

**ORDINANCE NO. 399**

**AN AMENDMENT TO ORDINANCE 302 INTENDED TO INCREASE MONETARY LIMITS FOR PURCHASES, CONTRACTS AND SALES MADE BY THE VILLAGE OF NEW HAVEN**

**THE VILLAGE OF NEW HAVEN ORDAINS:**

**AMENDMENT TO SECTION 1, 2 AND 3 - ORDINANCE 302; INCREASE EXPENDITURES**

**Section 1, 2, 3 and 4 shall now read as follows:**

**SECTION 1. Purchasing Agent.** The Village President shall act as the designated Purchasing Agent of the Village, unless the Village Council, by a majority resolution, designates another person to act as the Purchasing Agent. Any designation beyond the Village President shall be filed in writing with the Clerk. Unless otherwise allowed under this Ordinance, every purchase, purchase order or expenditure in excess of Four Thousand (\$4,000.00) Dollars shall be approved by the Village Council before being made/issued. The Village Council shall adopt any necessary rules governing the terms of such purchases. Under no circumstance shall the Purchasing Agent divide, change or alter purchases for the purpose of lowering the amount of any purchase below the \$4,000.00 threshold.

**SECTION 2. Expenditures under \$4,000.00.** Purchases of supplies, materials or equipment, the total cost of which is less than Four Thousand (\$4,000.00) Dollars, shall be made on the open market. Such purchases shall, where practicable, be based upon at least three (3) competitive bids and shall be awarded to the lowest qualified bidder. The Village President, or person designated by the Village Council as the Purchasing Agent, may solicit bids verbally by telephone or request written bids. Where written bids are solicited, such bids shall be kept by the Village as a public record for six (6) months after purchase is completed. The Village and the designated Purchasing Agent reserve the right to reject any and all bids, written or otherwise.

**SECTION 3. Expenditures over \$4,000.00.** Any expenditure for supplies, materials, equipment, construction projects or contracts obligating the Village in an amount in excess of Four Thousand (\$4,000.00) Dollars shall be governed by the provisions of this Section 3, and its subparts:

A. Such expenditures shall be made the subject of a written and reviewed contract when directed by the Village Council. A purchase order, with all supporting documentation, shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the Village's affairs. The Village shall adopt and maintain a "purchase order policy" which sets forth the minimum requirements for a valid purchase order. This policy shall be approved by the current Village CPA to ensure that the policy fulfills the needs of the audit process and is defined in a way to ensure compliance. Any person, department head or entity submitting a purchase order under this Ordinance must comply with the policy and non-complying purchase orders shall be rejected unless good cause is demonstrated to the Village Council and the Village Council votes, by a majority, to approve the purchase order as is.

B. The Village Council, or a person designated by it, shall solicit bids from a reasonable number of such qualified prospective bidders as are known, by sending each a copy of the notice requested bids and notice thereof shall be posted in the Village Hall. Bids may also be solicited by newspaper advertisement when directed by the Village Council.

C. The Village Council shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of cash, certified or cashier's check, or bond written by a surety company authorized to be business in the State of Michigan and otherwise acceptable to the Village Council. The amount of such security shall, when possible, be expressed in terms of percentage of the bid submitted. The Village Council shall fix the amount of the performance bond, and in the case of construction contracts, the amount of the labor and materials bond to be required of the successful bidders.

D. Bids shall be opened in public at the time and place designated in the notice requesting bids and in the presence of either the Village Council or the Village Clerk and at least one other Village Official, preferably the head of the department most closely concerned with the subject of the contract. In the event that the bids are not opened in the presence of the Village Council, the bids shall thereupon be carefully examined and tabulated and reported to the Village Council. After tabulation, all bids may be inspected by the competing bidders.

E. When such bids are submitted to the Village Council, if the Council find any of the bids to be satisfactory and in compliance with the request, it shall accept the bid. Such award may be by a written resolution or ordinance. The Village Council shall have the right to reject any or all bids, and to waive irregularities in bidding, and to accept bids which do not conform in every respect to the bidding requirements, all in the best interests of the Village.

F. At the time any contract is executed, the contractor shall file a bond executed by a surety company authorized to do business in the State of Michigan and otherwise acceptable to the Village Council to the Village conditioned to pay all laborers, mechanics, sub-contractors and material men, as well as all just debts, dues and demands incurred in the performance bond when one is required. Said contractor shall also file evidence of public liability insurance in an amount satisfactory to the Village Council and agree to hold the Village harmless from loss or damage caused to any person or property by reason of the contractor's negligence.

G. All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within ten (10) days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the Village, and the Village Council may, in its discretion, award the contract to the next lower qualified bidder, or said contract may be re-advertised.

**SECTION 4. Situations where no bid process applies.** Competitive bidding shall not be required in the following situations:

A. Where the subject of the contract is other than a public work or improvement costing in excess of Four Thousand (\$4,000.00) Dollars, and the product, service or material contracted for is not competitive in nature and no advantage to the Village would result from requiring competitive bidding or the Village Council authorizes execution of a contract without competitive bidding by an approved Motion of the Council.

B. In the employment of professional services.

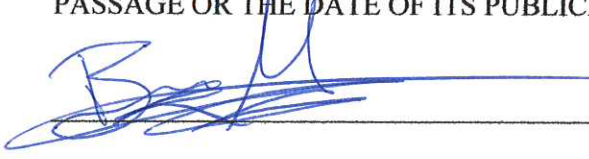
C. Where the Village Council determines that the public interest will be best served by purchase from, or a joint purchase from, another unit of Government.

D. Where the Village elects to undertake the work itself.

Existing Section 1, 2, 3 and 4 of Ordinance No. 302 shall be and are hereby repealed. Any Ordinance of part of any Ordinance in conflict with this Ordinance Amendment is repealed to the extent of the conflict.

The remaining language in Ordinance No. 302 shall remain in full force and effect.

THIS AMENDMENT SHALL TAKE EFFECT ON THE TWENTIETH DAY AFTER ITS PASSAGE OR THE DATE OF ITS PUBLICATION, WHICHEVER OCCURS FIRST. (MCL 66.1)

 \_\_\_\_\_  
DATE 3/7/2023

President of the Village of New Haven

I, Rachel Winkler, the undersigned Clerk of the Village of New Haven hereby certify that the foregoing ordinance was duly adopted by the Village Council for the Village of New Haven at a regularly scheduled council meeting held on February 14, 2023, by the following votes of the membership thereof.

Motioned by: T. Bankowski

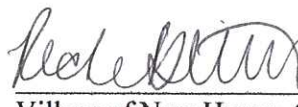
Seconded by: C. Guerrero

Ayes: T. Bankowski, C. Guerrero, C. Dilbert, M. Puccelli, A. Suchy, F. Nona, B. Messer

Nays: Ø

Absent: Ø

I, the undersigned Clerk of the Village of New Haven, do hereby certify that on: February 22, 2023, the foregoing ordinance, or summary thereof, was duly published in The Voice Newspaper, a newspaper having general circulation within the Village of new Haven, as well as the Village of New Haven website.

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Village of New Haven, Clerk DATE 2/14/23



MICHIGAN GROUP

## AFFIDAVIT OF PUBLICATION

2125 Butterfield Dr, Suite 102N • Troy MI 48084

Village Of New Haven  
P O BOX 480429

NEW HAVEN, MI 48048-0429  
Attention: Rachel Whitsett

STATE OF MICHIGAN,  
COUNTY OF MACOMB

The undersigned Gwendolyn Slater Goman Slater, being duly sworn the he/she is the principal clerk of Voice Zone 1-Bay Voice, voicenews.com, voicenews.com2, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

### Village Of New Haven

#### Published in the following edition(s):

voicenews.com	02/22/23
voicenews.com2	02/22/23
Voice Zone 1-Bay Voice	02/22/23

VICKI ARSENAULT  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF OAKLAND  
My Commission Expires May 11, 2026  
Acting in the County of \_\_\_\_\_

### VILLAGE OF NEW HAVEN NOTICE OF ORDINANCE ADOPTION

#### "ORDINANCE 399 AN AMENDMENT TO ORDINANCE 302 INTENDED TO INCREASE MONETARY LIMITS FOR PURCHASES, CONTRACTS AND SALES MADE BY THE VILLAGE OF NEW HAVEN ."

On February 14, 2023 the Village of New Haven adopted an amendment to ordinance 302, intended to increase monetary limits from purchase, contracts, and sales made by the Village of New Haven. The full text of this Ordinance is available for review and inspection during the hours of 9:00 am and 5:00 pm, Monday – Friday at the Village of New Haven Municipal Offices located at 57775 Main, New Haven MI 48048. Multiple copies are available.

The Ordinance will take effect immediately upon this publication.

Rachel Whitsett  
Village of New Haven Clerk  
Published February 22, 2023

Sworn to the subscribed before me this

27 Feb, 2023

Vicki Arsenault

Notary Public, State of Michigan  
Acting in Oakland County

### Advertisement Information

Client Id:	562677	Ad Id:	2437433	PO:		Total:	\$110.30
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