

# Ordinance No. 592

AN ORDINANCE to amend the Code of the City of Alexandria, Virginia enacted as a whole July 2, 1940 and made effective August 5, 1940, by adding a chapter thereto designated Chapter VIII-A creating a centralized purchasing department and defining its powers, functions and duties, creating a board of standards within such department and prescribing its duties and powers, and repealing inconsistent ordinances.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

Section 1. That the Code of the City of Alexandria, Virginia enacted as a whole July 2, 1940 and made effective August 5, 1940 be and the same hereby is amended by adding a chapter thereto following Chapter VIII to read as follows:

## CHAPTER VIII-A

### Purchasing Department

#### Sec. 1. Organization.

A Purchasing Department for the City of Alexandria is hereby created. The head of this department shall be the City Purchasing Agent who shall be appointed by the City Manager. The City Purchasing Agent shall have had, prior to his appointment, at least three years' experience in an executive capacity in a purchasing office or department of a municipal corporation. The compensation of the City Purchasing Agent shall be fixed from time to time by the City Council, and he shall give bond, with surety to be approved by the City Council, conditioned so as to secure the faithful discharge of his official duties, in a penal sum of \$10,000.

The City Manager, upon recommendation of the City Purchasing Agent, may appoint such assistants and subordinates in the Purchasing Department as may be properly necessary to carry out the purposes of this chapter, and their compensation shall be fixed from time to time by the City Council.

#### Sec. 2. Scope of Purchasing Authority.

Except as otherwise in this chapter or by State statute provided, all supplies, materials, equipment and contractual services needed by or to be used by any and all departments, institutions, boards, commissions, officers and other agencies which derive or receive their support wholly or in part from the City of Alexandria funds, which are herein called using agencies, shall be obtained through the Purchasing Department; and the City Purchasing Agent shall have the power and authority to make such purchases and obtain such contractual services.

The Civil and Police Justice, the Justice of the Juvenile and Domestic Relations Court, the Commissioner of Revenue, the Treasurer, and the Clerk of the courts of record, to the extent the City of Alexandria is required by State law to furnish them and pay for supplies, materials, equipment and contractual services, are hereby made using agencies under the provisions of this chapter. Under authority of the provisions of Virginia Code section 3487(8), all foodstuffs, provisions, supplies, clothing and

equipment needed by the City Sergeant in the feeding and caring for jail prisoners and for which the City is reimbursed in part by the State in proportion as the number of State prisoner days bears to the whole number of prisoner days shall be purchased by or through the City Purchasing Agent, and to that extent and to the extent that the City of Alexandria is required to furnish such Sergeant or the City jail supplies and equipment and pay the total price thereof, the City Sergeant is hereby made a using agency under the provisions of this chapter.

The terms "supplies", "materials" and "equipment" as used in this chapter shall mean any and all articles, commodities or things which shall be furnished to or be used by any using agency and shall include any and all printing, binding, publications, stationery, forms, books and reports. The term "contractual services" as used in this chapter shall mean the outside repair or maintenance of equipment, machinery and other city-owned personal property.

The City Purchasing Agent is hereby authorized, with the consent of the City Manager and without observing the competitive provisions of Sections 5 and 6 of this chapter, to seek the aid and cooperation of the State Director of the Division of Purchase and Printing in purchasing of supplies, materials and equipment for the using agencies of the City to the end that cheaper prices may be obtained.

The City Purchasing Agent may, with the consent of the City Manager and without observing the competitive provisions of Sections 5 and 6 of this chapter, purchase from the United States Government or any of its agencies any surplus or other supplies, materials and equipment needed by the using agencies when such purchases will serve the best interest of the City.

The City Council reserves unto itself the authority to let all public improvement or public works contracts.

### Sec. 3. Exceptions to centralized purchasing.

Unless otherwise ordered by the City Manager, the purchasing of supplies, materials and equipment by or through the City Purchasing Agent is not mandatory in the following cases:

- (1) Telephone and telegraph service, and electric light and power service.
- (2) Automobile license number plates.

The provisions of this chapter shall not apply to the School Board of the City of Alexandria, to the Alexandria Library, or to any institution to which the City may make a lawful grant-in-aid and over which it retains no control.

Emergency purchases for immediate delivery to meet exigencies arising from unforeseen causes, to prevent delays in work, contracts or transportation, or to prevent spoliation, may be made directly by a using agency with the consent of the City Purchasing Agent. The head of the using agency shall in all such cases promptly send to the City Purchasing Agent a confirming requisition together with a full written explanation of the circumstances of the emergency which shall be filed as a permanent public record of the purchase. The provisions of this paragraph shall also be applicable to medical supplies, laboratory equipment and surgical instruments needed and to be used by the Health Department.

**Sec. 4. Estimates and requisitions.**

All using agencies of the city shall file with the City Purchasing Agent detailed estimates of their requirements in supplies, materials, equipment and contractual services in such manner, at such times, and for such future periods as the City Purchasing Agent shall prescribe. This shall in no way prevent any using agency from filing with the City Purchasing Agent at any time a requisition for any supplies, materials, equipment, or contractual services, the need for which was not foreseen when the detailed estimates were filed.

The City Purchasing Agent shall be provided with a detailed copy of the budget allowance of each using agency.

The City Purchasing Agent, shall, in proper cases, advise revision of requisitions of using agencies, and he shall have power to refuse requisitions subject to appeal to the City Manager who shall make final decision if there is an unencumbered balance in the budget appropriation for the using agency involved.

**Sec. 5. Contract procedure.**

Except as in this chapter otherwise provided, all purchases of and contracts for supplies, materials, equipment and contractual services, and all sales of personal property which has become obsolete or unusable, shall be executed upon competitive bids if practicable. When the estimated amount of supplies, materials, equipment and contractual services needed, or personal property to be disposed of, equals one thousand dollars or over, the City Purchasing Agent shall, and in other cases may if practicable to secure competitive bids, advertise for sealed bids in a newspaper having general circulation in the City of Alexandria in such manner and for such time as he may determine.

The City Purchasing Agent may also solicit sealed bids from prospective suppliers or purchasers known to him or from those who have requested their names be placed on bidders' list by sending them such notice as will apprise them of the proposed purchase or sale. All pending purchases or sale shall also be advertised by notice on a public bulletin board in the purchasing department.

Alternate bids may be required by the City Purchasing Agent whenever he may determine the same desirable or necessary.

A complete and accurate statement specifying and describing the commodities or services which the City desires shall be furnished to each bidder by the City Purchasing Agent.

All bids shall be submitted sealed to the City Purchasing Agent, and when deemed necessary, shall be accompanied with a bid bond or certified check in an amount equal to one-fourth of the amount of the bid. The bids shall be opened in public, and if possible, at the time and place stated in the notice or invitation to bid. A tabulation of all bids received shall be posted for public inspection. The City Purchasing Agent shall have power to reject any and all bids or the bid for any one or more commodities or contractual services included in the proposed contract. Ordinarily, the purchase or contractual service contract shall be let to the lowest responsible or best bidder, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, the cost of transportation, time of delivery, and the best interests of the City. If all bids received are for the same total amount or for the same

unit price, as the case may be, the City Purchasing Agent may purchase the commodities or contractual services in the open market, provided the price to be paid in open market shall not exceed the said bids and the best interests of the City will be served thereby. It shall be the duty of the City Purchasing Agent always to discourage uniform bidding and to endeavor to obtain as much competition as possible on all purchases and sales. Ordinarily, the sale shall be awarded to the highest responsible or best bidder.

If the amount of the expenditure is to exceed one thousand dollars, written contract shall be executed; but if the expenditure is a lesser sum, the City Purchasing Agent may require a written contract in his discretion. All contracts shall be approved as to form by the City Attorney. The City Purchasing Agent may require performance bond in any case, and notice of such requirement shall be given in invitations to bid. If the successful bidder shall not within ten days after notice of award enter into contract, he shall forfeit any surety which accompanied his bid.

#### **Sec. 6. Open Market Orders.**

Except where otherwise in this chapter provided, purchases of supplies, materials, equipment or contractual services and sales of personal property which has become obsolete or unusable, the estimated amount of which is less than one thousand dollars, may be made in the open market without newspaper advertisement and without observing the procedure prescribed in Section 5 of this chapter. All open market purchases, the estimated amount of which equals one hundred dollars or over, if possible, shall be based upon at least three competitive bids. The City Purchasing Agent shall solicit bids in such cases by mail, by telephone or by public notice on the bulletin board in the Purchasing Department or by all of such methods. The City Purchasing Agent shall have power to reject any and all bids or the bids for any one or more commodities or contractual services. The purchase or contractual service contract shall be awarded to the lowest responsible or best bidder, taking into consideration quality, conformity with specifications, the purposes for which required, the transportation costs, delivery, and the best interests of the City. Sales shall be awarded to the highest responsible or best bidder. A record shall be kept of all open market purchases and sales and the bids thereon, which shall be open to public inspection.

#### **Sec. 7. Encumbrance of funds.**

Before any order is placed or any contract is let, the account of the budget appropriation of each using agency concerned in all purchase orders or contracts shall be earmarked or encumbered with the amount necessary to pay for the purchase made or contractual service rendered on behalf of each such using agency.

Except in cases of emergency purchases, the City Purchasing Agent shall not issue any order for delivery on a contract or open market purchase until the City Auditor shall have certified that there is to the credit of the using agency concerned a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order.

#### **Sec. 8. Inspection; checking invoices.**

The City Purchasing Agent shall inspect or cause to be inspected all supplies, materials and equipment delivered or contractual

services rendered to determine their conformance with the specifications set forth in the order or contract. Any using agency having the staff and facilities for adequate inspection may be authorized by the Purchasing Agent to make inspections under such rules and regulations as may be established in relation thereto. The City Purchasing Agent shall have authority to require such chemical and physical tests of samples submitted with bids or offers and sample of delivered commodities to be made as will determine conformance with specifications. In the performance of such tests, the City Purchasing Agent shall also have authority to make use of any laboratory facilities of any department or agency of the City or of any outside laboratory.

The City Purchasing Agent shall promptly check or cause to be checked invoices, extensions and totals to ascertain if terms, unit prices and amounts are correct. This shall in no way relieve checking by the City Auditor.

#### **Sec. 9. Surplus stock.**

All using agencies shall submit to the City Purchasing Agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies, materials, and equipment which are no longer needed, are unusable or have become obsolete or worn out. The City Purchasing Agent, with the consent of the City Manager, shall have authority to transfer such stock to another or such other agencies as may have need therefor, taking care in such cases to cause a proper accounting control of each transfer.

The City Purchasing Agent, with the consent of the City Manager, shall have power to sell all such supplies, materials and equipment which have become unsuitable for public use, or to exchange them for or trade them in on new supplies, materials or equipment. Any such sale, exchange or trade-in shall be based upon competitive bids in accordance with the provisions of sections 5 and 6 of this chapter, whichever is applicable; and proper accounting control of each such transaction shall be made.

#### **Sec. 10. Board of standardization.**

A Board of standardization consisting of the Mayor, the City Manager and the City Purchasing Agent is hereby created within the Purchasing Department. The members of this board shall serve without compensation. It shall be the duty of the Board of Standardization to classify such supplies, materials and equipment as is used by or may be used by the various agencies of the city government; to adopt as standards the minimum number of qualities, sizes, varieties and brands of commodities consistent with the efficient operation of the city government; and to prepare, adopt and revise specifications describing such standards. The Board of Standardization shall have authority to make use of all laboratory and engineering facilities of the City and of all technical staffs thereof insofar as its work under this chapter is concerned. The board shall consult with the heads and other officials of the using agencies to determine their requirements, and shall endeavor to prescribe those standards which meet the needs of the majority of such agencies. All specifications shall be definite and certain, and if possible, permit competition. After adoption, each standard specification shall, until revised or rescinded, apply alike in terms and effect to every future purchase and contract for the commodity described in such specification.

**Sec. 11. Rules and regulations.**

The City Purchasing Agent shall have authority and power to promulgate and establish, and from time to time amend and revise, all rules and regulations properly necessary to carry into effect the provisions of this charter; provided, that before any such rules and regulations, and any amendments or revisions thereof, shall become effective, the City Council shall approve the same.

**Sec. 12. Reports of City Purchasing Agent.**

The City Purchasing Agent shall make an annual report to the City Manager on the work of his department and conditions of the City relating to the work of his department. The City Manager may require further and more specific information on any matter relating to the work of the Purchasing Department as from time to time to him may seem expedient or necessary.

**Sec. 13. Effect; conflicting provisions repealed.**

If any section, part or provision of this chapter shall be declared invalid for any reason by a court of final jurisdiction, such section, part or provision shall cease to operate, but the remainder of the chapter and every part thereof shall continue in full force and effect.

All ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby expressly repealed.

Section 2. That this ordinance shall be published in the Alexandria Gazette, and it shall become effective January 1, 1950; and the clerk shall note in the minutes the time of such publication.

William T. Wilkins,  
Mayor

Adopted July 26, 1949  
Published August 2, 1949