

ORDINANCE NO. HR-376

Tredyffrin Township
Chester County, Pennsylvania

AN ORDINANCE AMENDING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, GIVING THE BOARD OF SUPERVISORS AUTHORITY TO DECIDE HOW TO FILL A VACANCY FOR THE SUPERINTENDENT OF POLICE; AND ADDING ELECTRONIC BIDDING REQUIREMENTS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tredyffrin Township as follows:

SECTION I: Article III, Township Manager, Section 4-6, Conduct of Manager, is amended by deleting Section B and replacing it with the following:

- B. The Manager shall not participate in the election campaign on behalf of or in opposition to candidates for elective township office.

SECTION II: Article IV, Departments, Section 4-11, Department of Police, is amended by deleting Section A and replacing it with the following:

- A. Requirements for position of Superintendent of Police. The Superintendent of Police shall be chosen by the Board. The availability of the position may be advertised in appropriate municipal and police journals and other media as judged necessary by the Board. Applicants from within the Township Police Department will receive consideration equal to those from outside the Department. The Board may utilize written or oral interviews and/or examinations in judging the applicants and may employ the services of a consulting firm in assisting to make the selection, but the Board retains ultimate discretion in the selection process. The minimum requirements for the position which shall be considered in selecting a Superintendent of Police shall be:

SECTION III: Article IV, Departments, Section 4-11, Department of Police, is amended by deleting Section C(2) and replacing it with the following:

- (2) The Superintendent of Police shall not participate in the election campaign on behalf of or in opposition to candidates for elective township office.

SECTION IV: Article VII, General Provisions, Section 4-20, Contracts, is amended by deleting Sections A(3), (5) and (6) and replacing them with the following, and adding Sections A(7) and (8):

- (3) All contracts for the purchase of materials, equipment and supplies or for maintenance, repairs or construction, the total cost of which exceeds \$10,000, except those excluded from competitive bidding requirements by §C-56C of the Charter, shall be made only to the lowest responsible bidder after receipt of one or more sealed bids or electronic bids via auction received after notice. Notice shall be published at least once in one or more newspapers generally circulated in the township between seven and 30 days before the date established for opening of sealed bids or start of electronic auction. Each sealed bid, and each electronic bid prior to acceptance by the Township, shall be accompanied by a certified check, bank cashier's or treasurer's check or a bid bond with corporate surety satisfactory to the township in an amount equal to and not less than 10% of the bid. In the case of any materials, equipment or supplies to be acquired by the township by chattel mortgage, bailment lease, conditional sale contract or other security agreement, the total cost shall be the total amount payable pursuant thereto throughout the term thereof. In the event of an emergency interruption of a service supplied by the township, the immediate restoration of which is necessary to the health, safety or welfare of the citizens of the township, oral or written competitive bids for the materials, equipment, supplies or services necessary for such restoration may be received by the Board at any time and awarded forthwith.
- (5) All contracts for maintenance, repairs or construction, the total cost of which exceeds \$2,500 but does not exceed \$5,000, shall include written guarantees regarding performance, materials, workmanship, and warranty solely for the protection of the Township. Guarantees must be deemed acceptable by the Township Manager or designee.
- (6) All contracts for maintenance, repairs or construction, the total cost of which exceeds \$5,000, shall include written guarantees regarding performance, workmanship, materials, and warranty solely for the protection of the Township. Guarantees must be deemed acceptable by the Township Manager or designee.
- (7) The Township hereby permits electronic submission and receipt of bids for competitive bidding for purchases and contracts.

- (8) The Township hereby permits the use of competitive electronic auction bidding for any contract for supplies or services (but not for construction or design professional services), subject to the following conditions:
- a. Any invitations for bids shall be issued and shall include a procurement description, all contractual terms, and conditions applicable to the procurement (including a notice that bids will be received electronically).
 - b. Public notice and advertisement of the invitation for bids shall be given in the same manner as provided by law for Township contracts.
 - c. For the auction process, bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, bidders shall have the capability to view their bid rank and/or the low price. Bidders may reduce their bid during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.
 - d. After the auction period has terminated, withdrawal of bids shall be permitted only by the written determination of the Township when the bidder requests relief and presents credible evidence that the reason for the lower bid price was a clerical mistake, as opposed to a judgment mistake, and was actually due to an unintentional, arithmetical error, or an unintentional omission of a substantial quantity of work, labor, material or services made directly in the compilation of the bid. The request for relief and the supporting evidence must be received by the Township five (5) days after the bid opening.
 - e. The contract shall be awarded within sixty (60) days of the auction by written notice to the lowest responsible bidder, or all bids shall be rejected, except as otherwise provided in this section. Extensions of the date for the award may be made by mutual written consent of the Township and the lowest responsible bidder.

SECTION V: Article VII, General Provisions, Section 4-22, Sale of Township Property, is amended by deleting Section B and replacing it with the following:

- B. All sales of real or personal property which the Board estimates to have a value exceeding \$2,000 shall be made only to the highest responsible bidder after receipt of one or more sealed or electronic bids received after notice. The bidding process may be that of electronic auction, on a site hosted by others or by the Township, or sealed bid. The Township Manager or designee must

approve the use of a specific electronic site in writing. Notice shall be published at least once in one or more newspapers generally circulated in the township between seven and 30 days before the date established for the opening of sealed offers. For sealed bids, each offer shall be accompanied by a certified check, bank cashier's or treasurer's check in an amount equal to but not less than 10% of the offer.

SECTION VI: This Ordinance shall become effective thirty-one (31) days from enactment.

ENACTED and **ORDAINED** this 20th day of April, 2009 by the Board of Supervisors of Tredyffrin Township.

BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP

ATTEST:

By: _____
Warren E. Kampf, Chairman

Mimi Gleason, Manager