

Excerpt from Chapter 25 of the Code of the Township re. Bidding

§ 25.6. Competitive bidding system; rules and regulations.¹

25.6.1. Definitions. As used in this section, the following terms shall have the meanings indicated:

BEST RESPONSIBLE BIDDER – A responsible bidder who, in a competitive bidding situation, submits a bid which, as finally determined by the Board of Commissioners, is the best bid available in terms of price, product and/or service quality, adherence to specifications, timeliness of delivery, serviceability and maintenance, and other factors that the Board of Commissioners may establish.

RESPONSIBLE BIDDER – A bidder who is considered responsible either through previous experience in business dealings with the township or through an investigation of the credit, reliability and performance of the bidder.

25.6.2. Subject and exempt purchases. Purchases subject to and exempt from the competitive bidding system are covered in §§ C-1002 and C-1004 of the Home Rule Charter.

25.6.3. Authorization to bid. Appropriation for the purchase of goods or services in the annual operating budget adopted by the Board of Commissioners shall constitute authorization for the Township Manager to initiate competitive bidding for CLASS IV. **[Amended 1-4-93 by Ord. No. 1568]**

25.6.4. Responsible bidders list. The Township Manager shall cause to be established and maintained a bidders list for each type of goods or service purchased by the township. Inclusion on the bidders list shall signify that a bidder is considered responsible either through previous experience in business dealings with the Township or through an investigation of the credit, reliability and performance of the bidder. Once qualified as responsible, a bidder shall remain on the bidders list indefinitely unless removed by reason of disqualification.

25.6.5. Disqualification of bidders.

25.6.5.1. A bidder may be disqualified for reasons, including but not limited to the following:

25.6.5.1.1. Documentation of unsatisfactory performance by the bidder or of unsatisfactory goods or service provided by the bidder to the township or to other municipalities.

¹Editor's Note: For basic provisions pertaining to contracts and competitive bidding, see Art. X of the Home Rule Charter.

25.6.5.1.2. Failure to submit a bid on two (2) successive occasions.

25.6.5.1.3. False or misleading statements about a product or service.

25.6.5.1.4. An attempt by a bidder to influence the purchase of goods or services by the township through a gift, gratuity, favor or benefit, or promise thereof, to a township officer or employee.²

25.6.5.1.5. Collusion with another bidder in an attempt to regulate the price, quality or availability of goods or services to the detriment of the township.

25.6.5.2. Upon disqualification, a supplier shall be removed from the responsible bidders list until requalified. Such requalification shall consist of reasonable proof that the cause for disqualification shall not recur.

25.6.6. Invitation to bid. When it is determined that a purchase is to be made through competitive bidding, an invitation to bid shall be sent by mail to all vendors appearing on the bidders list for the item to be purchased. The invitation shall include:

25.6.6.1. A basic description of the item to be purchased.

25.6.6.2. The quantity to be purchased.

25.6.6.3. The method by which specifications and bid documents may be obtained.

25.6.6.4. The date, time and place of the bid opening.

25.6.6.5. And other specific requirements.

25.6.7. Notification requirements. A copy of the invitation to bid may be placed in a legal advertisement published at least one (1) time in a newspaper of general circulation in the Township and/or may be posted and announced via the Internet by the Township directly, or through its designated online service provider. The legal advertisement or Internet posting shall appear no later than ten (10) days prior to the scheduled bid opening. **[Amended 9-4-01 by Ord. No. 1847]**

25.6.8. Specifications. Specifications shall be prepared for all purchases made through competitive bidding. Specifications shall consist of a specific, complete

²Editor's Note: For provisions pertaining to the prohibited involvement of a township officer or employee in a transaction, see Ch. 23, Ethics, Code of § 23.4.

and accurate description of the item to be purchased, the performance requirements and conditions and terms of purchase. Specifications shall be clearly worded but shall not be so specific or strict as to effectively eliminate acceptable products from competition. If a maintenance bond is to be required before a contract is awarded, the amount, manner and form shall be prescribed in the specifications. All specifications for construction contracts with the township shall include a requirement for performance, labor, and materialman's bonds.

25.6.9. Bid deposits or bond. A bid deposit or bond may be required for any purchase made by the township and shall be provided in an amount, manner and form prescribed by the Township Manager. The bid deposits of the best responsible bidder, as determined by the Board of Commissioners, shall be forfeited to the township if the product or service purchased is not delivered as required in the specifications.

25.6.10. Bid procedures. All bids shall be firmly sealed in an envelope and labeled so as to indicate the specific purchase for which the bid is submitted and the scheduled date and time of the bid opening. Bids shall be opened at the appointed time by a committee of at least one (1) member of the Board of Commissioners and two (2) members of the administrative staff. All bid openings shall be open to the public. Any bids received after the bid opening has commenced shall be returned to the bidder unopened. Upon completion of bid opening, the bid committee will analyze the bid for conformance with the specifications and recommend to the Board of Commissioners the best responsible bid.

25.6.11. Bid award. The Board of Commissioners shall review the recommendation of the bid committee and may award a contract to the best responsible bidder. All such awards shall be made in a public meeting by a majority vote of the Commissioners present. The Board of Commissioners shall at all times reserve the right to reject any and all bids received or to waive and informalities in the bids received if said informalities do not conflict with this Administrative Code or the Home Rule Charter.

25.6.12. Tie Breaker. In a competitive bidding situation, where more than one vendor's goods and/or services are considered essentially identical and a tie occurs among the best responsible bidders, those responsible bidders or their designated representatives shall draw lots under the supervision of the Township Manager, or his designated representative. The bidder who receives the lowest number lot will be considered the best responsible bidder for the contract award. **[Added 6-5-95 by Ord. No. 1666]**

25.6.13. Filing of bids. The Township Manager shall maintain on file all bids received for a period of not less than three (3) years and shall make such files available for public inspection upon request. **[Amended 6-5-95 by Ord. No. 1666]**