

**SCHWENKSVILLE BOROUGH  
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION 2021- 18

**A RESOLUTION TO ESTABLISH A POLICY AND PROCEDURES FOR  
PURCHASING PRODUCTS, MATERIALS, AND SERVICES WITH  
BOROUGH FUNDS AND DISPOSAL OF BOROUGH-OWNED SMALL VALUE  
PERSONAL PROPERTY**

**WHEREAS**, Schwenksville Borough Council desires to establish a policy and procedures for purchasing products, materials, and services with Borough funds and disposal of Borough-owned small value personal property, subject to the requirements of the Pennsylvania Borough Code and all applicable laws, codes, and regulations.

**NOW, THEREFORE**, be it hereby resolved as follows:

**SECTION I. PURPOSE**

1. Purpose: The purpose of this policy is to establish a set of procedures for purchasing products, materials, and services with Borough funds.
2. Application: This policy applies to all parties purchasing goods or services on behalf of Schwenksville Borough.
3. Responsibility: The Borough Manager will have the responsibility for overseeing and implementing this policy.
4. Policy: When purchasing products for the Borough or disposing of small value personal property, the following procedures set forth hereinafter shall apply.

**SECTION II. GENERAL PURCHASING POLICIES**

1. The Borough of Schwenksville hereby adopts the purchasing requirements as set forth in their entirety in the Pennsylvania Borough Code, 8 Pa. C.S.A, §1401-1408, as amended ("Borough Code").
2. Purchases or contracted services less than \$3,000.00 purchases may be approved by the Borough Manager.

3. For purchases or contracted services greater than \$3,000.00 but below \$10,000 as adjusted, pursuant to the Borough Code, the Borough Manager shall obtain, when practical and possible, three telephonic or electronic quotes to be presented to and approved by Borough Council.

### **SECTION III. PROCUREMENT OF PROFESSIONAL SERVICES**

The procurement of certain services where technical expertise or knowledge of a specialized field are critical to the performance of that service including but not limited to attorneys, engineers, planning consultants, architects, accountants and other similar professionals, shall not require bidding. The following regulations shall apply:

1. Pursuant to the Borough Code, the Borough Council shall be empowered to appoint the Borough Attorney, Engineer, and other professional consultants.
2. While competitive bids shall not be required, the following shall be applicable for non-legal and non-engineering services:
  - (a) When the cost of procuring professional services is \$5,000.00 or more, Borough Council shall make such appointment.
  - (b) When the cost of procuring professional services is less than \$5,000.00, the Borough Manager shall have the authority to procure the services of a professional or consultant known to be competent, reliable and capable of performing in the best interests of the Borough the task that he or she has been employed to do.

### **SECTION IV. PROCUREMENT IN CASES OF EMERGENCY**

Notwithstanding any other provisions of this Policy, and in accordance with the requirements of the Borough Code, the Borough Manager or a designee may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety conditions, provided such emergency procurements shall be made with such competition as is reasonably practicable under the circumstances. An after-the-fact written

determination of the basis for the emergency and for the selection of the particular vendor shall be included in the purchase file, maintained by the Borough Manager or Secretary, and the actual emergency and nature of procurement shall be stated in a resolution of Council adopted at the next public meeting.

#### **SECTION V. DISPOSAL OF SMALL VALUE SURPLUS PERSONAL PROPERTY**

The disposal of property function of the Borough shall be administered by the Borough Manager subject to the requirements of the Borough Code. Items determined to be small value surplus property, as defined by the Borough Code, may be disposed of by such method determined by the Borough Manager to be in the best interest of the Borough, including but not limited to transfer, trade-in, sale or auction. It shall be the policy of the Borough to ensure that maximum possible value is obtained in conformity with procedures adopted by the Borough Manager.

#### **SECTION VI. STANDARDS OF CONDUCT**

Recognizing that Borough purchases involve the use of public funds, the following standards shall apply to all purchases made by the Borough.

1. All vendors, current and prospective, shall be treated equitably. Procurement decisions shall be based upon price, quality, delivery, references, and recommendation by Borough consultants, written standards, previous service and other relevant factors promoting the best interest of the Borough.
2. Employees shall be prohibited from furnishing to any prospective bidder information that would give any vendor an unfair advantage over other prospective vendors.
3. Procurement records shall be retained by the Borough Manager or Secretary for public review for a period of five years.
4. Unless approved by Borough Council, and subject to the requirements of the Pennsylvania Ethics Act, individual members of Borough Council shall be prohibited from doing business with the Borough while serving as a member of Borough Council.



**SECTION VII. COMPLIANCE WITH ALL APPLICABLE LAWS.**

The policies and procedures set forth herein shall in no way operate to contradict or preclude compliance with the requirements of the Borough Code, and all other applicable laws, codes, and regulations ("Law"), including but not limited to the following acts, to the extent applicable:

1. The act of August 15, 1961 (P.L. 987, No. 442), known as the Pennsylvania Prevailing Wage Act.
2. The act of December 20, 1967 (P.L. 869, No. 385), known as the Public Works Contractors' Bond Law of 1967.
3. The act of January 17, 1968 (P.L. 11, No. 5), known as The Minimum Wage Act of 1968.
4. The act of January 23, 1974 (P.L. 9, No. 4), referred to as the Public Contract Bid Withdrawal Law.
5. The act of March 3, 1978 (P.L. 6, No. 3), known as the Steel Products Procurement Act.
6. The act of February 17, 1994 (P.L. 73, No. 7), known as the Contractor and Subcontractor Payment Act.
7. 62 Pa. C.S. Pt. II (relating to general procurement provisions).

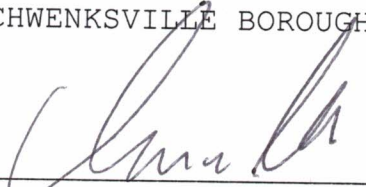
In the event of a conflict between this policy and any applicable Law, the applicable Law shall control.

**RESOLVED** and **ENACTED** this 11th day of November, 2021.

Attest:

SCHWENKSVILLE BOROUGH COUNCIL

  
Gail L. Phillips, Secretary

  
Darren Rash, President