

# **PURCHASING MANUAL POLICIES & CORRESPONDING PROCEDURES**



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## **General Policy Statement - All Purchases**

This Manual presents the City of Camden's (herein referred to as the "City") required purchasing process to assure uniformity of purchasing procedures as well as compliance with State and Federal Statutes and rules governing purchasing and the expenditure of public funds. Centralization of purchasing functions is key to an effective requisition and purchase order system, as well as control of public funds. Thus:

- A. Only the Purchasing Agent can initiate and conduct solicitations for informal quotations for the purchase of necessary goods and services. Strict adherence to this requirement will be enforced. Failure to adhere to these procedures will result in disciplinary action including possible termination.
- B. All vendors are to initially contact the Bureau of Purchasing directly regarding all requests for purchases and clarification thereof. The Bureau of Purchasing shall be available for clarification of specifications or existing contracts. The Bureau of Purchasing shall inform vendors on how to conduct business with the City.  
**VENDORS: DO NOT MAKE INITIAL CONTACT WITH USING DEPARTMENTS.**
- C. No individual, group or user agency<sup>1</sup> has the authority to legally and/or financially commit the City to any contract, agreement or purchase order for goods or services.
- D. All user agencies are required to adhere to the purchasing procedures in requisitioning all goods and services.

## **Laws of General Public Policy**

- A. All City employees must adhere to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq. The Local Government Ethics Law provides that no City official, officer, employee or person functioning in that capacity, or any member of their immediate family or business organization in which they have an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise or future employment or other thing of value from a vendor doing business with the City, for the purpose of influencing him/her, directly or indirectly in the discharge of his/her official duties.
- B. All City employees must adhere to the Local Unit Pay to Play Law, P.L. 2004 c.19, N.J.S.A. 19:44A-20.4 et seq. The Local Unit Pay to Play Law requires that all contracts with a value over \$17,500 (aggregation rules apply) be awarded pursuant to a "fair and open" process which is defined in the law, or a "non-fair and open" process. (See Appendix C-7)

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<sup>1</sup> The term "agency" means any department, division, bureau, or office of City government, which acquires goods or services purchased pursuant to these procedures.

C. All City employees must adhere to the Prompt Payment Law for Construction and Goods and Services Contracts

P.L. 2006, c.96 N.J.S.A. 2A:30A-1 et seq. The Prompt Payment Law intends to ensure that construction contractors submitting bills for completed work are paid on a timely, established schedule, and that the full chain of subcontractors receive timely payment from their hiring contractor. When payments are not made pursuant to the schedule, the law allows contractors to receive interest on the outstanding balance and, under certain circumstances, to halt work without being subject to a breach of contract clauses. The construction contracts to be affected include contracts which public bidding was required as well as those contracts under the bid threshold that are traditionally authorized through solicitation of quotes (See Appendix C-8)

P.L. 2018, c.127 establishes a prompt payment requirement that applies to goods and services contracts a contracting unit awards to a “business concern” under the Local Public Contracts Law (LPCL). The law applies to all goods and services contracts awarded on or after February 1, 2019 regardless of dollar amount and any contracts requiring either a single payment or multiple payments.

**NOTE: Since the overall purchasing process involves multiple steps, it takes a significant amount of time. Therefore, it is extremely important that the user agencies plan for the long term and allow sufficient time between the requisition form and the receipt of the goods and services described in the requisition.**

**I. Standard Purchasing Procedures (guided by N.J.S.A. 40A:11-1 et seq. & N.J.A.C. 5:34)**

**A. Preparation and Submission of a Requisition**

1. A Purchase Requisition (Appendix A) is prepared by a user agency for all goods and services required. **If goods or services are for the benefit of a City employee, this must be disclosed in the body of the requisition.** Each user agency’s requisition is subject to a three (3) part approval process consisting of the following:

**a. First Approval**

The requisition (orange copy) is generated by the user agency upon data entry of the requisition request into the computer system. (Appendix A) The User Agency’s Director must indicate his/her approval of the requisition by a signature on the requisition. The name of the Director must be printed below the signature line and dated.

1. When the Director signs the requisition, it must contain all of the following information:
  - a. Name of the User Agency
  - b. Date of Requisition
  - c. Appropriation Code
  - d. Delivery Point for Goods or Services Requested and Required Delivery Date
  - e. Quantity and Unit Amount Required
  - f. Full Description of Requested Purchase
  - g. Suggested Vendors, if any
  - h. User Agency Director's Approval/Signature
  - i. Date of User Agency Director's Signature
  
2. All requisitions are subject to delay or return if the above information is missing or incomplete. If any of the above-required information is missing or incomplete the Bureau of Purchasing, at its discretion, will either return it to the user agency or complete the requisition.
  
3. All requisitions should be submitted well in advance of when goods and services are required. Be advised that requisitions requiring the development of detailed specifications shall require formal contracts and will need more time to complete. Failure to adhere to this requirement could delay the processing of the request.
  
4. If the funding source is a federal, state or private grant, the agency must send the requisition to the Bureau of Grants Management for review and approval prior to submitting it to the Bureau of Purchasing (**See page 14- IV**).

**b. Second Approval**

The User Agency forwards the completed (orange form) requisition to the Bureau of Purchasing. Upon the receipt of a completed requisition, the Bureau of Purchasing will determine the method of purchasing (i.e. bids, quotes, State contracts, etc.) After pricing is finalized, the appropriate data, price, vendor, etc., is entered into the computer system for assignment of a purchase order number. This procedure completes the second approval of the requisition.

**c. Third Approval**

The Chief Financial Officer or his/her assigned designee, after review of the Requisition Listing will generate a hard copy of the Purchase Order. The Chief Financial Officer signs the Purchase Order and this completes the requisition purchase order encumbrance cycle. The Purchase Order is then signed by the

Purchasing Agent and mailed to the successful vendor or contractor.

Quotes will only be solicited if the estimated dollar amount exceeds the quote threshold, which is 15% of the bid threshold - \$6,600.00. If in excess of the bid threshold, which is \$44,000.00 (in the aggregate), a formal bid may be required.

## **B. Purchases under the Quote Threshold Established by State Law**

For goods or services less than the quote threshold, the purchasing procedure is as follows:

1. When price quotes are obtained either in writing or verbal by the Bureau of Purchasing, the Purchasing Agent approves the requisition for a Purchase Order which is a five (5) part form (see Appendix B) consisting of:
  - White - Claimant's copy;
  - Blue - Vendor's copy;
  - Green - Finance Department's copy;
  - Pink - Purchasing's copy;
  - Yellow - User Agency's copy (receiving report);
2. The Bureau of Purchasing mails the vendor the white and blue copies of the Purchase Order. The white copy authorizes the vendor to sign and execute the Purchase Order, which then serves as the contract. The white copy (the claimant's copy) contains the Certification Declaration. This claimant's certification on the purchase order must be clearly signed, titled and dated by the vendor and **returned only** to the Department of Finance. Vendors must include with the signed purchase order their invoice. The blue copy (the vendor's copy) is kept by the vendor for their files.
3. The pink copy remains with the Bureau of Purchasing for future review and filing. The pink copy will be placed in the Bureau of Purchasing master file.
4. The yellow (receiving report) is forwarded by the Purchasing Bureau to the user agency.
5. When the goods or services are properly received or performed, inspected and verified as conforming to the order, the user agency's designee authorized to take receipt of the goods/services, signs the yellow copy, verifying receipt of goods or performance of service and returns it to the Department of Finance. **THIS IS A CRITICAL STEP. PAYMENT WILL NOT BE MADE TO THE VENDOR UNTIL THE YELLOW COPY OF THE PURCHASE ORDER IS SUBMITTED TO THE DEPARTMENT OF FINANCE.** In the case of partial payments, a copy of the original receiving report must be signed and forwarded

to Accounts and Controls. In the case of the last payment, the original receiving report must be marked as “close out” payment, and forwarded to Accounts and Controls.

6. When goods or services are not received or performed satisfactory, the receiving report should not be forwarded to the Finance Department. The Bureau of Purchasing must be notified by the user agency in order to resolve the situation. The Purchasing Agent will contact the vendor to resolve the discrepancy (i.e. replacement, removal from invoice). No payment will be authorized until goods or services are performed according to specification(s) and/or contract terms.
7. The vendor returns the white copy along with their invoice to the Department of Finance (as outlined in Appendix B).
8. The Department of Finance reviews the purchase order packet for completeness of a matching yellow receiving report and if satisfactory, the Account & Controls section will process the packet for payment. **Purchases involving Grant funding must be reviewed and approved by Grants Management prior to processing the payment (See page 14- IV).**

Note: Packet for payment consists of

- White - Claimant’s signed copy & vendors invoice;
- Green - Comptroller’s copy;
- Yellow - User Agency's copy (Receiving Report);

### **C. Purchases Over Quote Threshold But Under Bid Threshold**

For goods or services over the amount of the quote threshold but under the bid threshold, the purchasing procedure is as follows:

1. User agency requisition is submitted to Purchasing Agent. If requisition is approved, the Purchasing Agent solicits quotations.
2. The City normally selects the vendor submitting the lowest responsible quote, with price and other factors, State & Federal, considered. Whenever possible, three (3) quotations will be solicited by the Bureau of Purchasing. The Bureau of Purchasing retains all quotation documents as backup information for purchase orders.

### **D. Purchases Over Bid Threshold**

When the amount of the purchase exceeds the bid threshold, specific statutory and regulatory requirements must be followed in regard to: 1) preparation of written specifications; 2) the proper legal advertising; 3) preparation and implementation of

formal bid procedures; and 4) formal selection of vendor.

## **1. Written Specifications**

For goods and/or services in excess of the bid threshold, the Bureau of Purchasing obtains or prepares specifications and publicly advertises for bids. The Bureau of Purchasing, with the user agency's assistance, examines and determines the appropriate specifications to be used.

## **2. Bid Procedure**

- a. As part of the bid process, advertisements in the Public Notice section of an authorized newspaper must be published no less than ten (10) days prior to the receipt of bids. Therefore, it is important for user agencies to understand the time limitations and procedures required in the formal bid process. Understanding and knowledge of the process by user agencies will avoid unnecessary delays or confusion.
- b. At the time and date of the advertised opening of bids, the Purchasing Agent shall publicly open and read aloud the bids as to the name of the vendor and offered price.
- c. After reviewing the bids for compliance the user agency, with input from the Purchasing Agent, submits his/her recommendations(s) along with the request for City Council action documents to the Business Administrator.
- d. Upon approval of documents by the Business Administrator the request for City Council action documents are forwarded to the City Attorney for legal review and approval. The City Attorney forwards the request for council action documents to the Municipal Clerk's Office for inclusion on the council agenda.
- e. At the appropriate City Council meeting, the governing body will, through resolution as appropriate vote, either approve or disapprove the award of a contract. Item (s) "tabled" by the governing body will automatically be re-submitted for reconsideration by the Municipal Clerk at the next meeting.
- f. A contract is prepared by the City Attorney's Office when it receives an Agenda Summary from the Municipal Clerk which indicates the contract was awarded by the governing body.
- g. The City Attorney prepares the contract(s) and signs as to form. Four (4) copies are sent to the vendor, who must sign and return them to the City Attorney's Office. The Mayor must sign all copies. The Municipal Clerk acts as the witness and records all signed contracts.



Contracts are distributed as follows:

1. One copy is retained by the City Attorney's Office;
  2. One copy is sent to the user agency; (contract summary)
  3. Municipal Clerk's Office maintains a copy;
  4. Bureau of Purchasing retains a copy.
  5. If the contract involves grant funding, an additional contract summary will be required for the Bureau of Grants Management.
- h. Contracts are returned to the Law Department by mail after review is completed and signature provided by contractor.
- i. Upon a fully executed contract, the Purchasing Agent forwards a purchase order to the contractor. This represents the contractor's Notice to Proceed.

#### **E. Contract Change Orders/Open End Contracts**

The City Council and Business Administrator shall take all steps so that all officials and employees shall be aware of and comply with the requirements of these rules (N.J.A.C. 5:30-11.1 et. seq.).

Change order(s) shall not take place without a resolution passed by the City Council. (See Appendix C-6) **(No exceptions).**

- a. Upon approval of documents by the Business Administrator the request for City Council action documents are forward to the City Attorney for legal review and approval. The City Attorney forwards the request for council action documents to the Municipal Clerk's Office for inclusion on the council agenda.
- b. At the appropriate council meeting, the governing body through resolution vote either to approve or disapprove the award of a change order. Item(s) "tabled" by the governing body will automatically be re-submitted for reconsideration by the Municipal Clerk at the next meeting.

#### **F. Partial Payments**

Any vendor requesting partial payment should be referred to the Department of Finance. Partial payments should be noted on the receiving report, by the user agency. Damaged goods or incomplete orders must be noted on the packing slip and sent to Purchasing Agent. The Purchasing Agent will contact the vendor to resolve the discrepancy (i.e. replacement, removal from invoice).

**No payment will be authorized until goods are received or services are performed according to specification(s) and contract terms.**

**G. Progress Payments**

Some contracts will require that goods or services be furnished over an extended period. The contract may provide for periodic progress payments as goods are provided or services are performed.

**II. Exemptions to Bidding Requirements**

Requests for utilization of any exemptions as authorized by state law must be initially submitted in writing to the Bureau of Purchasing by the user agency (40A:11-5). The City Attorney **shall review and approve all exceptions in writing** to bidding requirements in accordance with statutory guidelines and submit to the Purchasing Agent.

**A. State Contract Awards**

The State of New Jersey, through the Division of Purchasing and Property awards contracts that can be used by local units of government (N.J.S.A. 40A:11-12a). The user agency is responsible for consulting with the Bureau of Purchasing to verify whether vendors are currently on the state list and in good standing.

**B. Professional Services**

Certain services are occasionally required to handle specific matters relating to areas of expertise, which are governed through education, licensing and statutory requirements. The user agency, upon identifying the needed services, prepares a requisition and in consultation with the Law Department, determines whether the request qualifies as a professional service.

Professional Services, as defined in N.J.S.A. 40A:11-5 includes, but are not limited to, the traditional professional services (See Appendix C-1).

- Law
- Engineering
- Medicine
- Architecture
- Dentistry
- Accounting

A purchase order will be prepared by the user agency, upon normal encumbrance procedures, a request for action(s) by the governing body shall be forwarded by the

Business Administrator.

### **C. Emergency Procurements**

1. Emergencies which affect the public health, safety or welfare of citizens may require the immediate delivery of goods or the performance of services, N.J.S.A. 40A:11-6 discusses emergency contracts (See Appendix C-2).
2. A request with supporting documentation is submitted to the Business Administrator for review.
3. A written requisition for the performance of such work or labor or the furnishing of material, supplies or services is filed with the Purchasing Agent. The written requisition describes the nature of the emergency, the time of its occurrence and the need for involving emergency procurement procedures. This statement of need shall be certified by the Director in charge of the department [user agency] responsible for securing performance of the work or procurement of the goods required to address the emergency conditions described in the statement.
4. When goods or services cannot be obtained pursuant to procedural requirements, within the framework of N.J.S.A. 40A:11-6, a requisition must be prepared and hand carried to the Purchasing Agent. Only when a specified, definable danger to the public health, safety or welfare requires immediate delivery of goods/services, can the Purchasing Agent take the applicable steps necessary to execute a purchase order. Whenever practicable, the Purchasing Agent will attempt to obtain at least two written quotes for the goods or services necessary to resolve the emergency. If any quotes are received verbally, the Purchasing Agent must document the quotes in writing indicating the name of the vendor and the price quoted. The contract awarded will be limited to satisfying only the immediate needs of the emergent situation.
5. The City Council provides for payment.

### **D. Emergency Demolition Procedures**

**NOTE: the City's herein Emergency Demolition Procedures are currently being reviewed by the DCA/DLGS**

Abandoned and/or vacant properties can either collapse or pose hazards to the public safety. Consequently, a specific procedure has been developed to address these matters. The procedure consists of the following: (See Appendix C-3 and/or C-4)

1. The Construction Official or Fire Marshal declares a structure an imminent

hazard and calls for an emergency demolition of the structure(s) pursuant to N.J.A.C. 5:23-2.32 of the Uniform Construction Code.

2. The Construction Official, Fire Marshal or Director of Public Works prepares a requisition along with specifications and submits it to the Purchasing Agent.
3. The Purchasing Agent requests quotes from vendors who submitted proposals in response to the most recent demolition bid (vendors that have provided paperwork and proof of experience that supports their ability to perform this type of work). The quotes must be returned to the Purchasing Bureau within the time specified in the request. The contractor submitting the lowest responsible quote, with price and other factors considered is selected. The contractor is notified and the demolition work shall commence within three (3) hours of the contractor being notified to proceed by the Purchasing Agent.
4. At times the Director of Public Works may declare and document emergency demolition work for processing.
5. The official declaration for emergency demolition action document (letter from Construction Official and User Agency and any supporting documentation) is submitted to the Business Administrator for review.
6. All pertinent follow-up documentation (i.e. supporting documentation related to the emergency demolition project) is submitted for appropriate action by the governing body. The governing body authorizes payment.

#### **E. Extraordinary Unspecifiable Services (EUS)**

Extraordinary Unspecifiable Services (EUS) are specifically defined by state statute N.J.S.A. 40A:11-6.1b as services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor. (See Appendix C-5) If the user agency believes a service qualifies as a EUS, the agency must complete a certification, which contains the information supporting the request. The form of this certification is included in Appendix C-5a. Actions by the governing body in each instance must provide supporting rationale for its action in the resolution awarding each contract.

#### **F. Formal Contracts**

A formal written contract is required for all procurements over the bid threshold. The contract will be prepared by the Office of the City Attorney and approved as to form by the City Attorney.

Note: The only exception would be purchases done under State Contract, but City

Council action is required if the amount exceeds the bid threshold.

### **III. Specific Procedure for the Direct Voucher Process**

#### **A. Standard Procedure for a Direct Voucher**

A direct voucher is one that goes directly to the Department of Finance and does not require the approval or action of the Bureau of Purchasing. A direct voucher must be prepared when certain payments are made which do not require the utilization of the Purchasing Department. These specific services or payments include (but are not necessarily limited to):

- Disability;
- Employee Reimbursements;
- Judgments;
- Payroll Costs;
- Petty Cash;
- Refunds for reimbursement;
- Workers Compensation;

The direct voucher procedure is as follows:

1. A direct voucher is prepared by the user agency. The Department of Finance makes direct voucher forms available by request.
2. After the user agency Director signs the direct voucher, it is sent to Accounts Payable within the Department of Finance.
3. Accounts Payable personnel then review the direct voucher for proper completion of the direct voucher, pre-certification of the availability of funds and proper supporting documentation. Additionally, personnel must log, date stamp and record the direct voucher.
4. The direct voucher is then forwarded to the Chief Financial Officer for certification of the availability of funds.
5. Once the Chief Financial Officer gives the approval, the direct voucher is returned to the Accounts Payable section to be placed on the Bill List for payment, and recording of the expenditure(s).

#### **B. Required Information on a Direct Voucher**

Direct Vouchers must include the following information:

1. Name, address and tax identification number of vendor;
2. Date Direct Voucher generated;

3. Accurate description of the desired item(s);
4. Name of user agency;
5. Budgetary appropriation code;
6. Authorized signatures of user agency Director with date of signature;

An incomplete direct voucher will not be processed and will be returned to the user agency by the Department of Finance.

#### **IV. Federal, State or Private Grant Purchasing Procedures**

- A.** All grants are established as appropriation items and, as such, the purchasing process outlined in this manual shall apply. The statute, regulation or contract establishing the grant may contain requirements or restrictions that exceed those required by State law. The City will adjust its procurement practices to include using federal procurement standards when state and local procurement procedures are less restrictive than federal standards.
- B.** When a purchase is to be funded by grant funds, all requisition forms must be submitted to the Bureau of Grants Management by the user agency prior to being sent to the Bureau of Purchasing. The Bureau of Grants Management will review the requisitions for compliance with all applicable grant requirements, including eligibility and whether the activity is allowable within the scope of the grant. Grants Management after completion of review will forward requisition to the Bureau of Purchasing for determination for receipt of bids, quotes, state contract, etc.
- C.** Sub-recipient agreements are contractual arrangements with agencies, e.g., non-profits, which are to perform or administer federal, state or private grant funds to carry out programs on behalf of the City.
  - Sub-recipient agreements shall be processed in accordance with all applicable regulations of the original funding source. Such agreements shall be awarded by resolution of the governing body, and are executed only by **formal contract**.
  - The Bureau of Grants Management reviews all required documentation for sub-recipient agreements and prepares the necessary requisition(s). The requisition shall only be prepared after all request for proposals (RFP's), advertisements for bids if required, pre-award assessment(s) and ranking of proposals have been evaluated and approved by the Bureau. The Bureau of Grants Management then submits a fully completed and approved requisition, via the Business Administrator, to the Bureau of Purchasing for inclusion on the Council Agenda and subsequent award by the governing body by resolution. Instructions on the procedures can be found in the Bureau of Grants Management Procedural Manual. User agencies should contact

the Bureau for further instruction(s).

- D. Copies of all documentation pertaining to the grant shall be maintained in the Bureau of Grants Management. Such documentation shall include, but not be limited to, advertisement for bids or Requests for Proposals (RFP's), formal bids, contracts, payment vouchers, etc. The originals of all contracts shall be forwarded to and maintained by the Municipal Clerk.
- E. To ensure goods and services are procured in an effective manner and in compliance with Federal, State and local laws, there are several major requirements that should be met consistently. Reviewers must concentrate on administrative compliance and be alert to indications of fraud and abuse. When indications of irregularity are uncovered, additional assessment of the situation may be needed.

The above ensures that funds are awarded through fair and open competition and are spent on eligible and reasonably priced goods and services. Although the bulk of sub recipients and grantees adhere to these rules and regulations, the following integrity bulletin (Appendix C9a) from the US Department of Housing and Urban Development Office of Inspector General will assist you in identifying potential weaknesses in procurement and contracting procedures.

Refer to the Grants Procedural and Operations Manual for further information pertaining to overall Grant Purchasing Procedures:

<https://www.ci.camden.nj.us/wp-content/uploads/2018/01/Grants-Managements-Procedural-Operational-Manual-2017-revd-10-25-172.pdf>

## **V. Fixed Assets and Property Management**

### **A. Fixed Asset Recording**

Proper management of fixed assets is required by user agencies, pursuant to New Jersey Department of Community Affairs, Division of Local Government Services' Technical Accounting Directive No. 85-2. A physical inventory of personal property/fixed assets must be taken and the results reconciled with personal property records at least once every two (2) years and maintained by the Finance Department. Property records must be maintained to include:

1. Description of the property
2. Serial number/identification number
3. Source of property
4. Title holder
5. Acquisition date
6. Cost of property
7. Location of property
8. Date of disposal (or sale) of property

Regardless of financial source, all property including those purchased via grants are to be managed with the recorded information as detailed above. In addition, any purchase with grant funds must also indicate the following:

1. Sources of grant funds - i.e., grantor agency
2. A separate accounting of fixed assets categorized by provider of grant
3. Follow the disposition of asset rules as stated in OMB A-102: Common Rule & Technical Accounting Directive #2: Accounting for Governmental Fixed Assets (refer to the Grants Procedural and Operations Manual for further information).

#### **B. Inventory Testing**

A Product Material Inspection (PMI) must be conducted by the user agency upon receipt of all goods, material or equipment. All such item(s) received must be inspected and examined to ensure that they function according to the specified purchase requirements.

Damaged goods and/or incomplete orders must be recorded on the Receiving Report and sent the Purchasing Agent. The Purchasing Agent will contact the vendor to resolve the discrepancy (i.e. replacement, removal from invoice). **No payment will be authorized until goods are received or services are performed according to specification(s) and contract terms.**

#### **C. Sale or Other Disposition of Personal Property**

The user agency shall notify the Purchasing Agent of any surplus equipment to be auctioned or disposed of. "The Contracting Unit by resolution of its governing body may authorize, by sealed bid or public auction, the sale of its personal property no longer needed for public use (N.J.S.A. 40A:11-36). After approval by the governing body the Purchasing Agent will determine the method of disposal of personal property".

#### **VI. Special Area of Purchasing Application**

Construction or Public Works projects in connection with pass through charges must be authorized by the Purchasing Review Committee prior to commencement of the work. The Director of Public Works must provide written justification of why the pass through is necessary. **(No exceptions.)**

#### **VIII. Appendices Sample and list of statutory and regulatory citations**