CITY COUNCIL POLICY
36
City of Burleson Purchasing Policy

Adopted date	July 2, 2018
Revised date	March 3, 2025, November 9, 2026

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 applicable state and federal law, including, but not limited to, Texas Local Government Code Chapters 171, 252, and 271, as well as Texas Government Code Chapters 791, 2161, 2252, 2253, 2254, and 2269.~~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~~law.

(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 $100,000. The City Manager's authority 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 Procurement Method and 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.~~

~~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.~~City staff shall determine the procurement method to be utilized by the City based on the best interests of the City and applicable law. To that end, pursuant to Texas Government Code Section 2269.053, the City Council delegates to the City Manager, or the City Manager's designee, the authority to exercise on behalf of the City Council the authority granted under Chapter 2269, including determining the procurement method that provides the best value to the City for a construction project.

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The City of Burleson will award contracts based on the best interests of the City, the selected procurement method, and applicable law. Any resulting change orders or amendments to existing agreements will comply with applicable law

and the requirements of this policy.

4.0 Emergency Purchases

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.

7.0 Legal Review

City staff shall work with the City Attorney and the Legal Department to review and approve documents, contracts and legal instruments in which the City may have an interest. Contracts bearing any special terms and conditions not previously approved by the City Attorney should be submitted for review and approval. Review and approval by an attorney hired by the City or by the Deputy City Attorney shall constitute the review and approval by the City Attorney under this Section.

8.0 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 $100,000.

(2) The City Manager has authority to execute contracts equal to or in excess of $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
$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 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.

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 Procedures

The Purchasing 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 Procedures in accordance with ~~the~~ applicable ~~state and local~~ law~~s~~ and City Council Policy 36: City of Burleson Purchasing Policy.