

BOROUGH OF WEST CHESTER
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 03-2024

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 3, TITLED "ADMINISTRATIVE CODE," SPECIFICALLY SECTION 3-25, TITLED "ADMINISTRATIVE PURCHASING SYSTEM" TO INCREASE THE BIDDING THRESHOLDS TO BE CONSISTENT WITH ACT 90 OF 2011 AND SECTION 3-26 TITLED, "COMPETITIVE BIDDING SYSTEM; RULES AND REGULATIONS" TO AMEND CERTAIN SECTIONS RELATED TO COMPETITIVE BIDDING.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by the authority of the Council of the Borough of West Chester that Chapter 3 of the Code of the Borough of West Chester, titled "Administrative Code," shall be amended as follows:

SECTION 1. Section 3-25, titled "Administrative purchasing system," shall be amended to read as follows:

- "A. General provisions. The Borough Manager and the Treasurer shall establish and administer a purchasing system which shall provide the regulations, policies and procedures covering the acquisition of goods and services by the Borough, subject to the provisions of this Administrative Code.
- (1) The base amount of Twenty-Three Thousand Two Hundred Dollars (\$23,200.00) ("Base Competitive Bid Amount") is established as the limitation when competitive bidding shall be required for the purchase of labor, materials and supplies, unless excluded by Home Rule Charter Section 806, purchased through the state cooperative purchasing system or other joint purchasing system. The Base Competitive Bid Amount shall be adjusted annually in accordance with the procedures in Act 90 of 2011 by the Commonwealth Department of Labor and Industry.
 - (2) Written quotes whenever possible or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed Twelve Thousand Six Hundred Dollars (\$12,600.00) ("Base Quote Amount") but are less than the Base Competitive Bid Amount requiring advertisement or competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors are known in the market area within which it is practicable to

obtain quotations. The Base Quote Amount shall be adjusted annually in accordance with the procedures in Act 90 of 2011 by the Commonwealth Department of Labor and Industry. A written record of telephone price quotations shall be made and contain at least the date of quotation, the name of the contractor and the contractor's representative, a description of the work or product which was the subject of the quotation and the price. Written price quotations and records of telephone quotations shall be retained for three years.

- (3) Purchases and contracts not subject to competitive bidding under the Home Rule Charter and this Administrative Code shall not require quotations; however, where possible, they are preferred."

SECTION 2. Section 3-26, titled "Competitive bidding system; rules and regulations," shall be amended in the following subparagraphs:

- 1) Section 3-26.B shall be revised to read as follows:

"**§3-26.B.** Subject and exempt purchases. Purchases subject to and exempt from the competitive bidding system are specified in Section 806 of the Home Rule Charter."

- 2) Section 3-26.D shall be deleted and the section number reserved.

- 3) Section 3-26.H shall be revised to read as follows:

"**§3-26.H.** Specifications. Specifications shall be prepared for all purchases made through competitive bidding. Specifications shall consist of a specific, complete and accurate description of the item to be purchased, the performance requirements and conditions and terms of purchase. Specifications shall be clearly worded but shall not be so specific or strict as to effectively eliminate acceptable products from competition. If a maintenance or performance bond is to be required before a contract is awarded, the amount, manner and form shall be prescribed in the specifications. All specifications for construction contracts with the Borough equal to and in excess of the Base Competitive Bid Amount shall include a requirement for performance, labor and materialman's bonds unless otherwise controlled by state or federal regulations."

SECTION 3. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Council of the

Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

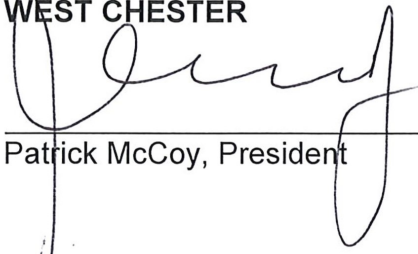
SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 17TH DAY OF JULY, 2024.

ATTEST:


Sean Metrick, Secretary

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

By: 
Patrick McCoy, President

APPROVED THIS 17TH DAY OF JULY, 2024.


Lillian L. DeBaptiste, Mayor