

ORDINANCE 2025-07

**AN ORDINANCE AMENDING CHAPTER 57 ENTITLED "PUBLIC PURCHASES" OF
THE CITY OF AUBURN CODE OF ORDINANCES**

SUMMARY

This ordinance amends and restates Chapter 57 entitled "Public Purchases" of the City of Auburn Code of Ordinances.

_____ Recorder's Office	_____ Publish Public Hearing
_____ Auditor's Office	_____
<u> x </u> Clerk's Office	_____ Publish O/R after adoption
_____ Other	_____

ORDINANCE 2025-07

AN ORDINANCE AMENDING CHAPTER 57 ENTITLED "PUBLIC PURCHASES" OF THE CITY OF AUBURN CODE OF ORDINANCES

SECTION 1. That Chapter 57 entitled "Public Purchases" of the City of Auburn Code of Ordinances is hereby amended as follows and in Exhibit "A":

57.01 PUBLIC PURCHASES

~~The City of Auburn Municipal Code is hereby amended to create a new chapter, which shall be codified as Chapter 57 and entitled "Public Purchasing".~~

~~Said Chapter shall read as follows:~~

The City of Auburn shall comply with and hereby adopts the purchasing procedures set forth in Indiana Code Sections 5-22-1 through 5-22-18 et seq., as amended from time to time.

All invitations for proposals and/or quotes shall provide a deadline for the receipt of the proposals and/or quotes.

All purchases for supplies by of the City of Auburn with an estimated cost of less than \$10,000.00 may be purchased on the open market without inviting or receiving quotes, between \$10,000.00 and

All purchases of the City of Auburn between \$0.00 and \$10,000.00, not including supplies, shall require the affected City Department to obtain at least two (2) quotes from a reputable vendor or supplier. If two (2) quotes cannot be obtained, the Purchasing Agent may use the procedures set forth under I.C. 5-22-10 for making said purchase and shall identify the reason for using the procedure set forth under I.C. 5-22-10, as amended from time to time.

All purchases for the City of Auburn between \$10,000.00 and \$50,000.00, shall require the affected City Department to obtain at least ~~three (3)~~ ~~two (2)~~ quotes from a reputable vendor or supplier. The Purchasing Agent shall approve the most responsive and responsible quote. If ~~three (3)~~ ~~two (2)~~ quotes cannot be obtained, the Purchasing Agent may use the procedures set forth under I.C. 5-22-10 for making said purchase and shall identify the reason for using the procedure set forth under I.C. 5-22-10 as ~~may be~~ amended from time to time.

Purchases under \$50,000.00 shall ~~not~~ require approval of the Auburn Board of Works and Public Safety only if a signature is required to complete said purchase.

Those purchases that are expected to be over \$50,000.00 in cost shall be made by the purchasing agent or a designee of the purchasing agent inviting quotes from at least four

(4) ~~three (3)~~ persons known to deal in the lines or classes of supplies, as defined by I.C. 5-22, to be purchased.

The purchasing agent or the purchasing agent's designee shall mail an invitation to quote at least seven (7) days before the time fixed for receiving quotes to the persons dealing in the lines or classes of supplies to be purchased.

If a satisfactory quote is received as determined by the purchasing agent or designee, the contract shall be awarded by the purchasing agent or designee to the lowest responsible and responsive bidder for each line or class of supplies required.

The purchasing agent or designee may reject all quotes.

If the purchasing agent or designee does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase supplies under the procedures set forth under Indiana Code 5-22-10 as ~~from time to time~~ amended from time to time.

The Board of Works must approve purchases over \$50,000.00 prior to said purchase being made by any division or department of the City of Auburn, Indiana (including the Auburn Parks Department). There is a duty to obtain the best, most competitive prices.

57.02 CONTRACTING WITH THE CITY OF AUBURN

A. As used in this chapter, "elected official" means:

1. The executive or a member of the executive body of the City of Auburn;
2. A member of the legislative body of the City of Auburn; or
3. A member of the fiscal body of the City of Auburn.

B. As used in this chapter, "relative" means any of the following:

1. Spouse.
2. A parent or stepparent.
3. A child or stepchild.
4. A brother, sister, stepbrother, or stepsister.
5. A niece or nephew.
6. An aunt or uncle.
7. A daughter-in-law or son-in-law.
8. A brother-in-law or sister-in-law

C. For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.

D. For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

E. An annual report must be filed by the City of Auburn with the state board of accounts under IC 5-11-13-1 and must include a statement by the executive of the unit stating whether the unit has implemented a policy in accordance with applicable Indiana law.

F. The City of Auburn, Indiana may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

1. An individual who is a relative of an elected official; or

2. A business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this section are satisfied and the elected official does not violate Indiana Code Section 35-44-1-3.
- G. The City of Auburn, Indiana may enter into a contract or renew a contract with an individual relative or business entity owned by a relative if the elected official files with the City of Auburn a full disclosure, which must:
 1. Be in writing;
 2. Describe the contract or purchase to be made by the City of Auburn;
 3. Describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 4. Be affirmed under penalty of perjury;
 5. Be submitted to the legislative body of the City of Auburn and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase, with:
 - a. The state board of accounts;
 - b. The clerk of the circuit court in the county where the unit takes final action on the contract or purchase.
 6. The City of Auburn Board of Public Works shall also:
 - a. Make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - b. Make a certified statement of the reasons why the vendor or contractor was selected; and
 - c. Certify unit satisfies any other requirements under IC 5-22 or IC 36-1-12.
- H. An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.
- I. This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.
- J. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.
- K. If the state board of accounts finds that the City of Auburn has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.
- L. If the City of Auburn not implemented a policy under this chapter, the department of local government finance may not approve:
 - a. The City of Auburn's budget; or
 - b. Any additional appropriations for the City of Auburn;
 - c. For the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit adopted a policy under this chapter.

Received electronically 04/04/25

First Reading ____04/15/2025____

Second Reading _____


SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this


6th day of May, 2025.


James Finchum, Councilmember

ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 6th day of
May, 2025.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 6th day of May, 2025.


David E. Clark, Jr., Mayor

VOTING:

AYE

NAY

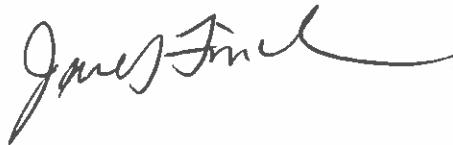
Natalie DeWitt



Rod Williams



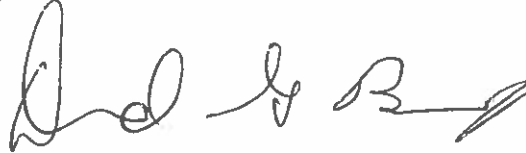
James Finchum



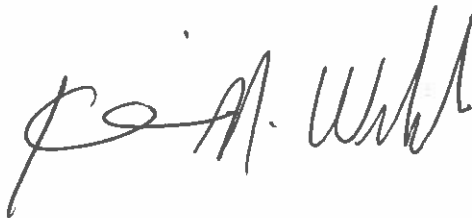
Dan Braun



David Bundy



Kevin Webb



Emily Prosser



Exhibit "A"

57.01 PUBLIC PURCHASES

The City of Auburn shall comply with and hereby adopts the purchasing procedures set forth in Indiana Code Sections 5-22 *et seq.*, as amended from time to time.

All invitations for proposals and/or quotes shall provide a deadline for the receipt of the proposals and/or quotes.

All purchases for supplies by the City of Auburn with an estimated cost of less than \$10,000.00 may be purchased on the open market without inviting or receiving quotes.

All purchases of the City of Auburn between \$0.00 and \$10,000.00, not including supplies, shall require the affected City Department to obtain at least two (2) quotes from a reputable vendor or supplier. If two (2) quotes cannot be obtained, the Purchasing Agent may use the procedures set forth under I.C. 5-22-10 for making said purchase and shall identify the reason for using the procedure set forth under I.C. 5-22-10, as amended from time to time.

All purchases of the City of Auburn, between \$10,000.00 and \$50,000.00, shall require the affected City Department to obtain at least three (3) quotes from a reputable vendor or supplier. The Purchasing Agent shall approve the most responsive and responsible quote. If three (3) quotes cannot be obtained, the Purchasing Agent may use the procedures set forth under I.C. 5-22-10 for making said purchase and shall identify the reason for using the procedure set forth under I.C. 5-22-10 as amended from time to time.

Purchases under \$50,000.00 shall require approval of the Auburn Board of Works and Public Safety only if a signature is required to complete a purchase.

Those purchases that are expected to be over \$50,000.00 in cost shall be made by the purchasing agent or a designee of the purchasing agent inviting quotes from at least four (4) persons known to deal in the lines or classes of supplies, as defined by I.C. 5-22, to be purchased.

The purchasing agent or the purchasing agent's designee shall mail an invitation to quote at least seven (7) days before the time fixed for receiving quotes to the persons dealing in the lines or classes of supplies to be purchased.

If a satisfactory quote is received as determined by the purchasing agent or designee, the contract shall be awarded by the purchasing agent or designee to the lowest responsible and responsive bidder for each line or class of supplies required.

The purchasing agent or designee may reject all quotes.

If the purchasing agent or designee does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase supplies under the procedures set forth under Indiana Code 5-22-10 as amended from time to time.

The Board of Works must approve purchases over \$50,000.00 prior to said purchase being made by any division or department of the City of Auburn, Indiana (including the Auburn Parks Department). There is a duty to obtain the best, most competitive prices.

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 16. A daughter-in-law or son-in-law.
 17. A brother-in-law or sister-in-law
- O. For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.
- P. For purposes of this section, the terms “brother” and “sister” include a brother or sister by the half blood.
- Q. An annual report must be filed by the City of Auburn with the state board of accounts under IC 5-11-13-1 and must include a statement by the executive of the unit stating whether the unit has implemented a policy in accordance with applicable Indiana law.
- R. The City of Auburn, Indiana may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:
18. An individual who is a relative of an elected official; or
 19. A business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this section are satisfied and the elected official does not violate Indiana Code Section 35-44-1-3.
- S. The City of Auburn, Indiana may enter into a contract or renew a contract with an individual relative or business entity owned by a relative if the elected official files with the City of Auburn a full disclosure, which must:
20. Be in writing;
 21. Describe the contract or purchase to be made by the City of Auburn;
 22. Describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 23. Be affirmed under penalty of perjury;
 24. Be submitted to the legislative body of the City of Auburn and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase, with:
 - a. The state board of accounts;
 - b. The clerk of the circuit court in the county where the unit takes final action on the contract or purchase.
 25. The City of Auburn Board of Public Works shall also:

- a. Make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - b. Make a certified statement of the reasons why the vendor or contractor was selected; and
 - c. Certify unit satisfies any other requirements under IC 5-22 or IC 36-1-12.
- T. An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.
- U. This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.
- V. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.
- W. If the state board of accounts finds that the City of Auburn has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.
- X. If the City of Auburn not implemented a policy under this chapter, the department of local government finance may not approve:
 - d. The City of Auburn's budget; or
 - e. Any additional appropriations for the City of Auburn;
 - f. For the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit adopted a policy under this chapter.