



CITY COUNCIL POLICY

36

City of Burleson Purchasing Policy

Adopted date	July 2, 2018
Revised date	2025

CITY OF BURLESON PURCHASING POLICY

1.0 Governing Authority

- (a) The primary governing authority for the City of Burleson's Purchasing Policy shall be the City's Charter in conjunction with Local Government Code Chapter 252, "Purchasing and Contracting Authority of Municipalities." All procurement activity shall be governed by the Purchasing Policy, in accordance with applicable state and local government codes. The Mayor and Council shall from time to time review the Purchasing Policy and the City's resolution shall record any changes made to the Policy.
- (b) All powers of the City vest in the City Council. Authority for purchasing goods and services is delegated to the City Manager provided the purchase does not exceed \$~~75~~100,000. The City Manager's authority ~~is delegated to the Purchasing Manager,~~ may be delegated to a designee in writing, subject to the requirements of this policy and adopted purchasing procedures. In addition, authority for the following payments is delegated to the City Manager:
 - (1) Payments made pursuant to the City's compensation and benefit plans including: Payroll, TMRS, Contributions, Payments to Deferred Compensation Plans, and Accrued Employee Benefits
 - (2) Payments to the federal government or its agencies
 - (3) Transfer payments of employee deductions or garnishments
 - (4) Health insurance claims and fees
 - (5) Other insurance premiums
 - (6) Utility bills including wholesale water and wastewater treatment

- (7) Remittance to the state of Texas
- (8) Procurement card remittance
- (9) Scheduled bond or lease payments

(c) To ensure proper oversight, all purchases and requisitions are monitored through established approval levels at all stages prior to vendor payments, ensuring compliance with purchasing procedures. For transparency, vendor payments are published on the City website, and budget-to-actual reporting is provided by the Finance Department to the Council on a monthly basis.

2.0 Purpose and Scope

The Purchasing Policy applies to the procurement activities of the City of Burleson. All procurement activities for the City shall be administered in accordance with the provisions of this policy, with the express intent to promote open and fair conduct in all aspects of the procurement process.

3.0 Objectives

- ~~(a) The Purchasing Division is responsible for ensuring that City departments comply with federal, state and local statutes regulating competitive sealed bids, competitive sealed proposals, professional services, high technology purchases, cooperative purchases, and emergency and sole source purchases. The Purchasing Division solicits for all competitive procurements as required by law, evaluates bids and proposals, and with the user department makes recommendations to the City Council for awarding of contracts.~~
- ~~(b) The Purchasing Division is a functional support division and should be included in all states of acquisition, through planning, ordering and receiving. Purchasing staff issues purchase orders (PO's) and bids, and/or negotiates and executes contracts to deliver goods and services in a timely manner. This is to ensure compliance with the State of Texas competitive bid statutes and the City's purchasing policies.~~
- ~~(c) The Purchasing Division is committed to providing quality service~~

~~through effective teamwork and communication with City departments and vendors alike, in order to fulfill the purchasing needs of the City in a professional, responsive and timely manner in compliance with all City policies and~~

~~applicable federal, State, and local purchasing laws. Public purchasing has the responsibility to obtain the most value for the tax dollar in a fair, efficient and equitable manner. To achieve this objective the Purchasing Division seeks to foster as much competition as possible. In doing so, the City will adopt the goal of fairness by ensuring all who wish to compete for the opportunity to sell to the City of Burleson can do so. Our policy is intended to:~~

- ~~(1) Give all suppliers full, fair, prompt, and courteous consideration;~~
- ~~(2) Encourage open and fair competition;~~
- ~~(3) Solicit supplier suggestions in the determination of clear and adequate specifications and standards;~~
- ~~(4) Cooperate with suppliers and consider possible difficulties they may encounter; and~~
- ~~(5) Observe strict truthfulness and highest ethics in all transactions and correspondence.~~

~~3.1 General Duties of the Purchasing Division~~

- ~~(a) Observe and enforce the policy and these procedures outlined in the City of Burleson Purchasing Procedures Manual.~~
- ~~(b) Advise and assist in the formulation of policies and procedures connected with the purchasing activities of the City, and keep the City Manager or designee advised of such policies and procedures.~~
- ~~(c) Keep abreast of current developments in the fields of purchasing, price, market conditions and new products.~~
- ~~(d) Coordinate, organize, and assist departments in the specification writing process to ensure that specifications are written concisely and are not written in an exclusive manner.~~
- ~~(e) Join with other governmental agencies in cooperative purchasing plans when it is in the best interest of the City.~~
- ~~(f) Receive, open, and evaluate competitive solicitations.~~

- ~~(g) — Act in an advisory role as a non-voting member on evaluation committees.~~
- ~~(h) — Prepare and coordinate with user departments staff reports recommending award of competitive solicitations for City Council approval.~~
- ~~(i) — Combine purchases of similar items or services possible and practical to allow for better pricing and establish a more competitive atmosphere.~~
- ~~(j) — Assist department heads in the disposition of junk and scrap material such as pallets, scrap pipe, paper products, etc.~~
- ~~(k) — Dispose of stolen, abandoned, and recovered property coming into the possession of the City.~~
- ~~(l) — Dispose of surplus City property.~~
- ~~(m) — Conduct regular training sessions for employees involved in the purchasing process.~~

~~4.0 — Code of Ethics~~

- ~~(a) — By participating in the procurement process, employees of the City of Burleson agree to the Employee Roles and Responsibilities as outlined in Section 13.5 of the City of Burleson Employee Handbook.~~

~~4.13.0~~ Award of Contract

The City of Burleson will award contracts based on the procurement method that staff determines to be in the best interest of the City. This determination will align with the processes and requirements outlined in Texas Local Government Code 252 or its successor statute. The City of Burleson shall award contracts based on criteria deemed in the best interest of the City

~~(a) —~~

Any resulting change orders or amendments to existing agreements will follow Texas Local Government Code 252.048 or its successor statute, ensuring compliance with state requirements for changes in scope, cost, or timeline.

~~4.2 — Cooperative Purchases~~

- ~~(a) — Cooperative, Joint, and Piggybacking contracts are available for use through~~

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- ~~signed interlocal agreements. Interlocal agreements can be signed by the City Manager. All purchases as a result of that interlocal agreement must follow council policy 36.~~
- ~~(b) Cooperative purchasing occurs when two or more governmental entities coordinate some or all purchasing efforts to reduce administrative costs, take advantage of quantity discounts, share specifications, and create a heightened awareness of legal requirements. Cooperative purchasing can occur through inter local agreements, state contracts, piggybacking, and joint purchases.~~
- ~~(c) The Purchasing Division shall take advantage of the following types of cooperative purchases when deemed to be in the City's best interest:~~
- ~~(1) Inter local Agreement Purchases;~~
- ~~(2) State Contract Purchases;~~
- ~~(3) Piggybacking; and~~
- ~~(4) Joint Purchases.~~
- ~~(d) Cooperative quotes that exceed \$50,000 must also be accompanied by documentation of steps taken to provide assurance that the cooperative price is competitive with current market pricing.~~

4.34.0 Emergency Purchases

- ~~(a) Valid emergencies are those that occur as a result of the breakdown of equipment which must be kept in operation to maintain the public's safety or health, or whose breakdown would result in the disruption of City operations. When this situation occurs, the department shall contact the Purchasing Division and conduct the procurement of supplies and services in accordance with the Purchasing Manual.~~
- ~~(b) The Legislature exempted certain items from sealed bidding in the Texas Local Government Code Section 252.022(a), including but not limited to:~~
- ~~(1) A procurement made because of a public calamity that requires~~

~~the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;~~

~~(2) A procurement necessary to preserve or protect the public health or safety of the municipality's residents; and~~

~~(3) A procurement necessary because of unforeseen damage to public machinery, equipment or other property.~~

Definition and Purpose

Emergency purchases are authorized in situations where immediate procurement is necessary to protect public health, safety, or City assets. The City of Burleson adheres to Texas Local Government Code, Section 252.022(a), which permits the City to bypass standard competitive bidding in emergency circumstances. This process ensures the City can respond swiftly and effectively to unforeseen events that disrupt essential services. For the emergency procurement process, refer to the Purchasing Procedures.

5.0 Definition of a Valid Emergency Purchase

An emergency purchase is deemed valid if it meets one or more of the following criteria:

Public Calamity: An urgent need resulting from a disaster or event that requires the immediate allocation of funds to relieve a necessity for residents or protect City assets.

Health and Safety Threats: Situations requiring immediate action to protect the health or safety of the public.

Critical Asset Failure: Failures of critical City equipment or infrastructure that require swift intervention to prevent a lapse in essential services.

The City of Burleson emphasizes pre-planning to avoid "self-created emergencies" due to lack of foresight, which could unnecessarily escalate costs. In cases where unforeseen needs arise, these must be verified as emergencies by the City Manager or Purchasing Division.

6.0 Ratification by the City Council

All emergency purchases exceeding \$100,000 must be submitted for City Council ratification as soon as practicable under the Texas Open Meetings Act. The ratification process provides an opportunity to review the emergency actions taken and ensures compliance with municipal policies and transparency standards.

City Council will receive a report detailing the nature of the emergency, the items procured, costs incurred, and justification for any expedited purchasing actions taken without competitive bidding.

4.4 Sole-Source Purchases

~~(a) — Sole-source purchases are items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies as defined by local government code. When a department has identified a specific item with unique features or characteristics essential and necessary to the requesting department and no alternate products are available, a detailed written justification must be provided to the Purchasing Division in advance for review and approval. Per the local government code, items include:~~

- ~~(1) — Items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;~~
- ~~(2) — films, manuscripts, or books;~~
- ~~(3) — gas, water and other utility services;~~
- ~~(4) — captive replacement parts or components for equipment;~~
- ~~(5) — books, papers, and other library materials for a public library that are available only from the person holding exclusive distribution rights to the materials; and~~

~~Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.~~

4.57.0 Legal Review

City staff shall work with the City Attorney and the Legal Department to shall review and approve all documents, contracts and legal instruments in which the City may have an interest. ~~unless otherwise determined by the City Attorney. Equipment, materials, supplies, and service c~~Contracts bearing any special terms and conditions, ~~other than administrative provisions,~~ not previously

approved by the City Attorney; ~~shall~~ should be submitted for ~~such~~ review and approval, ~~and must receive approval prior to issuance~~. Review and approval by an attorney hired by the City at TOASE

or by the Deputy City Attorney shall constitute the review and approval by the City Attorney ~~required~~ under this Section.

4.68.0 Signature Authority

- (a) Only the City Manager has signature authority to execute contracts of any nature. Such signature authority is detailed and delegated below:
- (1) The City Manager has authority to execute contracts under ~~\$50~~ \$100,000.
 - (2) The City Manager has authority to execute contracts equal to or in excess of ~~\$50~~ \$100,000 if approved by City Council in the annual budget or as a city council agenda item. Including but not limited to:
 - a. Payments made pursuant to the City's compensation and benefit plans including: Payroll, TMRS, Contributions, Payments to Deferred Compensation Plans, and Accrued Employee Benefits
 - b. Payments to the federal government or its agencies
 - c. Transfer payments of employee deductions or garnishments
 - d. Health insurance claims and fees
 - e. Other insurance premiums
 - f. Utility bills including wholesale water and wastewater treatment
 - g. Remittance to the state of Texas
 - h. Procurement card remittance
 - ~~i.~~ Scheduled bond or lease payments

- (3) The Deputy/Assistant City Manager authority to execute contracts under
\$~~25~~50,000;
- (4) The Purchasing Manager has authority to execute contracts under
\$10,000;
- (5) Department Directors have authority to execute contracts under
\$3,000;
- (6) The City Manager may designate in writing a city employee to sign contracts in ~~his~~their absence. All contracts executed under this section must be compliant with the city's purchasing policy and compliant with all retention schedules as designated by the Texas State Library and Archives Commission.

~~6.0 Legal Definition~~

~~(a) The legislature exempted certain items from sealed bidding in the Local Government Code Section 252.022. The City of Burleson will follow this section when determining what items and services qualify for exemptions.~~

7.0 Recommendation to City Council

The Purchasing Division and the user department make final recommendations to City Council for awarding of contracts, in accordance with approved thresholds, for all solicitations in the stated areas of responsibility.

If the Purchasing Division and the user department decide not to proceed with a competitive solicitation, all submitted bids or proposals must be formally rejected by the City Council before the solicitation can be reissued.

8.0 Purchasing ~~Manual~~Procedures

The Purchasing ~~Manual~~Procedures contain expanded explanation and processes for accomplishing the procurement of goods and services in

accordance with this policy. The City Manager or designee maintains responsibility for updating the Purchasing ~~Manual Procedures~~ in accordance with the applicable state and local laws and ~~the City Council Policy 36: City of Burleson~~ Purchasing Policy, ~~as approved by City Council.~~

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