or where materials are of such nature that price quotations would not result in a savings to the Town.

The purchasing agent shall mail an invitation to quote at least seven (7) days before the time fixed for receiving quotes.

It is the responsibility of the purchasing agent to see that the Clerk-Treasurer receives all information pertaining to the quotes sought and received.

If the purchasing agent receives a satisfactory quote, they shall award a contract to the lowest responsible and responsive quoter for each line or class of supplies required. The purchasing agent may reject all quotes.

If the purchasing agent does not receive a quote from a responsible and responsive quoter, they may purchase the items by following the procedure for items costing under \$50,000.

When the purchase of, and contract for, single items of supplies, amounts to \$150,000 or more, the Board shall obtain competitive bids.

Competitive Bidding - Supplies

The purchasing agent shall follow the procedure described below in awarding a contract for supplies that equals or exceeds \$150,000:

- A. The purchasing agent shall issue an invitation for bids.
- B. An invitation for bids shall include the following:
 - 1. A purchase description.
 - 2. All contractual terms and conditions that apply to the purchase.
 - 3. A statement of the evaluation criteria that shall be used, including any of the following:
 - a. Inspection.
 - b. Testing.
 - c. Quality.
 - d. Workmanship.
 - e. Delivery.
 - f. Suitability for a particular purpose.
 - g. The requirement imposed in I.C. 5-22-3-5 for offers submitted by trusts.
 - 4. The time and place for opening the bids.
 - 5. A statement concerning whether the bid shall be accompanied by a certified check or other evidence of financial responsibility that may be imposed in accordance with rules or policies of the Council.
 - 6. A statement concerning the conditions under which a bid may be canceled or rejected in whole or in part as specified in I.C. 5-22-18-2.

Evaluation criteria that will:

- A. affect the bid price; and
- B. be considered in the evaluation for an award;

shall be objectively measurable.

Only criteria specified in the invitation for bids shall be used in bid evaluation.

The purchasing agent shall give notice of the invitation for bids in the manner required by I.C. 5-3-1. The purchasing agent also may provide electronic access to the notice through:

- A. the computer gateway administered by the Office of Technology; or
- B. any other electronic means available to the Corporation.

The purchasing agent shall open bids publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids.

Bids shall be:

- A. unconditionally accepted without alteration or correction, except as permitted below; and
- B. evaluated based on the requirements provided in the invitation for bids.

A contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder.

For a bidder to be considered responsive, the proposal shall:

- A. respond to all bid specifications in all material respects;
- B. contain no irregularities or deviations from the bid specifications that would affect the amount of the bid or otherwise provide a competitive advantage; and
- C. comply specifically with the solicitation and instructions to bidders.

The purchasing agent also may consider whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

For a bidder to be deemed responsible, the Council may request evidence from the bidder concerning its:

- A. experience (type of product or service being purchased, etc.);
- B. financial condition;
- C. conduct and performance on previous contracts (with the Corporation or other agencies);
- D. facilities;
- E. management skills; and
- F. ability to execute the contract properly.

The purchasing agent may consider the following factors in determining whether a bidder is responsible:

- A. the ability and character of the bidder to provide the supplies;
- B. the integrity, character and reputation of the bidder; and
- C. the competency and experience of the bidder.

The purchasing agent shall maintain the following information:

- A. The name of each bidder.
- B. The amount of each bid.
- C. Other information required I.C. 5-22 and its rules.

The information described above is subject to public inspection after each contract award.

The Council allows cancellation of awards or contracts based on inadvertently erroneous bids.

The purchasing agent shall make a written decision to:

- A. permit the correction or withdrawal of a bid; or
- B. cancel awards or contracts based on bid mistakes.

The purchasing agent shall not permit changes in:

- A. bid prices; or
- B. other provisions of bids prejudicial to the interest of the Board or fair competition;
- C. after bid opening.

If a bidder inserts contract terms or bids on items not specified in the invitation for bids, the purchasing agent shall treat the additional material as a proposal for addition to the contract and may do any of the following:

- A. Declare the bidder nonresponsive.

- B. Permit the bidder to withdraw the proposed additions to the contract in order to meet the requirements and criteria provided in the invitation for bids.
- C. Accept any of the proposed additions to the contract, subject to the following limitations.

The purchasing agent shall not accept proposed additions to the contract that are prejudicial to the interest of the Board or fair competition.

A decision of the purchasing agent to permit a change to the requirements of the invitation for bids shall be supported by a written determination by the purchasing agent which provides the justification for that change.

The Council reserves the right to reject any and all bids.

The Council shall be informed of the terms and conditions of all competitive bids. All bids shall be entered upon the records of the Council at its next meeting following the bid opening. The Council shall accept or reject bids in a Council meeting open to the public and award contracts as a consequence of such bids.

Purchases of Services

For purposes of this policy "services" means the furnishing of labor, time, or effort by a person not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.

The purchasing agent may purchase as follows:

- A. For purchases of services anticipated to exceed \$50,000 in a single calendar year:
 - 1. If the purchasing agent has purchased services previously from a vendor, the purchasing agent may continue to purchase services from that vendor as long as the Council is satisfied with the services delivered by the vendor.
 - 2. If a new vendor is sought to provide services, the purchasing agent shall issue a request for proposal asking that interested vendors submit proposals to serve as vendors for those specific services. Notice of the request for proposal may be sent directly to potential vendors and/or posted on the Corporation's website. The purchasing agent shall interview those vendors who respond to the request for proposal that the purchasing agent believes are able to provide the services sought and shall select the vendor from those interviewed. The purchasing agent may seek input from other administrators or Board members in making the selection.
- B. For all other purchases of services, the purchasing agent may select the vendor they believe is the most appropriate vendor who provides the services sought.

The purchasing agent is authorized to make emergency purchases, without prior approval, of those services needed to keep the Town in operation.

Such purchases shall be brought to the Council for approval at the next regular meeting.

**ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF SHADELAND,
INDIANA, THIS DAY 14th OF OCTOBER, 2025.**

Michael L Kuipers
Michael Kuipers

Timothy Balensiefer
Timothy Balensiefer

Robert E. Morrison Jr.
Robert E. Morrison Jr.

Attest:

Charlene Brown
Charlene Brown, Clerk-Treasurer

David Downey
David Downey

Steve Tobias
Steve Tobias

Dave Vanderkleed
Dave Vanderkleed

Steve Zehring
Steve Zehring