

Purchasing

Authority

The Oshkosh Public Library Director is hereby designated as the Purchasing Authority for the Oshkosh Public Library and shall make all purchase for all departments whose funds are under the direction of the library. The Director will be responsible for purchases, but may delegate to others the tasks related to purchasing. All purchasing shall be done in accordance with state statutes, and on the basis of the lowest price commensurate with quality, service, and delivery.

General Provisions

- A. The Library Director or those he has delegated tasks to may purchase supplies, equipment, goods and materials when the costs of the same have been included in the approved Library Budget. Except as specifically excluded by State Statute or this Policy, when the estimated aggregate costs may exceed twenty-five thousand dollars (\$25,000), such purchase shall be approved by the Library Board.
- B. Upon review of the Library Director, the Library may enter into multi-year agreements or renew existing agreements for supplies, equipment, goods and materials, and/or services, with an initial term of no longer than three (3) years and with extensions thereof up to a maximum of five (5) years in total duration, when the original bid or quotation requested pricing for multiple years or the operation for renewal is determined to be in the best interest of the Library to enter into the multi-year agreement or renewal.
- C. Change orders are required for changes in project scope or cost. Change orders will be made in accordance with the following procedures:
 - a. Approval authority. Change orders can be approved by the Library Director for an amount within the amount budgeted, up to \$25,000 or 15% of the contract price, whichever is lower. Any change order in excess of the budgeted amount, in excess of \$25,000 or in excess of 15% of the contract price, shall require approval by the Library Board.
 - b. For contracts or purchases which were not approved by the Library Board because they were estimated to not exceed \$25,000, change orders shall not cause the total contract or purchase to exceed \$25,000 without Library Board approval.
 - c. Notwithstanding the limitations contained in paragraphs a and b above, the Library Director shall have the authority to approve changes orders which are in the best interests of the Library and necessary to not impede progress upon a project or required by emergency or other necessity.

Purchases of Equipment, Materials, Supplies, and Contractual Services

Except as provided, all purchases of equipment; materials; supplies; and contractual services, including but not limited to, rental, repair or maintenance of equipment, machinery or other property to be owned or used by the Library shall be done according to the following:

Purchases or contracts for Services, Supplies, Materials and Equipment in Excess of \$25,000 – Competitive Sealed Bids

When the estimated aggregate costs for contractual services, materials and equipment may exceed twenty-five thousand dollars (\$25,000) the Purchasing authority, or designee, shall take competitive sealed bids:

1. ***Invitation for Bids:*** Where competitive sealed bidding is utilized, an Invitation for Bids shall be issued which shall include a purchase description and all contractual terms and conditions applicable to the procurement.
2. ***Public Notice:*** Appropriate public notice of the Invitation for Bids shall be given a reasonable time prior to the date set forth therein for the opening of bids, as required by law, or in accordance with policy approved by the Library Director.
3. ***Bid Opening:*** Bids shall be opened publicly at the time and place designated in the Invitation for Bids. The amount of each bid, and such other relevant information as may be specified in the Invitation for Bids, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
4. ***Bid Acceptance:*** Bids must be submitted timely, be substantially complete and when applicable, must include any pre-qualification documentation and bond requirements.
5. ***Bid Evaluation and Award:*** Bids shall be evaluated based on the requirements set forth in the bid documents, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, environmental responsibility, economic sustainability, delivery and suitability for a particular purpose. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bid documents. Such criteria may include:
 - The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - Whether the bidder can perform or contract the service promptly or within the time specified without delay or interference;
 - The quality of performance of previous contracts or services;
 - The previous and existing compliance by the bidder with laws relating to the contract or service;

- The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- The quality, availability and adaptability of the equipment supplies or contractual services to the particular use required;
- The ability of the bidder to obtain or provide future maintenance and services for the use of the subject of the contract;
- The number and scope of conditions attached to the bid.

Minor errors in bid procedures shall not be grounds for delaying or prohibiting approval of a purchase. Minor errors include, but are not limited to, errors in a bidder's completion of bid documents which are not material to the bid itself; which indicate no apparent prejudice to the public or other bidders, and which have no indication of compromising the integrity of the bidding process. The Library Director shall have authority to reject any and all bids or parts of all bids and re-advertise or re-solicit bids whenever it is deemed to be in the best interest of the Library.

6. ***Tie Bids:*** While state law does not allow a local preference, in the event that identical lowest bids are received for the same contract total amount with unit price, quality and service being equal, the contract shall be awarded to a bidder with a business located within Oshkosh city limits. If there is no bidder with a business located within Oshkosh city limits, the contract shall be awarded to one of the tie bidders by drawing lots.
7. ***Recommendation to Award:*** A bid tabulation summarizing the bids received for each item listing the name, bid price and other bid details shall be submitted by the Library Director to the Library Board with recommendation to award.
8. ***Protest:*** Any interested party who wishes to protest the award of a competitive bid must submit a detailed statement in writing of the grounds for protest and any supporting documentation to the Library Director prior to bid award. The appealing party must be an actual or prospective bidder whose direct economic interest would be affected by the award, or failure to award the contract bid. Award of contract will be suspended temporarily unless this action will cause undue harm to the Library. The Library Director shall issue a determination upon the protest and notify protesting party and the lowest responsible bidder of the determination. Thereafter, the Library Director may reject any or all bids, make a recommendation to award, or take such other action as may be appropriate.

Purchases or Contracts for Services, Supplies, materials and Equipment greater than \$1,500 but not in excess of \$25,000 – Competitive Quotations

When the purchase of contractual services, supplies, materials and equipment is expected to be greater than \$1,500 but not in excess of \$25,000, the Library Director or designee, shall solicit competitive quotations for contractual services, supplies, materials and/or equipment.

1. **Competitive quotations:** Whenever practicable, the Library shall solicit three competitive quotations from prospective suppliers.
2. **Solicitation methods:** The solicitation will require formal quotations to be delivered to Library Director or designee as specified in the solicitation, in writing by direct mail, facsimile, telephone, email or in-person delivery by a date and time specified.

Sole Source

Upon approval of the Library Director, the Library may enter into agreements for the purchase of services, materials, supplies, or equipment that are available from only one source of supply or when standardization or compatibility is the overriding consideration. When the estimated aggregate cost of a purchase made under this paragraph may exceed twenty-five thousand dollars (\$25,000), such purchase shall be approved by the Library Board.

Used or Surplus Equipment

The Library Director may enter into agreements without following a competitive bidding or quotation process for the acquisition of any used or surplus or excess equipment, materials or supplies, from a federal, state or local government if it is determined that such acquisition is in the best interest of the Library. When the estimated aggregate cost of a purchase made under this paragraph may exceed twenty-five thousand dollars (\$25,000), such purchase shall be approved by the Library Board.

Emergency Purchases

The Library Director may enter into agreements without following a competitive bidding or quotation process for purchases when warranted by an emergency situation that threatens the public health, safety, or welfare and all of the following conditions exist: was unforeseen, calls for immediate action, and cannot be responded to using established procurement methods.

Cooperative Purchasing Programs

Subject to approval of the Library Director, the Library may without following a competitive bidding or quotation process enter into agreements for purchases pursuant to a contract with any other local, state or federal governmental unit or agency.

The Library may participate in cooperative purchasing agreements with other federal, state or local governments.

Abandoned or Surplus Property

The Library Director shall dispose of all surplus materials or equipment by any of the following means:

- 1) On a competitive basis by information quotation;
- 2) By public auction such as eBay;
- 3) By converting such property to City use;

- 4) Where the property has no apparent value, by disposal of such property by any appropriate means

Drafted by:	Jeff Gilderson-Duwe
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