



SUBJECT	ISSUED BY	EFFECTIVE DATE
PROCUREMENT POLICY	City Council	02/09/2024

SECTION 1. GENERAL PROVISIONS

Purpose.

The purpose of this Administrative Policy is to define procurement procedures for each city department to follow based on the type of good or service being acquired and to set forth the process for disposing of city assets. The Administrative Policy shall be effective from and after the date shown above. Any prior Administrative Policies adopted pursuant to this are hereby repealed.

Fundamental Principles. Generally, a good or service should be obtained at the lowest cost, consistent with the quality and service required to maintain efficient operations of City Departments. The quantity of goods purchased is determined through an examination of factors such as the number of units to be used, the period of use, space available, acquisition price, volume discounts, shipping time, obsolescence, and present and expected future availability of an item.

Acquisition of Goods and Services. The acquisition of goods and services by or on behalf of the City of Jamaica Beach, 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 of interest, 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 comply with all applicable federal, state and local laws, rules and regulations.

Self-imposed Constraints. Even though the City Council 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 good or service to be purchased is within the budget limits.

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.

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.

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.

SECTION 2. DEFINITIONS

BID BOND - provides a guarantee to the project owner that the bidder will complete the work if selected.

CITY COUNCIL – the governing body of the City of Jamaica Beach, composed of the Mayor and Councilmembers duly elected or appointed in accordance with the Statutes of the State of Texas.

CITY EMPLOYEE – an individual drawing a salary or wages from the City, any non-compensated individual performing personal services for the City or any department, activity, commission, council, board, or any other entity established by the executive or legislative branch of the City; and any non-compensated individual serving as an elected official of the City.

CITY ADMINISTRATOR – the Chief Administrative Officer of the City appointed on either a permanent or interim basis by the City Council.

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, and generally, in writing between the City and one or more outside parties, regardless of form or title for the purchase of supplies, materials, services, professional services and construction.

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.

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.

PAYMENT BOND - type of surety bond issued to contractors which guarantees that all entities involved with the project will be paid.

PERFORMANCE BOND - a financial guarantee to one party in a contract against the failure of the other party to meet its obligations.

PROFESSIONAL LIABILITY INSURANCE - provides coverage against any claim which A contractor becomes legally obligated to pay as damages arising out of the performance of professional services caused by any negligent error, omission or act

RESPONSIBLE BIDDER – A contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract. Must possess the full capability, including financial and technical, to perform as contractually required. Must be able to fully document the ability to provide good faith performance.

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.

SPECIFICATIONS – a description of the physical or functional characteristics, or of the nature of a supply, service, or construction item; the requirements to be satisfied by a product, material or process indicating, if appropriate, the procedures to determine whether the requirements are satisfied, and/or the capabilities and performance characteristics that the item must satisfy.



SECTION 3. PURCHASING PROCEDURES

Purchasing Authority and Approval Table.

The following table shows who has the authority to make purchases.

Amount of Purchase	Authority for Purchase	Purchase Methods	Authority for Payment
\$1 - \$2,500	Employees with Supervisor or Department Head authorization	Lowest cost through cost comparisons	Department Head Finance Department
\$2,501 - \$15,000	Department Head or his/her designee	Fax quotes Email quotes Informal written bids (3 quotes preferred)	Department Head Finance Clerk
\$15,001 – \$25,000	City Administrator	Fax quotes Email quotes Formal written bids (3 quotes required)	Department Head Finance Clerk City Administrator
\$25,001 to \$50,000	City Administrator City Council	Fax quotes Email quotes Formal written bids (3 quotes required)	Department Head Finance Clerk City Administrator
\$50,001 or more	City Council (awarded contracts above \$50,000)	Advertised formal competitive sealed bid.	

Requisitions / Purchase Orders.

Prior to making any purchase, employees must complete a purchasing authorization form listing a description of the item(s) to be purchased, the justification, dollar amount and the appropriate budget line-item number for recording the purchase. The forms must be signed by the authorized purchaser as outlined in the preceding table.

Historically Underutilized Businesses.

For expenditures of more than \$3,000 but less than \$50,000, employees must contact at least two historically underutilized businesses (HUBs) from a list provided by the Texas Facilities Commission through the state comptroller's office. If the list does not identify a HUB within Galveston County, then the purchase is exempt from this requirement.

Purchases of Goods and Non-Professional Services from a Single Vendor, Per Occurrence.

Any agreement for purchases, the duration of which shall exceed one year, shall be subject to annual appropriation approved by the City Council. The paid invoice/receipt detailing the transaction must be approved and signed by the department head or his/her designee before it is sent to the Finance Department. All purchases are reviewed by the Finance Clerk for payment.



Purchases of less than \$2,500.

Purchases up to \$2,500 can be made by employees with approval by the department supervisor or department head.

Purchases of \$2,501 to \$15,000.

Purchases of \$2,501 up to \$15,000 may be made by the department head or his/her designee. It is preferred that the department obtains at least three (3) competitive fax, email and/or informal written quotes.

Purchases of \$15,001 to \$25,000.

Purchases of \$15,001 up to \$25,000 may be made by the department head or his/her designee with City Administrator approval. These purchases require the department to obtain at least three (3) competitive fax, email and/or informal written quotes.

Purchases of \$25,001 to \$50,000.

Purchases of \$25,001 up to \$50,000 may be made by the department head or his/her designee with City Council approval. These purchases require the department to obtain at least three (3) competitive fax, email and/or formal written quotes.

Purchases over \$50,000.

Purchases over \$50,000 will be awarded by an advertised formal competitive sealed bid.

Invitations 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.

Public Notice. Adequate public notice of the invitation for bids shall be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first public action must be before the 14th day before the date set to publicly open the bids and read them aloud. If no newspaper is published in the municipality, the notice must be posted at city hall for 14 days before the date set to publicly open the bids and read them aloud. Such notice may also include publication in appropriate trade journals or publications and/or posted on the City's website to allow adequate time for bid preparation.

Bid Requirements. The bid documents shall include:

- 1) A description of the work to be performed or the product to be purchased.
- 2) The location where copies of plans, specifications, and other contract documents may be examined.
- 3) The time and place where bids will be received and time and place where bids will be opened and read aloud.
- 4) A statement that the City reserves the right to reject any or all bids and to waive any informalities or irregularities therein.
- 5) A statement that the City Administrator may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening



bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.

- 6) A statement setting forth requirements for bid and performance, labor, materials, bonds, product liability coverage warranty and worker's compensation insurance.

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.

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

Bid Openings. All bid openings shall be scheduled with the City Secretary prior to giving public notice of an invitation for bid. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such relevant information as the City Secretary deems appropriate, together with the name of each bidder, shall be recorded on the bid tab provided by the Department or Consultant. The record and each bid shall be open to public inspection. In the event of good cause, as determined by the City Secretary, bid openings may be postponed.

Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation, and delivery costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.

Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, bids may not be changed for the purpose of correcting an error in the bid price per Local Government Code Sec.A271.026.

Award. The bid shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids, subject to the right of the City to reject all bids. Awarded contracts of \$25,000 and above that were budgeted shall be forwarded to the City Council for approval and execution of the contract.

SECTION 4. CHANGES IN SCOPE OF WORK.



Through approval of this policy, a change in scope of work is considered a modification or amendment that alters the project from what was originally envisioned. Except as noted below, any modification or amendment of an existing contract's scope of work that increases the total compensation in an amount to exceed \$25,000 must be approved by the City Council prior to work commencing. Changes in scope that do not cause the total contract amount to exceed \$25,000 may be executed by the City Administrator.

In certain limited emergency situations, the City Administrator shall be given the authority to execute an emergency change of scope. The City Administrator shall only execute the emergency change of scope if the work qualifies as an "emergency" and the overall project budget is not exceeded. The emergency change of scope supplemental agreement will be submitted to the City Council for ratification at the next available meeting.

SECTION 5. CHANGE ORDERS.

Through approval of this policy, a change order is considered a change in the time and/or price in a contract. A change order is an amendment to the contract. The contract amendment should contain the changes in timeframe and/or in cost and must go to the City Council for approval. The original contract price may not be increased under section 252.048 (d) of the Texas Local Government Code by more than 25 percent. The original contract price may not be decreased under section 252.048 (d) of the Texas Local Government Code by more than 25 percent without the consent of the contractor. Except as noted below, any change order that increases the total contract amount greater than \$25,000 must be approved by the City Council prior to work commencing. Change orders in an amount less than \$15,000 may be executed by the City Administrator and submitted to the City Council for ratification. In the event a series of change orders on a single contract accumulates to an amount in excess of \$15,000, all subsequent change orders, regardless of amount, must go to the City Council for approval prior to work commencing.

In certain limited emergency situations or due to the stage of construction in progress or to prevent a lengthy delay in a project, the City Administrator, with notification to the City Council, can authorize a change order in an amount to exceed \$15,000. The City Administrator shall only execute an emergency change order if the work qualifies as an "emergency" and does not exceed \$25,000 or the overall project budget, whichever is less. After authorizing the change order, the change order is prepared and submitted to the City Council for ratification. These change orders may involve such issues as cost changes and extensions of time.

Exception. Notwithstanding the above, any change order resulting in a decrease of any amount related to any construction, reconstruction, of a project for the City may be approved by the City Administrator without further action by the City Council.

SECTION 6. COOPERATIVE BIDDING AND STATE BID AWARDS.

It is sometimes beneficial to group the City's requirements with the like requirements of other cities, counties, or agencies. This results in lower costs to all parties while maintaining the integrity of each entity's bidding requirements.



The State of Texas 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.

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. These cooperative purchasing agreements shall be authorized by the City Council.

Additional Council approval shall not be required for the purchase of any budgeted items from purchasing agreements established by governmental entities with which Council has previously approved participation. Council approval will be required for the purchase of unbudgeted items in excess of \$25,000 regardless of whether the Council has approved participation with the governmental entity. Specific unbudgeted items less than \$25,000 may be purchased through an approved cooperative purchasing program provided an alternative funding source within the respective Department's budget is identified in writing to the Finance Director and City Administrator.

SECTION 7. TERM AND SUPPLY CONTRACTS.

Term and supply contracts shall be bid following the same procedures established by this policy for other purchases based upon estimated value of contract. The Department Head shall prepare a recommendation of award for City Council approval for all term and supply and annual contracts over \$25,000, based upon the annual value of the contract. In the instance of multiple-year contracts, Council approval is not required for the renewal periods when the requested price increase does not exceed the renewal period increase established in the original contract. All multiple-year contracts shall contain the non-appropriation clause shown in Section 12. This states that the Contractor understands the obligation of the City to pay for goods and/or services under the contract is limited to payment from available revenues and shall constitute a current expense of the City. It shall not in any way be construed to be a debt of the City in violation of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the City nor shall anything contained in the contract constitute a pledge of the general tax revenues, funds or moneys of the City. All provisions of the contract shall be interpreted so as to give effect to such intent.

SECTION 8. PROFESSIONAL SERVICES.

Contracts for professional services such as engineering, architectural, consulting, and other specialized or technical services shall be obtained through the following process:

1. 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.
2. 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.

3. A selection committee shall be established by the Department Head or his/her designee to review the proposals and rate each firm according to the evaluation criteria established in the Request for Proposal/Qualifications.
4. A two-step process will be used whereby the selection committee will first rate each proposal received on criteria established in the Request for Proposals/Qualifications. The composite score of the committee will be used to determine the top-rated firms, which may be interviewed. If interviews are conducted, the firms are rated after the interviews and a second composite score recorded.
5. Immediately following each of the two steps in the process, committee members shall individually rate the firms and submit their rating sheets to the Department Head or his/her designee. The Department Head or his/her designee will then begin negotiations with the firm receiving the highest score.
6. The Department Head or his/her designee shall prepare a recommendation of award for City Council approval.

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

SECTION 9. CONSTRUCTION CONTRACTS.

Construction contracts shall be bid in accordance with the procedures established for other purchase by this policy according to applicable price range.

Construction contracts, supervised by outside consulting services, shall be bid in coordination with the Department Head. A bid package shall be reviewed and approved by the Department Head. Construction contracts shall be prepared by the Consultant. The Consultant or the Department Head, as determined by the Department Head, shall distribute the bid package to potential bidders. The Consultant or Department Head shall schedule a bid opening with the City Secretary 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 Secretary 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 Department Head or his/her designee.

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.

SECTION 10. SOLE SOURCE PURCHASES.

A contract may be awarded or a purchase made without competition when, after conducting a good faith review of available sources, it is determined there is only one source for the required product.

Circumstances that require a sole source purchase may include, but are not limited to:



1. No competitive product or availability from only one supplier;
2. The purchase of a component or replacement part for which there is no commercially available product, and which can be obtained only from the manufacturer;
3. 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;
4. When supplies or services are available at a discount from a single distributor for a limited period of time;
5. When a specialized consultant or technical services is needed for a project with specific circumstances requiring a unique combination of abilities or expertise to perform the services required;
6. The purchase of a used item;
7. The purchase of a product for trial or testing.

Sole source can refer to the supplier, as well as a product or service. Thus, the ability to meet a delivery date or to provide on-call repairs can create a sole supplier condition. Justification for a sole source purchase depends on a needed item being available from only a single supplier under the prevailing conditions. If the item may be obtained from more than one source, price competition shall be solicited.

SECTION 11. EMERGENCY PURCHASES

An emergency condition exists when there is a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failure, etc.; 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. The condition must create an immediate and serious need for supplies, equipment, materials, and/or services that cannot be met through normal procurement methods and the lack of which would threaten the function of the City government or its programs. The City Administrator shall only execute an emergency purchase if the work qualifies as an "emergency" and does not exceed \$25,000.

Any department may make emergency purchases, however, with as much competition as is possible under the circumstances. Purchases shall be limited to only the quantity necessary to meet the emergency, and in no event shall the contract price exceed commercially reasonable prices.

SECTION 12. GENERAL INSTRUCTIONS.

1. Specifications.

It is the responsibility of the department to write their specifications 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.

2. 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.

3. Unauthorized Purchases.

The purchase of an item must be made in accordance with the Purchasing Policy and Procedures. Any purchase of an 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.

4. 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:

1. A bid bond on the part of the contractor for 20% of the contract price for any contract exceeding \$100,000.
2. A performance bond on the part of the contractor for 100% of the contract price for any contract exceeding the sum of \$50,000.
3. A payment bond on the part of the contractor for any contract exceeding \$50,000.
4. All construction contractors and subcontractors are to carry Workers' Compensation Insurance on each and every employee as required and in accordance with the Worker's Compensation Act of the State of Texas.

As well as:

- a. Comprehensive General Liability Insurance or Commercial General Liability Insurance for personal injury (including death) and property damage with a minimum of \$1 Million Dollars per occurrence and \$2 Million Dollars aggregate,
**Manufacturers' or Contractor Public Liability Insurance is not an acceptable substitute for Comprehensive General Liability Insurance or Commercial General Liability Insurance.
 - b. Professional Liability Insurance with minimum limits of \$1,000,000.00 per claim, \$1,000,000.00 annual aggregate
 - c. Any and all additional insurance required by the laws of the State of Texas.
5. 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.
 6. 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 Secretary prior to the Contractor beginning work on any City project.



5. 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. 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.

6. Municipal Tax Exemption.

The City is tax exempt as a political subdivision under Section 4221(b) of the IRS Code and 3.322 of the Texas Administrative Code 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.

7. Non-Appropriation Clause.

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.

8. State and Federal Laws.

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

SECTION 13. BUDGET

Annual Budget Approvals.

The City Council determines expenditure levels through the formulation and approval of the annual budget. In performing this policy-making function, the City Council 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 the level of expenditures necessary to accomplish the goals and objectives that have been established for each City program. With the exception of single expenditures of more than \$25,000 or specific Ordinances to the contrary, no further City Council action is required to initiate purchases within that budget. All purchases made by the City are approved twice monthly by the City Council through majority approval of the Appropriation Ordinance.

City Administrator Authority: The City Administrator is delegated the responsibility by the City Council 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 City Council 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.

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.

SECTION 14. LEASE OF REAL PROPERTY.

The City Council 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 City Council shall have final approval of all such negotiations and any transaction.

SECTION 15. DISPOSAL OF CITY ASSETS.

Chapter 253 of Texas Local Government Code 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 Administration. Usable property which cannot be relocated across City departments will be disposed of in accordance with the following procedures.

1. *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.
2. *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 proffer a bid on such asset.
3. *Computing Technology.* The City Administrator or his/her designee shall be responsible for disposing of City computing technology assets. It is their responsibility 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.

4. *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. ETHICS.

All City employees authorized to conduct purchasing activities on behalf of the City of Jamaica Beach shall adhere to the highest degree of ethical standards. No employee shall engage in or permit any illegal or improper purchasing practice. Further, any employee having knowledge of any questionable practice shall immediately report this knowledge to their respective Department Head or the City Administrator. Engaging in or permitting unethical or illegal conduct constitutes grounds for disciplinary action in accordance with the City's disciplinary policies.

SECTION 17. RESPONSIBILITY FOR ENFORCEMENT.

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.

Approved: _____
Mayor

Date: _____