



CITY OF VALLEY CENTER PURCHASING POLICY

SECTION 1: GENERAL PROVISIONS

1. Policy Objective

It is the objective of the Governing Body to maximize the purchasing power and value of public funds and ensure the purchasing process is conducted in an ethical, fair and open manner.

1.1 Acquisition of Goods and Services

The acquisition of goods and services by or on behalf of the City of Valley Center, its agencies, departments, officials and authorized agents, should be made in a manner and method which provides for the prudent expenditure of City funds; provides for maximum protection of the taxpayer; prevents waste, conflict, and impropriety; provides for equal access and opportunity in an open and competitive environment to all suppliers, with regard to factors related to quality, cost and availability of the goods and services; and which complies with all applicable federal, state and local laws, rules and regulations.

1.2 Self-imposed Constraints

Even though the Governing Body approves a level of expenditures for any given department, that approval, in and of itself, is neither a permit nor a directive to expend funds unless the need exists at the time of purchase and the goods or services to be purchased are within the budget limits.

1.3 Familiarity with Policy

All personnel of the City responsible for purchases shall become familiar with and follow the City's policies and procedures as they relate to purchasing. Supervisors shall be cognizant of their respective budget limitations and initiate purchases accordingly. It is the responsibility of the individual departments to anticipate requirements and initiate action to purchase goods and services in advance of the time they are needed.

1.4 Public Access to Purchasing Information

Purchasing information shall be a public record to the extent provided by state statute and shall be available to the public as provided in such statute.

1.5 Application

This policy applies to all purchases and contracts entered into by the City. It shall apply to every expenditure of public funds for supplies and materials by a public department for public purchasing irrespective of the source of the funds. If City staff or resources are used in any manner, this policy shall apply. When the purchase involves the expenditure of federal or state assistance or contract funds, the purchase shall be conducted in accordance with any mandatory applicable federal and/or state laws and regulations. Nothing in this policy shall prevent any public department from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

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SECTION 2: DEFINITIONS

CHANGE IN SCOPE OF WORK – a modification or amendment that alters the project from what was originally envisioned.

CHANGE ORDER – a change in the time and/or price in a contract.

CITY EMPLOYEE – an individual drawing a salary or wages from the City.

CITY ADMINISTRATOR – the Chief Administrative Officer of the City hired on either a permanent or interim basis by the Governing Body.

CONSTRUCTION – the process of building, altering, repairing, improving or demolishing any public structure or facility or other public improvement of any kind.

CONTRACT – a legally binding promise enforceable by law.

DEPARTMENT HEAD – the director designated by the City Administrator to direct the administration of the department and is charged with certain duties and responsibilities, or his/her authorized representative.

EMERGENCY – those unforeseen circumstances that present an immediate threat to public health, welfare, or safety; or when immediate response is necessary to prevent further damage to public property, machinery or equipment; or when delay would result in significant financial impacts to the City or significant interruption to the project schedule as determined by the Department Head and City Administrator.

GOVERNING BODY – the elected officials comprising the ruling body of the City that performs the legislative function for the City regarding policies and procedures; currently the city commission.

INVITATION FOR BIDS – all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

MODIFICATION – any written alteration to a provision of any contract accomplished by mutual agreement of the parties to the contract.

RESPONSIBLE BIDDER – a contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract; who must possess the full capability, including financial and technical, to perform as contractually required; and who must be able to fully document the ability to provide good faith performance. Documented poor performance on prior contracts for goods or services may suspend a contractor from consideration for award.

REQUEST FOR PROPOSALS – all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is a factor in selection.

REQUEST FOR QUALIFICATIONS - all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is considered after selection. This is usually applicable for engineering, architectural, consulting and other specialized or technical services.

SCOPE OF SERVICES – a detailed description of the tasks to be performed by the successful bidder.

SECTION 3. PURCHASING AUTHORITY AND LIMITS FOR GOODS & NON-PROFESSIONAL SERVICES

3. Purchases of less than \$1,000

Purchases up to \$1,000 can be made by employees with approval by the department superintendent or department head. Quotes are encourage but not required. Purchases of less than \$1,000 should be distributed equitably among suppliers.

3.1 Purchases of \$1,000 to \$5,000

Purchases of at least \$1,000 but less than \$5,000 may be made by the department head or his/her designee. These purchases require the department to obtain at least three (3) fax, email and/or informal written quotes.

3.2 Purchases of \$5,000 to \$10,000

Purchases of at least \$5,000 but less than \$10,000 may be made by the City Administrator. These purchases require the City Administrator or designee to obtain at least three (3) fax, email and/or informal written quotes.

3.3 Purchases above \$10,000

Purchases of at least \$10,000 or more will be awarded by the Governing Body. Any purchase of at least \$25,000 will be awarded by advertised formal competitive sealed bid. Formal sealed bids shall not be required when a request has been submitted in writing to the Governing Body stating the reasons that it is not practical or advantageous to call for a competitive bid, and the Governing Body has approved the request.

3.4 Emergency Purchases

Exceptions from the purchasing policy will be made for the following items or circumstances:

- For emergency maintenance of structures, city infrastructure and equipment that cannot be postponed until action can be taken by the Governing Body.
- For situations where the safety of the public or employees is at-risk and prompt action is justified to prevent possible injury or death.

3.5 General Exceptions to the Purchasing Policy

The following list includes general exceptions to the purchasing policy:

- Regular monthly utility payments; and fuel, oil, chemicals or other commodities for which budget accounts have been established.
- Procurement of goods in which pricing is so volatile that vendors decline from participating in the sealed bid process, for example, asphalt or other oil-based products. These products may be obtained through written quotes.
- Seminar and training registrations and professional membership dues and fees.
- Sale of temporary notes and bonds.
- Purchase of land, land rights, or existing real property.

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- Employee compensation, employee reimbursements, and employee benefits, including but not limited to premiums for health, life or disability insurance, payments to pension or deferred compensation plans, employment or payroll taxes.
- Interfund and operating transfers and reimbursements, including payments to Internal Service Funds.
- If the goods or services being purchased are such that the required number of competitive quotes cannot in good faith be obtained, despite the exercise of due diligence, then that requirement shall not preclude the purchase of the goods or services.
- When the price or method of acquisition is prescribed by law.

This list is not all-inclusive and may be amended at any time by the Governing Body.

SECTION 4. VENDOR SELECTION

4.1 Vendor Participation

Vendors interested in receiving requests for bids and proposals should monitor the City's website at www.valleycenterks.org. In an effort to attract bids from local and knowledgeable vendors, the requesting department is encouraged to notify vendors known to have adequate expertise.

In order to be eligible to submit a bid to the City for the installing, improving or construction of any of the City's street paving, stormwater utility drainage, water line, sanitary sewer line and related work on public utilities and public works (to the extent the same are located or to be located within the public right-of-way), a bidding contractor must be listed with the Kansas Department of Transportation on its Pre-Qualified Contractor's List, as then published and in effect in the State of Kansas at and during the time bids are solicited by the City and due. The governing body reserves the right to waive such requirement in any specific case, and any approval by the governing body of a contract with any non-qualifying bidder or contractor shall be deemed absolute and intentional waiver of this pre-requisite.

4.2 Irresponsible Vendors

Any vendor who fails to comply with the terms of an awarded bid, quote or required specifications may be declared an irresponsible vendor upon recommendation of a member of Senior Management and/or Department Director and approval of the City Administrator or his/her designee. Any vendor wishing to appeal this decision may request the City Administrator or his/her designee present the appeal to the governing body for review and final determination. An appeal shall be submitted in writing within five (5) working days after the aggrieved knows or should have known of the facts.

If Federal funds are utilized for acquisition of goods or services, the potential vendor, contractor, or subrecipients must not have a suspended or disbarred status on SAM.gov.

SECTION 5. FORMAL BIDDING PROCESS

5.1 Formal Bidding Requirements

These requirements shall apply to purchases of \$25,000 or more.

5.2 Invitation for Bids

An invitation for bids shall be issued and shall include specifications and contractual terms and conditions applicable to the purchase. Criteria for evaluation shall be set forth in the Invitation for Bids.

5.3 Public Notice

Adequate public notice of the invitation for bids shall be given for a reasonable time, no less than ten calendar days prior to the date set forth therein for the opening of bids. Such notice shall be filed with the City Clerk and made available for public inspection and posted on the City's website.

5.4 Bid Requirements

Bid Documents shall include:

- Include a general description of the article(s) or services to be purchased or supplied;
- Location where bid forms and specifications may be obtained;
- State the time and place for the opening of bids;
- Specify the amount and form of the bidder's security deposit if required;
- State that bids shall be submitted and contracts awarded pursuant to the provisions of this policy and any other applicable rules, regulations or conditions;
- State that the Governing Body may reject any and all bids for any reason;
- A statement detailing the evaluation criteria to be used for bid acceptance and evaluation.

Each bid submitted to the City shall be signed, enclosed in a sealed envelope and filed as stated in the advertisement for the bid. Fax or email bids will not be accepted. The City Administrator may waive technical irregularities in the bid requirements in this Purchasing Policy, or in the advertisement of the bids, if the City Administrator finds that such waiver does not compromise the integrity of the bidding process.

5.5 Bid Opening

Sealed bids shall be submitted as set forth in the published notice, and shall be identified as "bids" on the envelope and opened by the City Administrator, or designee, at a time and place stated in the published notice. A tabulation of all bids received shall be open for public inspection at Valley Center City Hall.

5.6 Tie Bids

If two (2) or more bids are received for the same total amount or unit price and all other applications being found equal, the Governing Body may accept either bid.

5.7 Late Bids

Bids not submitted by the required deadline are ineligible for consideration and will not be opened.

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5.8 Bid Rejection and Re-advertisement

The Governing Body may, at its discretion, reject any and all bids and may re-advertise for bids pursuant to the procedures prescribed by this policy.

5.9 Performance Bond

The City may require a performance bond in such amount as it may deem necessary to protect the interests of the City and the form and amount of such bond shall be specified in the notice inviting bids.

5.10 Security Deposit

In all transactions in which sealed bids are required, the Governing Body or the City Administrator may require and specify the amount and form of the bidder's security deposit in the notice inviting bids.

The security deposit of the successful bidder shall be held to secure the capacity, readiness and willingness of the successful bidder to execute the contract. The deposits of the unsuccessful bidders shall be mailed to those bidders within ten (10) business days following the bid assignment. The successful bidder shall forfeit the deposit of bid security upon refusal or failure to execute the contract within ten (10) business days notice of award of the contract, unless otherwise specified.

SECTION 6. SOLE SOURCE PURCHASING

6.1 Sole Source Criteria

The following are the criteria that must be met in order for the purchase to qualify as a sole source purchase:

- The vendor is the original equipment provider and required parts or equipment are unavailable from another vendor;
- The compatibility or conformity with City owned equipment, materials or expertise in which non-conformance would require the expenditure of additional funds;
- No other equipment is available that shall meet the specialized needs of the Department or perform the intended function;
- Detailed justification is available which reasonably establishes that the vendor is the only source practicably available to provide the item or service required;
- Written demonstration and justification is available which reasonably and practicably establishes that the selection of a sole source vendor is in the best interest of the City.
- The purchase of an item where compatibility is the overriding consideration, such as to maintain standardization or compatibility, or to match materials already in use to produce visual harmony

6.2 Sole Source purchases utilizing Federal funds must meet one or ore of the following criteria:

- Can utilize micro-purchase threshold
- Item only available from one source
- Competition inadequate after solicitation attempts

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- Public emergency will not permit delay in purchase
- Awarding Agency Approval

SECTION 7. CHANGE ORDERS

7.1 General

All change orders for approved projects will come before the Governing Body for approval.

7.2 Emergency Situations

In certain limited emergency situations or due to the state of construction in progress, to prevent a lengthy delay in a project, safety concerns, and the protection of City assets and resources, the City Administrator, with notification to the Governing Body, can authorize a change order in an amount not to exceed \$25,000, but not in excess of the overall project budget, whichever is less. After authorizing the change order, the change order is prepared and submitted to the Governing Body for ratification. These change orders may involve such issues as cost changes and extensions of time.

SECTION 8. COOPERATIVE PURCHASES AND STATE BID AWARDS

8.1 Introduction

Cooperative purchasing is a process by which two or more jurisdictions cooperate to purchase items from the same vendor. This form of purchasing has the benefits of reducing administrative costs, eliminating duplication of effort, lowering prices, sharing information and taking advantage of expertise and information that may be available in only one of the jurisdictions.

8.2 Cooperative Purchasing

The City may contract directly with other governmental entities for the purchase of items. The City may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby items are procured in accordance with a contract established by another governmental entity provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity. Participation in cooperative purchases as described in this section is exempted from competitive bidding and advertising requirements.

8.3 State Bids/Contracts

The State of Kansas bids many common requirements and makes the award results available to any governmental agency. State bid awards enable government agencies to purchase goods and services at a reduced price due to quantity discounts and do not require the bidding process by individual agencies. State bids are considered to meet the sealed bid requirements.

SECTION 9. PROFESSIONAL SERVICES

9.1 Procedure

Contracts for professional services and other specialized or technical services shall be obtained through the following process and not the process in Section 3:

- The Department Head shall prepare a scope of services to determine the format to be used, identify any special requirements, outline a timeline for the project, estimate costs, define roles, and identify potential respondents.
- Based on the scope of services, the Department Head shall prepare a Request for Proposal or Request for Qualifications, as applicable, designed to ascertain the vendor qualifications, and obtain brochures and any other information which may be used by the selection committee during their evaluation of the proposals.
- A selection committee shall be established by the Department Head or City Administrator to review the proposals and rate each firm according to the evaluation criteria established in the Request for Proposal/Qualifications. The committee must include staff members from more than one city department. However, in the event the estimated cost of the scope of services in the Request for Proposal/Qualification exceeds \$25,000, the applicable Department Head shall serve on the selection committee for that proposal evaluation.
- The Department Head or his/her designee shall prepare a recommendation of award for Governing Body approval.

9.2 General Exceptions

Upon approval of the City Administrator, professional services under \$5,000 may be exempt from the Request for Proposal and competitive bidding process.

SECTION 10. CONSTRUCTION CONTRACTS

10.1 Bid Procedure

Construction contracts shall be bid in accordance with the procedures established in Section 3 of this policy according to applicable price range and Section 4 of this policy.

10.2 Contracts Supervised by Outside Consulting Services

Construction contracts shall be prepared by the Consultant. The Consultant shall distribute the bid package to potential bidders. The Consultant or Department Head shall schedule a bid opening with the City Clerk where bids will be opened publicly in the presence of one or more witnesses at the time and place designated in the bid package. The amount of each bid, and such relevant information as the City Clerk deems appropriate, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection. The final award of the bid shall be communicated to the successful bidder by the Consultant or the Department Head or his/her designee.

10.3 Contract Administration

A contract administration system shall be maintained by the Department or Consultant designed to ensure that a contractor is performing in accordance with the solicitation, terms and conditions under which the contract was awarded.

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SECTION 11. GENERAL INSTRUCTIONS

11.1 Local Business Preferences

Local vendors may receive preference in the amount up to five percent (20%) of the lowest, responsible, and responsive bid.

11.2 Geographical Priority

Local preference applies to businesses in the following order: (1) those within City of Valley Center corporate limits; (2) those located within Sedgwick County; (3) those located within the metropolitan area; and (4) the State of Kansas.

11.3 Other Considerations

Goods and services purchased by the City shall be purchased from local merchants and businesses, unless:

- Such goods of like quality and services are not immediately available locally; or
- The cost of such goods or services plus taxes, shipping and handling exceeds that allowed by the local preference limits; or
- Federal/State funds or other funds are used that prohibit the application of the preference; or
- The business entity has any outstanding liens, fines or violations or other debts with the City of Valley Center.

11.4 Product Specifications

It is the responsibility of the department to write their specification and establish the quality of the product or service required. Specifications shall be written to require competition at the manufacturer's level when possible. Use of a brand name specification shall include the designation "or an approved alternate." A "no substitute" request must be justified by the department as to why no other brand will meet the need.

11.5 Multiple Purchases

Making multiple purchases for the purpose of avoiding the bidding process shall not be permitted and shall be considered a violation of this Policy.

11.6 Unauthorized Purchases

The purchase of an item must be made in accordance with the Purchasing Policy and Procedures. Any purchase of item, which does not comply with these procedures shall be considered an unauthorized purchase. Whenever funds have been expended or payment cannot be avoided on an unauthorized purchase, anyone may report the matter in writing to the Department Head or the City Administrator for action. Said action may include discipline in accordance with the City's disciplinary policies.

11.7 Minimum Insurance and Bonding Requirements for Contract Awards

Contract awards shall be made only to contractors that possess the ability to perform successfully under the terms and conditions of a proposed procurement. Contracts awarded shall include the following guarantees, except when an exemption is provided:

- A performance bond on the part of the contractor for 100% of the contract price for any contract exceeding the sum of \$100,000.
- All construction contractors and subcontractors are to carry Workman's Compensation Insurance for all employees who work on the premises, as well as:
 - a. Manufacturer's and Contractor's Public Liability Insurance as appropriate for the project (Minimum requirement - \$1,000,000)
 - b. Property Damage Insurance to protect them from claims for property damage. (Minimum requirement - \$1,000,000)
 - c. Any and all additional insurance required by the laws of the State of Kansas.
- If any subcontracting is let, prime contractors will be required to ensure the subcontractors comply with the provisions of this plan and with all applicable required federal and state regulations. All subcontractors must be licensed through the City and provide evidence of insurance if applicable.
- Any insurance requirements required for state and/or federal funds are also incorporated into this document by reference and will be adhered to on such projects. All proof of insurance and bond documents shall be provided to the City Clerk prior to Contractor beginning work on any City project.

11.8 City Attorney Review of Agreements

All rental, lease agreements or contracts for goods and services must be reviewed by the City Attorney and be authorized by the City Administrator, except where otherwise permitted under this policy. A copy of all rental, lease agreements or contract requiring payment must also be forwarded to the Finance Department for processing at least thirty (30) days prior to the due date of the first payment.

11.9 Municipal Tax Exemption

The City is tax exempt as a political subdivision under Section 4221(b) of the IRS Code and K.S.A. 79-3606, except for personal property used in a business setting. Department Heads are responsible for obtaining the latest tax-exempt certificate and for remitting it to the appropriate vendor prior to every purchase.

11.10 Non-Appropriation Clause

Kansas law (K.S.A. 10-1101 et seq.) requires the City to operate on a cash basis. Except as otherwise provided by law, it is unlawful for the City to create any indebtedness in excess of the amount of funds actually on hand for such purpose. Any contract that would create financial

obligations to the City beyond the current, fiscal year must include provisions for non-appropriation of funds, such as the following: The City's financial obligations contained herein are subject to annual appropriations of funding in the municipal budget during each calendar year the agreement remains in effect. The City shall make a good faith effort to fund said financial obligations on an annual basis. If the City determines not to do so, the agreement shall be cancelled as of the date of non-appropriation, without penalty or additional liability to either party.

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11.11 State and Federal Laws

The City will comply with all state statutes, federal laws, and regulations related to local government purchase.

SECTION 12. BUDGET

12.1 Annual Budget Approvals

The Governing Body determines expenditure levels through the formulation and approval of the annual budget. In performing this policy-making function, the Governing Body establishes a set of goals, priorities, and performance standards by which the City organization directs its collective effort toward accomplishing. The adoption of the annual budget is the approval of a level of expenditures necessary to accomplish the goals and objectives that have been established for each City program. All purchases made by the City are presented for approval by the Governing Body through appropriation ordinances presented at each regular meeting of the Governing Body.

12.2 City Administrator Authority

The City Administrator is delegated the responsibility by the Governing Body to carry out a program of services to the community. It is the City Administrator's responsibility to manage the annual budget in such a way that the goals and priorities of the Governing Body are accomplished. All regulations, as well as recommendations for changes in general procurement policy, will only be made with the approval of the City Administrator. Under this system of control, the City Administrator has delegated this responsibility and authority to respective Department Heads.

12.3 Department Head Authority

Department Heads are responsible for meeting the goals and objectives established by City Management and are provided budgeted funds to attain those goals. Each Department Head has the responsibility and authority to make certain that purchases are within the scope of the adopted budget. Although City Management has established goals and levels of expenditure for each program, approved budget authority is not a permit nor a directive to expend funds, unless the need for the product continues to exist at the time of purchase and the price of the product is within the parameters of the budget as stated above. In addition, these criteria must be ultimately weighted against the availability of funds and the relationship of the department goals to overall City priorities.

12.4 Governing Body Authority

No increases to dollar limitations or changes to the intent of this policy shall be made without approval of the Governing Body.

SECTION 13. LEASE OF REAL PROPERTY

13.1 In General

The Governing Body may lease real property which is currently underutilized in order to maximize the return on the property to the City until such time as such properties shall be required for public usage, after following an applicable process which results in a fair market value determination which is financially most advantageous to the City. Nothing herein shall prevent the City Administrator or designated representative from negotiating the lease to a Lessee of any real property that is shown to have a unique value to such Lessee due to its configuration, accessibility or size. The Governing Body shall have final approval of all such negotiations and any transaction.

SECTION 14. PROCUREMENT CARDS

14.1 Procurement Card Purchases

Please refer to the Procurement Card Policy for information regarding the City's procurement card program.

SECTION 15. DISPOSAL OF CITY ASSETS

15.1 K.S.A. 12-101

K.S.A. 12-101 allows cities to "sell and convey real or personal estate owned by the city." When an item no longer is needed by a City Department, the respective Department Head should attempt to redistribute the item within City Departments. Should there be no need for the item across City departments, such items may be given to other local governmental agencies, local not-for-profit agencies, or may be sold or traded outside of the City. If sold, departments shall determine an applicable fair market value which is financially most advantageous to the City. Unusable property or parts that have a market value will be sold "as is" through available markets approved by City Management. Usable property which cannot be relocated across City departments will be disposed of in accordance with the following procedures:

- *Limitations.* Any asset which, at the time of purchase, was paid by City warrant in the amount of \$15,000 or more, must receive approval by the City Administrator.
- *Prohibitions.* Under no circumstances will any employee, or family-member of an employee, have access to or ownership of any asset that is being disposed of in accordance with this policy unless such asset is being offered for sale to the general public and the process for such sale is open to any individual intending to offer a bid on such asset.
- *Documents.* All documents will be disposed of in accordance with State policies governing same. Any document which has, or appears to have, historical value will be separated for further examination by officials approved through the Kansas State Historical Society.
- *Computing Technology.* The IT Department shall be responsible for disposing of City computing technology assets. It is the responsibility of the IT Department and their employees to see that all data residing on any type of storage device is removed from any computing technology prior to the equipment leaving their possession.

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- *Notification.* Prior to transferring or disposing of City assets, each Department Head will determine whether such asset is part of the City's ongoing fixed asset inventory. If so, a complete description of the asset being transferred or disposed of will be sent to the Finance Department.

SECTION 16 CODE OF CONDUCT

16.1 General Standards of Ethical Conduct

- Any attempt to realize personal gain through City employment or public service by conduct inconsistent with the proper discharge of an employee's or public official's duties is a breach of public trust. Employees and public officials must comply with all conduct requirements as set forth in various policies and procedures.
- Any effort by non-employees to influence City employees and/or public officials to breach the standards set forth in this policy is also a breach of ethical standards.

16.2 Employee Conflict of Interest

- No City employee or public official, in his or her capacity as such, shall make or participate in the making of a contract with any person or business by which he or she is employed or in which he or she has a substantial interest. A public official or employee does not make or participate in the making of a contract if he or she abstains from any action in regard to the contract. Supervisors should be notified of situations where a conflict of interest may exist prior to any purchasing activity.

16.3 Employee Disclosure Requirements

- An employee or public official who has a substantial interest in any business that has a contract with or has submitted a bid to the City shall report such benefit to their supervisor. Any employee or public official who knows or should have known of such benefit and fails to report such benefit is in breach of ethical standards.

16.4 Gratuities and Kickbacks

- No vendor shall offer or give any employee or public official a gratuity or an offer of employment in connection with a purchasing decision. It shall be a breach of ethical standards for any employee or public official to solicit or accept a gratuity or an offer of employment in connection with any City purchasing decision. Gratuities shall not include pens, calendars or other novelty items used for advertising purposes, or occasional meals.
- It shall be a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor as an inducement for awards of a subcontract or order.

16.5 Use of Confidential Information

- It shall be a breach of ethical standards for any employee or public official to knowingly use confidential information for actual or anticipated personal gain.

16.6 Remedies for Breach of Ethical Standards

- Employees who violate the ethical guidelines during purchasing transactions will be subject to oral or written warnings/reprimands, suspensions with or without pay for specific periods of time, and/or termination of employment.
- Non-employees who violate the ethical guidelines during purchasing transactions with the City will be subject to written warnings, termination of transactions and/or disbarment or suspension from contracting with the City.
- The City reserves the right to pursue recovery of the value of anything transferred or received in breach of the ethical standards stated in this policy from both employees and non-employees.
- To the extent that a violation of the ethical standards set forth in this policy also constitutes a violation of federal, state or City law, it shall be punishable as provided therein. Such sanctions shall be in addition to the remedies set forth in this policy.

SECTION 17. RESPONSIBILITY FOR ENFORCEMENT

17.1 General

The City Administrator will have the responsibility for the enforcement of this administrative policy. Department Heads will be entrusted with the responsibility of enforcing the policy within their departments. This policy shall take effect and be in force from and after its passage and approval.