

#### **RESOLUTION R-2016-142**

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, ADOPTING A PURCHASING POLICY AND PROCEDURES MANUAL FOR THE MANAGEMENT OF ALL PURCHASES BY THE VILLAGE; ESTABLISHING A PURCHASING PROCESS; GENERAL PURCHASING PROVISIONS, INCLUDING BIDS; PROCESS FOR CONTRACTS; ESTABLISHING PURCHASING LIMITS; AND PROVIDING AN EFFECTIVE DATE.

- WHEREAS, the Village of Salado, Texas, is responsible for the legal and prudent handling of public monies; and
- WHEREAS, there are numerous sections of the Texas Local Government Code that provide requirements regarding municipal purchasing; and
- WHEREAS, state and federal rules and regulations set forth certain provisions regarding municipal purchasing for the purpose of receiving federal funds; and
- WHEREAS, the Governmental Accounting Standards Board (GASB) recommends that cities adopt financial policies to clearly define the requirements for the handling of public monies; and
- WHEREAS, State law requires the Village to conduct an annual audit and the results of that audit are dependent upon methods of purchasing that conform to state and federal laws and Generally Accepted Accounting Principles (GAAP) as set by GASB; and
- WHEREAS, the Village's audit is used as the basis for the Village's bond rating; and
- WHEREAS, a written policy defines the expectations of the Mayor and Board of Aldermen regarding municipal purchasing and provides clear direction and legal and responsible purchasing decisions on the part of the Village staff; and
- WHEREAS, the Mayor and Board of Aldermen have reviewed the Purchasing Policy manual and believe the Purchasing Policy and Procedures Manual should be adopted, to be effective the 16th day of June, 2016,

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO:

#### Section 1.

That the attached Purchasing Policy and Procedures Manual is hereby approved and adopted as the Purchasing Policy Manual for the Village of Salado, Texas, effective the 16th day of June, 2016.

APPROVED AND PASSED on the 16th day of June, 2016, by a vote of  $\underline{5}$  (ayes) to  $\underline{O}$  (nays) to  $\underline{O}$  (abstentions).

VILLAGE OF SALADO, TEXAS

ncont

Skip Blancett, Mayor

ATTEST:

Mary Ann Ray, Village Secretary



# Village of Salado, Texas

# PURCHASING POLICIES and PROCEDURES MANUAL

Adopted June 16, 2016

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Village of Salado Purchasing Policy

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## **INTRODUCTION**

It is the policy of the Village of Salado that all purchasing shall be conducted strictly on the basis of economic, business, and legal merit. This policy is intended to promote the best interest of the citizens of the Village of Salado, Texas.

The Village of Salado Finance Department strives to comply with the legal requirements of public purchasing and contracting as set forth in Texas State Statutes and all adopted Village Ordinances. The goal of the policy is to provide procedures and guidelines to assist each department, the Village Administrator, and the BOA to efficiently manage, control, and plan their available resources to meet present and future departmental needs, to help the Village receive the maximum value for each public dollar spent, and ensure expenditures are spent according to the BOA adopted budget and priorities.

Additionally, the Village of Salado Finance Department commits to ensure that:

- Public funds are safeguarded. Although the Finance Department does not designate the types of purchases to be made, it should see that the best value is received for the public dollar.
- Responsible bidders are given a fair opportunity to compete for the Village's business. This is done partially by the statutory requirements for competitive bids and proposals, and partially by the Village's own purchasing policies and procedures.

## **SECTION 1. PROCUREMENT POLICY**

It is the policy of the Village to conduct procurement functions efficiently, effectively, and in full compliance with all applicable State laws and all Village Ordinances. This policy and procedure manual outlines the required procedures for purchasing goods and services and provides open and fair competition for vendors and contractors. The authority to contract for all goods and services rests with the Mayor, Board of Aldermen, and the Village Administrator, as specifically authorized and delegated. Additionally, specified personnel in the Village's departments are authorized to make purchases as provided herein.

Unauthorized personnel who attempt to contract on behalf of the Village of Salado, or personnel making unauthorized purchases outside of the guidelines of this manual, may be subject to disciplinary action, legal action, and personal financial liability. This includes any situation in which a person makes or authorizes separate, sequential, or component purchases in an attempt to avoid competitive bidding requirements.

If a Village employee fails to comply with the competitive bidding and/or competitive proposal procedures required by Statute, that employee may be convicted of a Class B misdemeanor. In a case in which the employee commits an offense in which the officer or employee intentionally or knowingly violates the Statute, this may result in the employee being charged with a Class C misdemeanor. (LGC Chapter 252.062 (a) (b) (c))

#### Responsibility

Each Village employee authorized to purchase goods, supplies, equipment, and/or services must be familiar with the purchasing procedures established herein. These procedures are to be followed by all employees and department heads in the procurement process.

#### **Duties**

*Village Administrator* – The Village Administrator oversees compliance with all procurement requirements for the purchase of all goods and services established by Texas State and Local Government Codes and the Village's Policies and Procedures by means of this manual.

*Finance Administrator* –The Finance Administrator administers the purchasing rules and regulations as established by Texas State and Local Government Codes and the Village's policies and procedures established herein; and

- 1. Ensures all procurement activities are conducted with the highest level of integrity and ethical standards.
- 2. Provides suppliers and providers a fair opportunity to compete for Village business and protect public funds.

- 3. Ensures purchases are made according to adopted budget and procedures.
- 4. Maintains records of capital assets in conjunction with the Village Secretary.
- 5. Determines and implements the most appropriate method of disposal of salvage/surplus property.

*Requesting Department Heads* – The Department Heads will comply with all procurement policies and procedures outlined in this manual. The Directors shall purchase the proper goods and services in accordance with the adopted budget while guarding the misappropriation of funds.

- 1. Plan purchases to allow sufficient time to obtain bids, quotes or proposals.
- 2. Ensure adequate funds are appropriated.
- 3. Provide specifications for goods and services requested.
  - a. Delegate individuals as needed within the departments who have been properly trained to prepare and issue specifications and request Purchase Orders in accordance with this manual.
- 4. Provide documentation of any vendor's failure to perform as contracted.
- 5. Manage department expenditures.
- 6. Utilize forms and templates as required or needed.

## **SECTION 2. PURCHASING PROCESS**

#### **Expenditure Authority**

The Village has attempted to incorporate local, state, and federal laws into this manual. The Village, however, does not warrant that these policies include all such laws. Local, state, and federal laws will prevail over these procedures where applicable.

#### **Purchasing Limits and Process**

#### Purchases of less than \$1,000

- 1. Purchases less than \$1,000 do not require verbal/written quotes or purchase orders.
- 2. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
- 3. Finance Administrator checks the documentation to ensure proper coding.
- 4. Finance Administrator submits payment directly to the vendor within ten (10) business days.
- 5. Finance Administrator retains check stub and supporting documentation as per record retention policy.

#### Purchases of \$1,000 to less than \$3,000 (Budgeted)

- 1. Purchases of \$1,000 to less than \$3,000 require verbal quotes (documentation submitted by employee); internet documentation is acceptable. A Purchase Order is not required.
- 2. Department employee submits verbal quotes to Department Head prior to goods or services being ordered for their written approval.
- 3. Once written approval is given, department employee can proceed with purchase.
- 4. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
- 5. Finance Administrator checks the documentation to ensure proper coding.
- 6. Finance Administrator submits payment directly to the vendor within ten (10) business days.
- 7. Finance Administrator retains check stub and supporting documentation as per record retention policy.

#### Purchases of \$1,000 to less than \$3,000 (Non-Budgeted)

- 1. Purchases of \$1,000 to less than \$3,000 require verbal quotes (documentation submitted by employee); internet documentation is acceptable. A Purchase Order is not required.
- 2. Department submits verbal quotes to the Finance Administrator prior to goods or services being ordered to get written approval by the Village Administrator.
- 3. Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.
- 4. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
- 5. Finance Administrator checks the documentation to ensure proper coding.
- 6. Finance Administrator submits payment directly to the vendor within ten (10) business days.
- 7. Finance Administrator retains check stub and supporting documentation as per record retention policy.

#### Purchases of \$3,000 to less than \$25,000 (Budgeted)

- 1. Purchases of \$3,000 to less than \$25,000 require a purchase order with written quotes from at least three (3) vendors.
- 2. State Law (*LGC 252.0215*) requires that purchases of more than \$3,000 but less than \$50,000 require contacting two (2) Historically Underutilized Business (HUB) on a rotating basis, to give them a chance to bid on a product or service, in addition to non-HUB businesses.
- 3. Department submits purchase order and written quotes to the Finance Administrator prior to goods or services being ordered.
- 4. Finance Administrator submits purchase order and written quotes to the Village Administrator for written approval.

- 5. Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.
- 6. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
- 7. Finance Administrator checks the documentation to ensure proper coding.
- 8. Finance Admin. submits payment directly to the vendor within ten (10) business days.
- 9. Finance Administrator retains check stub and supporting documentation as per record retention policy.

#### Purchases of \$3,000 to less than \$25,000 (Non-Budgeted)

- 1. Purchases of \$3,000 to less than \$25,000 require a Purchase Order with written quotes from at least three (3) vendors.
- 2. State Law (*LGC 252.0215*) requires that purchases of more than \$3,000 but less than \$49,999 require contacting two (2) Historically Underutilized Business (HUB) on a rotating basis, to give them a chance to bid on a product or service, in addition to non-HUB businesses.
- 3. Department submits purchase order and written quotes to the Finance Administrator prior to goods or services being ordered.
- 4. Finance Administrator submits purchase order and written quotes to the Village Administrator for review, and then is placed on agenda for BoA approval.
- 5. Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.
- 6. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
- 7. Finance Administrator checks the documentation to ensure proper coding.
- 8. Finance Admin. submits payment directly to the vendor within ten (10) business days.
- 9. Finance Administrator retains check stub and supporting documentation as per the Record Retention Policy.

#### Purchases of \$25,000 or More (Budgeted/Non-Budgeted)

- 1. Purchases of \$25,000 or more require a Purchase Order with written quotes from at least three (3) vendors.
- 2. State Law (*LGC 252.0215*) requires that purchases of more than \$3,000 but less than \$49,999 require contacting two (2) Historically Underutilized Business (HUB) on a rotating basis, to give them a chance to bid on a product or service, in addition to non-HUB businesses.
- 3. Department submits purchase order and written quotes to the Finance Administrator prior to goods or services being ordered.
- 4. The Board of Aldermen must vote to approve all purchases and/or contracts with an anticipated annual expenditure of \$25,000 and above.
- 5. Once approved, Finance Administrator sends written notification to the department

instructing them to proceed with the purchase.

- 6. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
- 7. Finance Administrator checks the documentation to ensure proper coding.
- 8. Finance Admin. submits payment directly to the vendor within ten (10) business days.
- 9. Finance Administrator retains check stub and supporting documentation as per Record Retention Policy.
- 10. Purchases that are expected to be more than \$50,000 are required to be purchased through competitive sealed bidding or competitive sealed proposal procedure for the purchase of goods and services, including high technology items. (*LGC 252.021*)
- 11. For a list of exceptions to the general rule on competitive sealed bidding. Please refer to (*LGC 252.022*) and Section 2 herein.

#### Petty Cash Purchases

- 1. Petty cash disbursements of \$50 or less should only be used for small incidental expenditures and not as a method to bypass the Village's purchasing process.
- 2. The purpose of a petty cash fund is to provide departments with ready cash for the payment of various small expenditures, such as postage, water, ice, etc.
- 3. The employee receiving the money must sign a petty cash receipt to acknowledge acceptance of funds.
- 4. Original purchase receipts must be approved by the Department Head and turned in to the Finance department.
- 5. Cash should be kept in a locked drawer in a petty cash box with the key in custodian's (Finance Administrator's) possession.

#### End of Year Purchases

For end of year purchases that occur in September, Purchase Orders are due 30 days prior to the last day of the Fiscal Year (September 30).

## Section 3. General Purchasing Provisions

#### Sealed Bid Proposal/Qualification Procedure (\$50,000+ expenditures)

- 1. The Department Head shall develop specifications for the purchase of goods and services, based upon standards appropriate to meet the Village's needs. The specifications are forwarded to the Village Administrator for approval.
- 2. The Department Head shall utilize the Form Request for Proposal/Qualification provided by the Finance Department.

- 3. The Department Head, or designee, shall develop and ensure publishing of Public Notice, including time and place the bid will be opened and in accordance with state law. This information must be published in the official newspaper once a week for two consecutive weeks prior to the time set for bid opening. The date of first publication must be at least 15 days before bid opening date.
- 4. The Department Head, or designee, shall mail, email, or deliver an "Invitation to Bid" to potential bidders at least two weeks prior to the time of the public bid opening.
- 5. As part of the bidding process, the Village shall hold a pre-bid conference to answer questions or make clarifications to potential bidders. The Village reserves the right to amend/clarify the original RFP/RFQ as a result of information obtained at this conference.
- 6. All bids received must be filed unopened and shall not be accepted if turned in late.
- 7. On the date and time designated in the public notice, the bid shall be opened and read aloud at a public meeting. A sign-in sheet must be present listing all persons attending the bid opening.
- 8. The Department Head, or designee, in cooperation with the Finance Department shall prepare a written tabulation of the bids received and draft a memorandum to the Village Administrator indicating the best bidder and the Department Head's recommendation for award.
- 9. Competitive sealed bids must be considered by the Board of Aldermen at a public meeting. If the competitive sealed bidding requirement applies to a contract for goods and services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality. Guidelines can be found in (*LGC 252.043(b)*). For exceptions to the rules concerning the award of a contract see (*LGC 252.043(b)*).
- 10. The Board of Aldermen has the right to reject any and all bids. (LGC 252.043(f))
- 11. Finance Administrator must retain all bids and related documentation as per record retention policy. (*LGC 252 Subchapter C*)

#### **Local Preference**

The Village of Salado has adopted a resolution that the Board of Aldermen may award contracts (that must otherwise go to the lowest bidders) to local bidders (*place of business is in the municipality*) in compliance with LGC 271.905 and LGC 271.9051.

The Municipality retains the option of rejecting all bids. (LGC 271.9051)

#### Identical Bids - LGC §271.901

When the Village receives two or more bids that are identical, in nature and amount, as the lowest and best bids, the Village will select the bidder as follows:

- 1. If only one (1) bidder submitting identical bids is a resident of the Village, the Village must select that bidder. Otherwise, lots must be cast.
- 2. Casting lots must be in a manner prescribed by the Mayor of the Village and must be conducted in the presence of the Board of Aldermen. All qualified bidders or their legal representatives may be present at the casting of lots. (*LGC 271.901*)

#### **Exemptions from Bidding Process**

The following are exempt from the bidding process:

1. Emergency Purchases

The competitive bidding provisions do not apply for emergencies as follows:

- 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.
- b. Procurement necessary to preserve or protect the public health or safety of the municipality's residents.
- c. Procurement necessary because of unforeseen damage to public machinery, equipment or other property.

The Department Head may proceed with the procurement of goods, services or equipment to relieve an emergency situation. The Department shall attach a memorandum describing the emergency to the Purchase Order.

If the purchase will cost more than \$3,000, an oral approval must be obtained from the Village Administrator, and then written Purchase Order approval should be obtained as soon as it practical.

If the emergency purchase is in excess of \$50,000, the Village Administrator's written approval must be obtained, in cooperation with the Mayor. Then the Finance Administrator and the requesting Department Head will prepare the documentation necessary to have the emergency purchase approved by the Board of Aldermen as soon as possible, even if it is after the emergency has been remedied.

- 2. Sole Source Purchases (Goods/services only available through one vendor)
  - a. Patents, copyrights, secret processes, or monopolies
  - b. Films, manuscripts, or books
  - c. Gas, water, and other utility services
  - d. Captive replacement parts or components for equipment
  - e. Books, papers and other library materials for a public library that are available only from the person holding exclusive distribution rights to the materials
- 3. Procurement for personal, professional, or planning services.
- 4. Purchase of land or a right-of-way.
- 5. State Contracts CO-OP Purchasing Program (LGC 271.082)
- 6. Interlocal Agreements (GC 791.025)
- 7. Further exemptions can be found (LGC 252.022)

#### **Request for Qualifications – Personal, Professional, Planning Services**

Although competitive bids/quotes are not required on personal, professional, or planning services, it is the policy of the Village of Salado to utilize, in all cases, a Request for Qualifications (RFQ) if the total fee for the service is expected to exceed \$50,000 for any project. Selection shall be based upon written evaluation criteria established in the RFQ. Contracts shall be awarded to those asking fair, reasonable prices, as long as the fees are not higher than published, recommended practices and fees for various applicable associations, and do not exceed the maximum provided by state law. For architectural, engineering, and legal services, the fee is negotiated after selection but prior to award. *Full details can be found, Government Code 2254* 

#### **Other General Rules Applicable to all Purchases**

- 1. According to the Department Head's submittal, the Finance Administrator shall charge a purchase to the appropriate account number, which should have available budgeted funds.
- 2. In case the appropriate account does not have available funds, the Department Head may charge the expense to another line item within their respective department budget, so long as it does not change total budgeted department expenditures or exceed \$5,000. Charges that exceed \$5,000 must be approved by the Village Administrator. Funds budgeted for capital reserves may not be utilized for other expenditures unless approved by the BoA.
- 3. No Village employee should knowingly make or authorize any separate, sequential or component purchases to avoid the purchasing limits.

### Section 4. Contracts / Contract Types

There are several types of contracting procedures with numerous exceptions. Employees are responsible for knowing which type of contract is applicable and which exception may apply.

Village employees are required to use the standard contract templates that are provided by the Finance Department.

- 1. Annual/Term Contracts
  - a. Purchases of items or services may be acquired through annual contracts approved according to expenditure authority and purchasing limits.
  - b. Contracts over \$50,000 must be awarded on a competitive sealed bid/proposal basis.
- 2. Contracts requiring special terms:
  - a. Competitive sealed proposal contracts for construction projects of \$1.5 million or less. (LGC 252.043)

b	. Contracts for amounts between \$3,000 and \$50,000. (HUB)	(LGC 252.0215)
	. Lease-Purchase Agreements.	(LGC 271.005)
d	. Contracts for professional or personal services.	(GC 2254.001)
e	. Contracts for energy conservation measures.	(LGC 302.001)
f.	Competitive sealed proposals for high technology procurement	(LGC 252.042)

#### **Procurement Contracting Officer (PCO):**

The Village of Salado shall appoint a Procurement Contracting Officer to oversee all contracts that exceed the amount of \$25,000. The PCO is responsible for the following:

- a. Ensure all requirements of law, regulations, and all other applicable procedures including clearances and approvals, have been satisfied.
- b. Ensure sufficient funds are available for obligation.
- c. Ensure contractors receive fair and equitable treatment.
- d. Request and consider the advice of purchasing agent in audit, law, engineering, transportation, and other fields as appropriate.
- e. Document that the proposed contract is in the best interest of the Village.

#### Summary of Recent Law and Associated Process:

Effective January 1, 2016, vendors who enter into contracts that are either in excess of \$1 million or subject to vote by the Board of Aldermen must file a <u>Certificate of Interested Persons</u> (Form 1295) with the Texas Ethics Commission (TEC).

- 1. All contracts that must be approved by the Board of Aldermen or are in excess of \$1 million must be given a tracking number. The tracking number is assigned by the Finance Administrator.
- 2. Vendors or business entities (but not other governmental entities) must go **online** to the Texas Ethics Commission to fill out and print the Certificate of Interested Parties.
- 3. The Form 1295 must be signed by an authorized person from the business entity.
- 4. The Form 1295 must be notarized.

- 5. After signature and notarization, the Form 1295 must be submitted to the Finance Administrator.
- 6. The Finance Administrator will then acknowledge the Certificate of Interested Parties online and retain the notarized copy with the Village records. The Finance Administrator must acknowledge the Certificate of Interested Parties within 30 days of the approval of the contract.

#### **Change Orders**

In the event it becomes necessary to make changes in the plans, specifications, or scope of work after performance of a contract has been commenced, or it becomes necessary to decrease or increase the quantity of work to be performed or materials, equipment or supplies to be furnished, the Village Administrator or Board of Aldermen (as authorized under Purchasing Limits Section herein) may approve change orders.

- 1. If the Contractor determines that a change in the work or contract price is required, the Contractor must submit an estimate for increases or decreases due to such change.
  - a. The original contract price may not be increased by more than 25%.
  - b. The original contract price may not be decreased by more than 25% without the consent of the contractor. (*LGC 252.048*)
- 2. Once the estimate is received from the Contractor, the department head must submit the estimate to the Finance Administrator to properly execute according to the Village of Salado purchasing limits.
- 3. If the Village Administrator or Board of Aldermen, as applicable, authorizes the change, the Department Head will compute the reduction from or addition to the contract price due to the change and will authorize the change in writing by the issuance of a Change Order.
- 4. The Contractor will not, and shall not, have an obligation to perform any change in the work until a Change Order has been authorized and issued by the Village.

#### Legal Review

The Village Administrator or Village Secretary should send all contracts over \$50,000 before execution, to the Village Attorney for review and approval unless the contract is a standard approved template.

## **SECTION 5.** Flowcharts – Purchasing Limits and Process





# Purchases of \$3,000 to less than \$25,000

Three written quotes must be obtained supporting goods/services requested \* **Requires contacting two Historically Underutilized Businesses** \* Purchase order required **NON-BUDGETED** BUDGETED Department submits purchase order and written Department submits purchase order and written quotes to Finance Admin. prior to goods or services quotes to Finance Admin. prior to goods or services being ordered being ordered Finance Administrator submits purchase order Finance Admin. submits purchase order and and written quotes to Village Administrator for written quotes to the Village Admin. for review, and then placed on agenda for BoA approval written approval Once approved, Finance Administrator sends Once approved, Finance Administrator sends written notification to the department instructing written notification to the department instructing them to proceed with the purchase. them to proceed with the purchase. original Depart. submits invoice/receipt/check submits original invoice/receipt/check Depart. request to the Finance Admin. 10 working days prior request to the Finance Admin. 10 working days prior to due date or date needed for payment. The to due date or date needed for payment. The invoice/receipt/check request must be the original invoice/receipt/check request must be the original Finance Administrator checks the documentation Finance Administrator checks the documentation to ensure proper coding to ensure proper coding Finance Administrator submits payment directly Finance Administrator submits payment directly to the vendor within ten (10) business days to the vendor within ten (10) business days Finance Administrator retains check stub and Page 16 of 18 supporting documentation as per record retention policy



## **SECTION 6.** Forms and Contract Templates

Forms may be created and or amended periodically by the Village Administrator and or Legal Counsel.

PURCHASE ORDER CONFLICT OF INTEREST FORM CHANGE ORDER CERTIFICATE OF INTERESTED PERSONS (FORM 1295) INSTRUCTIONS CONTRACT TEMPLATES (VARIOUS TYPES) RFP AND RFQ