



City of Los Altos

Purchasing Policy

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ETHICAL GUIDELINES

- Compliance with legal prohibitions on conflicts of interest, including the Political Reform Act and Government Code §1090, is required.
- Purchasing from or contracting with a business entity wholly or partially owned or operated by a City employee, or employee's spouse, is prohibited unless approved in advance by the City Manager. Any employee with such an ownership interest must have no official (City) role in contracting process.
- Purchasing from or contracting with a business entity wholly or partially owned or operated by a family member of a City employee must be approved in advance by a Department Head in writing. To avoid any purchasing conflicts and contract administration issues, any City employee with a familial relationship to a City contractor must disclose the relationship to his or her Department Head. Such employee must have no official (City) role in contracting process. A familial relationship is defined as grandparent, grandchild, parent, child, son-in-law, daughter-in-law, parent-in-law, or sibling relationship.
- A City employee may not participate in the contracting process if he or she has a financial interest with any person, firm, or business entity involved with providing goods or services to the City.
- Departments must make every attempt to ensure open and competitive purchases.
- Splitting purchases for the purpose of evading the procedures outlined in this document is strictly prohibited.
- The receipt of any monetary or non-monetary gifts, gratuities, promotional items, rebates, or kickbacks of any value from a prospective or actual contractor or vendor to a City employee is prohibited.

OVERVIEW & RESPONSIBILITIES

Implementing a formal policy and process of procuring goods and services, including a purchase order system, provides several key benefits. It supports clear purchase specifications, avoids dispute with vendors, builds an audit trail, allows level competition to set prices, controls spending limits, creates a system of checks and balances, and enhances public trust. The prevailing principles used in developing this document follow:

- This policy addresses the acquisition of equipment, materials, supplies, maintenance services, and professional services in accordance with the City's Municipal Code. ***It does not address***

the procurement of public work projects as defined by the California Public Contract Code.

- The [Finance Director](#) is responsible for developing this document. Administrative changes to this policy shall be approved by the City Manager to clarify instructions and address tactical operational needs.
- [The City Attorney does not have any financial authority but is responsible for the legal review of Purchase Orders \(PO\), Blanket Purchase Orders \(BPO\), Purchasing Contract Agreements \(PCA\) or Contract Purchase Orders \(CPO\) and all other Professional Services as defined in this document.](#)
- Purchasing is decentralized, with each department head responsible for coordinating purchasing efforts in his/her operations. Initiated through a departmental Requisition (REQ), Finance shall approve and create Purchase Orders (PO), Blanket Purchase Orders (BPO), Purchasing Contract Agreements (PCA) or Contract Purchase Orders (CPO).
- No requisition or BPO, PO, PCA or CPO lacking sufficient appropriation levels as set in the adopted budget will be undertaken. Purchases shall not be split to avoid required bid levels or authorizing dollar limits.
- BPOs, PCAs, or CPOs should be used for routine and repetitive procurement of materials, goods and maintenance services.
- Competitive bids shall be sought using the scope and dollar limits outlined herein. A minimum of two quotes are required with three recommended. Requests for Bids should consider the quality necessary to meet the City's needs
- Service and pricing negotiation is encouraged for the procurement of professional services bound via the execution of a City-compliant contract approved by the Risk Manager. Vendor contract must have the approval of the Risk Manager.
- The requesting department shall verify the existence of a valid City business license with Finance in contracting for the delivery of in-city or on-site services. Sales to City for software products or licensing requiring no onsite visits or service to City by vendor does not require a business license.
- The physical receiving of tangible goods shall be approved by the authorizing department at the time of delivery. Dual approval is required and retention of packing slips mandatory.
- Emergency purchases are allowed under the conditions set forth herein.

A VARIETY OF WAYS TO MAKE PURCHASES

Purchasing methods vary with the dollar amount and nature of the purchase as follows:

Method of Purchase	Purchase Type	Subject to Bidding	Supporting Documents	Conditions	Dollar Limits
Petty Cash	Small dollar items on a reimbursement basis	No	Approved petty cash slip - original receipt - invoice	Cannot supplant existing Purchase Orders or Contracts	\$50 <u>100</u> or Under
City Calcard	Small dollar items	No	Purchase Card Log/Statement/ receipts/invoice/ delivery packing slip	Cannot supplant existing Purchase Orders or Contracts	Under \$5,000 Dept set transaction limits and monthly max card limits
Direct Vendor Purchases	Small dollar items	No	Approved invoice/receipt /check request	Cannot supplant existing Purchase Orders or Contracts	Under \$5,000
Purchase Order (PO)	Large dollar purchases requiring bids	Required	Approved requisition/PO/invoice s/receipts/delivery packing slips	Not to be used for professional services	\$5,000 and over
Blanket Purchase Orders (BPO)	Routine repetitive purchases using pre-established vendor arrangements. City ID required at point of sale.	Required	BPOs ID # - receipt - invoice - packing slip if delivered	Not to be used for professional services	Subject to established annual limits and dept approval authority
Contract Purchase Orders (CPO)	Contracted services - either maintenance of professional	See PCA or Professional Services below	Negotiated and executed Contract	Contracted annual limits and dept. approval authority	City Council approval over \$75,000 <u>100,000</u>
Purchase Contracts Agreements (PCA)	Routine repetitive purchases using pre-established vendor arrangements	Required	Negotiated and executed Contract and CPO	Contracted annual limits and dept. approval authority	Council approval At <u>\$10075,000</u> and over
Professional Service Contract	Professional services based on need - pricing competition encouraged	Recommended	Negotiated and executed Contract and CPO	Contracted annual limits and dept. approval authority	Council approval at <u>\$10075,000</u> and over

A more detailed discussion of these purchasing methods follows:

Petty Cash is used for infrequent purchases under ~~\$1050~~ requiring immediate funding. Petty cash draws must be supported by original receipts and an approved petty cash form *denoting a clear business purpose and budget coding*. Conference meeting, mileage, per diem and travel-related requests paid via Petty Cash must be tallied and documented in the overall final submission of the City's travel expense form by the requesting department. Petty cash shall never to be used for personal change requests and is only accessible to designated department custodians. Department head or designee approval is always required. Replenishment requests to Finance require full reconciliation and approval.

City Calcards accommodate small dollar purchases under \$5,000 and are limited to pre-established monthly maximums. They are issued for use only with department head approval and the execution of a formal employee agreement. The requirements outlined in the Purchasing Card Policy (**Exhibit 8**) must be strictly adhered to. Calcards are issued jointly in the City's and employee's name and shall only be used by the employee they are issued to. Cardholders are responsible for reconciling monthly statements and completing a fully documented and approved transaction log prior to payment. The proper use of Calcards along with timely payment submittal and complete documentation will be strictly enforced with violations promptly resulting in the revocation of privileges and/or other disciplinary actions.

Direct Vendor Purchases for one-time purchases that fall under \$5,000 and can be submitted for payment using original vendor receipts/invoices. This method should not be used to supplant existing BPO or PCA arrangements. Original vendor receipts/invoices must be marked with a City standard approval and budget coding stamp, be submitted on a timely basis with proper approvals and include a clear/concise description of purpose and budget coding. Packing slips are required support for all items shipped to City facilities. With increased volume trends, a BPO or PCA can be established for vendors used repetitively given proper bidding procedures are followed.

Purchase Orders (POs) facilitate purchases of \$5,000 and over. They follow the submission of a purchase requisition (REQ) to Finance, are subject to bidding either at the informal or formal level (as defined below) and require department head established authorizations and approval levels.

Blanket Purchase Orders (BPOs) are based on pre-bid agreements with specific vendors. They promote efficiency by simplifying access to routinely needed goods and maintenance services.

- The establishment of a BPO requires competitive bidding and use of City Attorney-approved terms and conditions. These terms appear on the actual BPO form and are presented to the selected vendor.
- A BPO has a pre-defined, as coordinated with the requesting department, annual maximum limit tracked by Finance. Purchases must always be supported by an identifying BPO ID #, department approvals, original receipts, invoices and packing slips (if shipped) prior to payment. Budget/account codes and a clear business purpose shall always be noted.
- Requests to increase annual BPO limits must be approved by department heads and the [Administrative Services Director](#) [Finance Director](#). BPO activity will be reviewed annually by Finance as a basis for justifying continuance of any one vendor. It is the requesting department's responsibility to re-bid periodically (no more than three to five years) to ensure best possible pricing, service and availability.
- Department heads may request additional BPO vendors by submitting an email to Finance. Criteria for establishing a BPO includes frequency of ordering, the dollar amount of each order and the absence of an established contract.
- City employees must always display positive identification, in the form of a current employee identification card, when making BPO purchases at the point-of-sale. This requirement shall be communicated to the vendor at the time of establishing a BPO.

- Regardless of the annual dollar maximum limit, BPO purchases are subject to the signing authority approvals and transaction limits developed by departments and maintained in Finance.

Purchase Contract Agreements (PCAs) may be beneficial in establishing firm pricing and an ongoing source of services and materials. This entails entering into a multi-year contract. Much like a BPO, these contracts allow departments to access repetitively needed goods and services with minimal procedural overhead.

- The establishment of a Purchase Contract requires competitive bidding and use of City-compliant and approved contract. The approvals of the City Manager, City Attorney, Risk Manager, and ~~Administrative Services Director~~[Finance Director](#) are required.
- Risk Manager's approval is required at the initiation of the PCA and annually thereafter if the scope or cost of the initial agreement is modified.
- Departments may request the establishment of a contract for a particular product or service in coordination with Finance with the submission of a Contract Purchase Order (CPO). Criteria for establishing contracts include frequency of ordering, the dollar amount of each order and barriers to contracting such as insurance requirements.
- A contract PO must be authorized by the [Deputy City Manager or the Assistant City Manager](#), and be submitted to Finance, ~~it~~ must include the executed agreement as an attachment.

Cooperative Purchasing Agreements, The City Manager, where advantageous to the City, may, by cooperative purchasing agreements or arrangements, purchase supplies, equipment, and materials through legal contracts of other governmental jurisdictions or public agencies without further competitive bidding by the City. The City may act as the cooperating purchasing agent for other public entities.

Professional Service Contracts are discussed in the following sections of this policy and can only be authorized via an executed formal City-compliant contract approved by the Risk Manager. Although not required by Ordinance, *competitive selection and pricing is highly encouraged*. Departments may request the establishment of a professional service contract in coordination with Finance through submission of a Contract Purchase Order (CPO). The approvals of the City Manager, City Attorney Risk Manager, and ~~Administrative Services Director~~[Finance Director](#) are required. ~~A contract PO must be authorized by the Assistant City Manager, submitted to Finance, and include the executed agreement attachment.~~

BIDDING & AUTHORIZATION LIMITS

Competitive bidding promotes fair pricing commensurate with the quality required. The City awards equipment, materials, supplies and maintenance service bids to the lowest priced

responsible and suitable bidder. This means that the prevailing bidder is the one who best responds in price, quality, service, fitness or capacity to the particular requirements of the City. The selection process also considers the ability of the vendor to deliver the needed product, obtain access to available of parts or service, prior experience and system compatibility.

Bidding limits and approval requirements are as follows and described on **Exhibit 1A**:

Approval Codes:	Approval Levels	Approving Documents
DH	Department Head	REQ, PO, CPO
DE	Department Head designee *	
ASFD	Administrative Services Finance Department	
CM	City Manager	
CC	City Council	

* See Signature Authority below

Dollar Limits	Bidding Requirements	Required Approvals
\$5,000 to \$50,000	Informal bids	DH or DE & AS
Over \$50,000 under \$ 10075 ,000	Formal bids	DH & AS & CM & CC
\$ 10075 ,000 and over	Formal published/ advertised bids	DH & AS & CM & CC

* Purchases under \$5,000 do not require bids although approvals are required from a Department Head and/or Designee for all purchases

Purchases from \$5,000 to \$50,000 require informal bids by the requesting department with quotes obtained from at least two vendors with three recommended. Telephone quotes are acceptable although written quotations are preferred. Email quotes are allowed. All quotes must be documented and submitted, in comparative format, as part of the approved requisition (REQ) prior to PO, CPO issuance.

Purchases over \$50,000 but under \$~~10075~~,000 require formal bids by the requesting department and either City Manager or Council approval before award. This entails the preparation of written specifications, vendor solicitations and sealed bids. The requesting department shall contact as many vendors as necessary and obtain at least two (2) written quotes with three (3) quotes recommended. In the event that the minimum number of quotations cannot be obtained, evidence of the attempt should be documented and kept on file. Services are exceptions.

Purchases of \$~~10075~~,000 and over require the formal bidding as discussed above but bear the additional requirement of having bid invitations formally published in a regional periodical and City web site at least ten (10) days before sealed bid opening.

The communication of specifications helps ensure that required, ordered and received items meet the desired level of quality, performance or design. Clarity and completeness in writing specifications avoids a mismatch between vendor compliance and operational needs. It is

imperative that staff clearly communicate these requirements in the bid process and inform suppliers, at the time of bid, exactly what it is that the City needs.

Instructions for preparing a Request for Proposal are presented on **Exhibit 2**.

The splitting of purchases to avoid bid and authorization limits is a clear violation of these instructions. Furthermore, purchase cost estimates should always include necessary post-manufacturer add-ons and be included in the Bid specifications.

~~Council Discretion - In its discretion, Council may reject any and all bids only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than an amount to be set by the council by resolution, or when the commodity can be obtained from only one vendor.~~

Bid Cancellations - City Council may cancel an invitation for bids, a request for proposal or other solicitations and may reject some or all bids or proposals when it is determined that cancellation or rejection serves the best interest of the City.

Cooperative Purchasing - Where possible, Cooperative Purchasing may be a benefit to the City. With cooperative purchasing, public entities may mutually make purchases, achieving significant economies of scale. Although public entities together prepare specifications and receive bids, each public entity executes its own contract, administers the procurement function and finances the purchase independently.

BIDDING EXCEPTIONS

Sole Source Procurements

Sole source procurements involve services and/or supplies that can only be practically obtained from one source. Justification will be based on the following:

- The contractor or supplier is the sole provider of the service or supply.
- The contractor or supplier is the only source permitted to provide the service or supply based on the manufacturer's agreement acting as the sole representative in the geographical area.

The person requesting the purchase is to prepare written correspondence justifying and describing the reason for the sole source purchase. This documentation must be submitted to Finance along with the requisition for approval.

Emergency purchases

For the purposes of this section, an emergency shall be deemed to exist if:

- A public disaster occurs; or
- An emergency is declared by the City Council or City Manager

- There is an immediate need to prepare for national or local defense; or
- There is a breakdown in machinery or an essential service which requires the immediate procurement of supplies and equipment to protect the public health, welfare, or safety; or
- Public health, welfare, or safety would be greatly hampered, if there was an undue delay in the procurement of the needed item

Authority - The City is not required to engage in competitive bidding in an emergency situation. The City Manager or designee holds the authority to waive any procedures in these instructions that are not statutorily mandated when making emergency purchases of supplies, equipment, materials or services.

If the purchase equals or exceeds \$~~100~~75,000 for construction work, supplies, equipment, materials or services (including professional services), after-the-fact ratification is to be obtained from City Council at the soonest possible public meeting following the event. ~~Emergency purchases expected to exceed \$100,000 must be preceded by a declaration of the emergency and procurement ratification by a majority vote of the City Council.~~

If, at the time of the emergency, neither the City Manager nor designee are available, department heads may order the needed commodity from the nearest available source. As they become accessible, the City Manager, designee and Finance should be immediately notified of the purchase.

Initiating the Purchase - Emergency purchases can be made by staff responsible for the emergency response. Staff should attempt to determine the best price and quality of product or services available and advise his/her department head at the earliest possible opportunity. The Department head is to relay such information to the City Manager promptly.

Finance Notification – Soon after placing the order, Finance is to be notified of: (1) the activation of an emergency purchase; (2) the nature of the purchase and emergency; (3) the Department head or authorized designee approval; (4) the name and location of the vendor; and (5) the City Manager approval pursuant to the procedures outlined above. This information is to be provided via the Emergency Purchase Documentation form (**Exhibit 3**).

Emergency Credit Card Limits - In times of emergency, the City Manager and Department Heads may request a temporary increase in individual credit card transaction limits from Finance up to a maximum of \$75,000.

Federal Emergency Management Agency (FEMA) - In all cases, the documentation requirements of both the local and federal FEMA agencies are to be complied as the City's emergency response team is activated. The tracking of work/OT hours by location, positions and incident, invoices/receipts and photographs will ensure cost recovery when claims are ultimately submitted.

Council Discretion - In its discretion, Council may reject any and all bids only when an emergency requires that an order be placed with the nearest available source of supply, when the amount involved is less than an amount to be set by the council by resolution, or when the commodity can

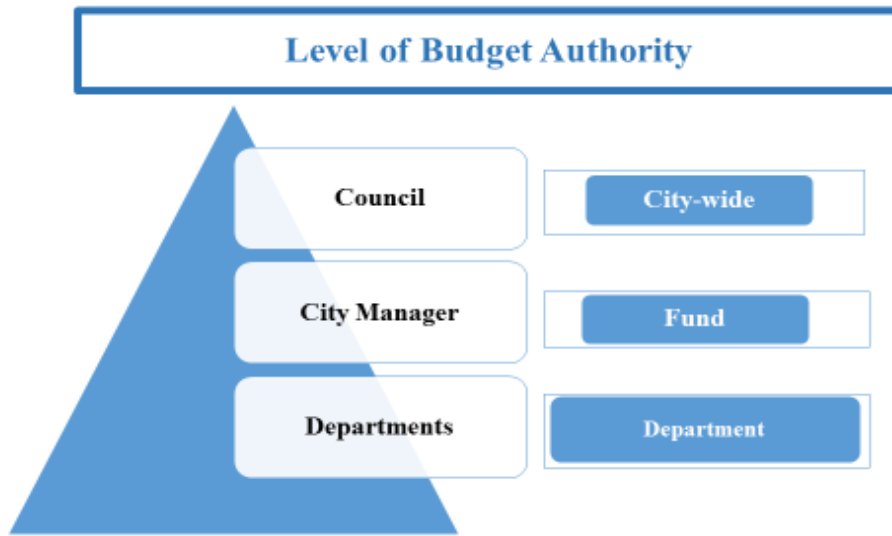
be obtained from only one vendor.

BUDGET AUTHORITY LEVELS

Budget Responsibility - The annual budget is an essential element of the financial planning, control, and evaluation process of the City. It is reviewed each fiscal year by Council and is designed as a financial blueprint for the City to follow.

Upon adoption, the various amounts approved in the budget are recorded into the City's financial system. Monthly reports are provided to department, program or project managers in order to allow track expenditure activity and compliance with budget limits. It is the responsibility of each Department to maintain control of their budgets.

Per fiscal policy, Department heads have budget control at the total department appropriation level. The City Manager's budget authority is at the Fund and Capital Improvement Project level. This means no Department head can transfer to/from or utilize the budget of another department – he/she cannot cross departmental or capital project lines of appropriation. The City Manager may approve transfers between department/programs but cannot increase the appropriation limit of any one fund or any one Capital Improvement project. Any increase in appropriation levels within any one Fund or adopted Capital Improvement Project must be authorized by City Council. This authority relationship is as displayed graphically below.



It is critical that all expenditures be coded to the proper and most appropriate account classifications during the year without restriction to itemized line item limits (excluding salary and benefit items and total capital project appropriations). The accurate reporting of expenditure types allows for the refinement of budget variances each year.

SIGNATURE AUTHORITY & APPROVALS

Finance maintains a signature list, including individual approval dollar limits and areas of responsibility, of employees designated by Department heads to approve and sign for purchases. A sample copy of each authorizing signature facsimile is maintained in Finance for audit verification. Department Heads may delegate signing authority up to a maximum of \$25,000 to a Division Manager but must submit such authorization in advance via the signed signature list previously referenced herein. Overall functional signing limits are established as displayed in the following chart. Purchase requests received by Finance lacking appropriate approvals will be returned promptly to the issuing department before any purchase order is issued and/or payments are processed. Any late charges arising from such processing delays will need to be charged against the requesting department budget.



Change Orders

The submission of change orders to an existing PO, CPO or PCA can alter the level of approvals required up to, and including, the need for Council action. The determination of authorization levels should include the sum total of the purchases including the accumulated value of related change orders.

Information Technology Purchases

All Information Technology (IT) purchases must be approved in advance by the IT Manager and/or designee to ensure compliance with City hardware and system standards. Similarly, IT is required to be consulted for any planned purchases of software and hardware arising during the budget process and in the development of system specifications. IT cannot make purchases on behalf of an operating department without documented pre-authorized by the department head or designee. This approval will be documented via the completion of the IT Work-Order form.

Shared Cost Purchases & Payroll Payments

Some shared costs, such as utilities (phone, water, gas, electric, insurance, Software annual maintenance or subscription payments, etc.), fuel, facilities and payroll/benefits deductions (taxes, health benefits, PERS, etc.), require broadly defined processing methods as they are operational in nature and addressed in the budget on a bulk basis. Such payments are held to categorical budget appropriation limits, are centrally processed by Finance, fall outside individual authorizing dollar limits, and are handled in bulk form in the monthly accounting process. These items are reviewed

by Finance for completeness, budget compliance and accuracy as they are processed. The basis for these shared cost allocations should be developed by Finance in coordination with the impacted departments and discussed in the annual budget process.

Warehouse Orders, Shared Building Supplies & Fuel

Limited items are available for order through the Maintenance Services warehouse. These mostly include janitorial supplies, fuel, office paper, kitchen supplies and can simply be requested via email or phone. They will be charged to the ordering department at month-end based upon inventory pricing. Supplies delivered to shared cost sites, such as City Hall, will be allocated among benefitting programs on a reasonable basis. Maintenance services shall document these purchases on a monthly basis as a basis for financial reporting.

Equipment Purchases Identified in the Budget Process

All new and replacement requests for equipment or vehicles are itemized and submitted to Finance as part of the annual budget process or at the time of mid-year budget review. At budget adoption, these specifically identified items will be considered approved. In procuring these items, departments are to strictly follow the bid and approval procedures set forth herein but may finalize such purchases without returning to City Council. However, City Council approval must be obtained if additional appropriations are required above the original adopted budget or if the nature of the purchase is substantially altered.

FIXED ASSET IDENTIFICATION & TRACKING

Any tangible item with a useful life of at least one year and a purchase cost, including sales tax and incidentals, of \$10,000 or more is considered a fixed asset. These items are to be identified by a unique identifying number (ID) and tracked during their lifecycle. Items that do not fit within the dollar threshold for a fixed asset, but are considered valuable, such as cellular phones, cameras or laptops should also be identified by a City ID. Departments are responsible for ensuring that unique identifying numbers (serial numbers/VIN #s) are evident in the supporting documentation provided to Finance and for safeguarding City assets, regardless of the value. Departments should expect to account for an asset's condition and location as part of a year-end inventory.

Physical movement of any fixed asset, even within a department, must be approved by Department heads or designees and coordinated with Finance to ensure that inventories are updated with the proper location. Similarly, it is imperative that Information Technology (IT) be contacted before any computer hardware is relocated. The physical disposal of any fixed asset must be approved by Department heads and designees and coordinated with Finance and Maintenance to ensure that inventory listings are updated. It is imperative that IT be contacted before any computer hardware is abandoned.

Periodically, Finance or assigned independent auditors will conduct unscheduled audits to trace

actual expenditures to physical assets on site. Departments shall accommodate the performance of these audits of asset purchases upon request.

PROFESSIONAL SERVICES

Professional services include those provided by industry specialists such as lawyers, accountants, actuaries, technology specialist, planning, building, and financial consultants. These services, beyond the realm of public works contracts, are exempt from bidding requirements as their selection is based on expertise, experience and proficiency rather than price. As a matter of practice, the City *highly encourages competitive bidding for all service contracts and formal RFPs for contracts with values over \$25,000.*

Agreements with vendors for services can be for a three year period with up to a two year extension of the agreement to total no more than five years. At the conclusion of the five years, it is recommended that the agreement be re-bid to test the price of like services in the market place and to provide other vendors an opportunity to present a bid for services. Agreements posted on the Template drive contain the language needed to state the “term” (length of time) of the agreement. For existing agreements that are ongoing until terminated, consult with Risk Management to ensure agreements are revised to include a five year term or proper amendment language.

Managers are to review with Risk Management each ongoing software or licensing agreement that exceed the five year term. These agreements are evaluated on a case-by-case basis for the length of term of the agreement and amendment language.

All contracts entered into by the City require the City Attorney (review), City Manager, Risk Manager, Department Head and ~~Administrative Services Director~~Finance Director approval. Contracts over the dollar limits listed below require Council approval prior to award. The City encourages staff to issue a request for proposal (RFP) as a measure of due diligence in competitively seeking and awarding these services. This avoids the appearance of capricious or arbitrary awards. It is prudent to receive proposals as the basis for defining the scope of work and the deliverables to be contracted. This process is presented in table format in **Exhibit 1b**.

<i>Value of Non Legal Professional Services</i>	<i>Recommended Number of Proposals</i>	<i>Required Approvals</i>
\$15,000 - \$25,000	Department must conduct evaluation of options but does not have to obtain written proposals.	City Attorney, Department Head, Administrative Services Director <u>Finance Director</u>
Over \$25,000 <u>Under \$50,000</u>	A Formal RFP and three written proposals	City Council , City Attorney, Department Head,

	recommended	Administrative Services Director Finance Director
<u>Over \$50,000 Under \$100,000</u>	<u>A Formal RFP and three written proposals recommended</u>	<u>City Attorney, Department Head, Finance Director, City Manager.</u>
<u>\$100,000 and over</u>	<u>A Formal RFP and three written proposals recommended</u>	<u>City Attorney, Department Head, Finance Director, City Manager, City Council</u>

<u>Value of Legal Services</u>	<u>Recommended Number of Proposals</u>	<u>Required Approvals</u>
<u>Up to Annual Budgeted Appropriation for Legal Fees</u>	<u>City Attorney to evaluate need based on expertise</u>	<u>City Attorney, Finance Director, City Manager</u>
<u>Above Fund Level Budgeted Appropriation</u>	<u>City Attorney to evaluate need based on expertise</u>	<u>City Council</u>

** Services under \$5,000 do not require bids although approvals are required from a Department Head and/or Designee for all purchases*

~~The procurement of legal services of any value amount must be approved at the City Council level.~~Legal Fees

The Los Alto Municipal Code establishes that the City Attorney “may retain or employ other attorneys, assistants or special counsel as may be needed to take charge of any litigation or legal matters or assist the City Attorney therein provided.

The City Attorney estimates these costs at the preparation of the budget on a gross basis. Such payments are held to categorical budget appropriation limits, and are centrally processed by Finance, and therefore fall outside individual authorizing dollar limits, and are approved by the City Manager. These items are reviewed by Finance for completeness, budget compliance and accuracy as they are processed.

Changes in the scope of existing contracts may trigger a higher level of required approvals.

Professional services must be initiated and approved via the use of a CPO but can never be procured solely through that medium. Services of this nature must be entered into contractually using a City-compliant executed contract and require the approval of the Risk Manager.

Professional Service Travel Costs - Professional service firms often bill clients for their direct and indirect costs, such as travel, photocopying, proposal preparation, etc. It is advisable that potential providers are informed of, and make documentation available in support of, the City

operating travel policies including the following:

- **Airfare:** The City will not reimburse first class, business class, boarding preferences or other premium types of transportation.
- **Hotel:** The City will reimburse reasonable hotel accommodations (i.e., single or double rooms, but no suites) and encourage obtaining a Government rate in a local venue.
- **Meals:** Reimbursement for meals is limited to the current IRS per diem rate for the destination city.
- **Car Rental:** Rental vehicles shall be mid-sized class or smaller with rates commensurate with those offered by major rental companies. Use of luxury cars, specialty vehicles, or other non-standard cars will not be reimbursed. Insurance will be provided under the driver's or company's own policy. Additional insurance coverage offered by the rental car company is not reimbursable by the City.
- **Entertainment/Personal Services:** Under no circumstances are expenses related to entertainment (i.e., theater tickets, sporting events) or personal services (i.e., dry cleaning, haircuts) reimbursable.
- **Deliveries/Transmittals:** Deliveries for which the City is billed will be transmitted in the most economical manner reasonable, unless otherwise required by the City.
- **Proposal Costs:** The City will not reimburse the vendor for any costs associated with the preparation of a proposal.

It is important to make the proposed vendors aware of these restrictions well in advance of proposal submittal or contract completion.

ADDITIONAL MATTERS

FISCAL YEAR-END CUT OFF

The City's fiscal year runs from July 1 to June 30. To allow for adequate processing time certain types of purchases must be completed well before the end of the fiscal year. While exact calendar dates may vary, the cutoff for submitting purchasing paperwork is generally as follows:

Requisitions & Purchase Orders:	2nd week of June
Blanket Purchase Orders:	Orders to be placed by June 30

SUPPLIER CONTACT AND DECORUM

Staff is obliged to act in a professional and ethical manner at all times when in contact with suppliers who market their services to the City. To this end, we strive to:

- Give all suppliers full, fair, prompt and courteous consideration
- Maintain a level playing field and information transparency
- Protect vendor confidentiality when dealing with market-sensitive data
- Solicit suggestions in determining clear and adequate specifications and standards
- Effectively coordinate with suppliers in an equitable and uniform manner
- Observe truthfulness and highest ethics in all transactions and correspondence

It is important to treat all vendors equally. This includes providing all competing vendors with the same information needed to respond to a request. It is unfair and unethical to divulge one vendor's bid price, terms or conditions to another during the competitive bidding stages and important to realize that this information is not publicly accessible until all bids have been received and evaluated. Information marked "Proprietary" or "Confidential" by the vendor is not considered public and must not be revealed to outside parties. The appearance of impropriety is just as important as actual impropriety. Displays of favoritism to a particular vendor should be avoided at all times.

Gratuities - To maintain strict objectivity and the highest ethical standards, the City prohibits employees accepting vendor gifts or gratuities. Violation of this standard may result in employee disciplinary action up to, and including, termination.

Insurance - It is the City's practice to transfer as much risk as possible from the City to the supplier or contractor. Therefore, insurance is required from any contractor performing work for the City. This is especially the case for services provided on City property. In these cases, the standards and insurance requirements set forth by Risk Management must be adhered to. The City's minimum insurance standards to be complied with are included as **Exhibit 5** to this document.

Taxes - The City pays sales or use tax on most purchases as defined by Santa Clara County. This amount is added to the taxable subtotal of your order (certain items such as labor or transportation may or may not be taxable). Use tax, which is equivalent to the sales tax rate, is collected on many out-of-state purchases where the state originating the sale does not collect California State sales tax on behalf of the State. It is important to identify the applicability of Use Tax in bid costing to avoid an unintentional budget overrun. The City is exempt from paying Federal Excise Tax.

Shipping and Installation Costs: In developing, accepting and evaluating good and material bids, it is incumbent on City staff to ensure that costs include any related shipping and/or installation costs and request such information from the subject vendors. In all cases, developing the full costs of purchase is critical to the budget process.

Payments Terms & Frequency - The City's payment terms are **net 30 days from billing/invoice date**. Vendor agreements should be established using this standard and clearly communicated to

them. **Exhibit 6 8-6** displays the City's [sample](#) accounts payable calendar, a document that should be shared with existing and new vendors to establish payment expectations. A vendor's inability to adapt to the City's payment terms may make them ineligible for use. As a general rule, the City will not pay late fees.

Conflict of Interest/Third Party Transactions - In order to maintain public trust and confidence in the integrity of purchasing transactions, no City employee who has a real or apparent conflict of interest should participate in the transaction.

Establishing New Vendors - One element of fiduciary responsibility is maintaining strict control over the open accounts established under the City's name. Therefore, the City has instituted a practice whereby Finance has control over creation of all new vendor accounts and the submission and completion of credit applications for open accounts. W-9s are required for all new vendors without exception.

Grant Funding - Federal or other grant programs may require special conditions which are more stringent than City procedures. It is the responsibility of the department accepting the grant to ensure that all grant provisions are complied with. All grants shall be awarded with City Council approval.

Surplus Property Management - Maintenance Services is responsible for the disposal of all City surplus property via auction. Information Technology should be contacted if you desire to disconnect or dispose of computers and related hardware.

The City maintains a small inventory of serviceable surplus property items that may be acceptable for use upon request by a department. City staff or family members are not eligible to purchase City surplus property. Staff may, however, attend any third party public auction and bid as a member of the public.

Public Safety handles property room disposals directly through a safety-specific auction process and coordinates associated revenue collections with Finance.

Independent Contractors - The Internal Revenues Service (IRS) and the California Employment Development Department (EDD) require independent contractors to provide a W-9 form to the City including the business type (sole proprietor, corporation or partnership) and documenting a taxpayer identification number (Social Security or federal identification number). Finance must receive the W-9 when a requisition or invoice is processed for a new vendor. Failure to provide this form will result in non-payment of an invoice or delaying processing of a requisition.

Other Jurisdiction BPO or Purchase Contract Agreements (PCA) - Staff may use BPOs or PCAs issued by other jurisdictions entered into competitively if it is shown that the selection criteria are essentially the same as would be used by the City. Examples include: Santa Clara County BPA for furnishings or awarded unit price schedules for slurry seal or sidewalk repairs.

Prohibited Practices

No City employee shall use or misrepresent the City's purchasing process to obtain property or services for personal use, benefit or personal price discounts. Volume or incentive discounts made

available in making City purchases can only be applied to the City's benefit and never personal gain.

No City employee shall draft or cause to be drafted any specifications for bids in such a way as to intentionally limit the bidding directly or indirectly to any one bidder except for the sole source procurements.

PUBLIC WORKS PROJECTS

Public Projects are defined by the State of California Public Contract Code, Section 20161 as a project for the erection, improvement, painting, or repair of public buildings and works; work in or about streams, bays, waterfronts embankments, or other work for the protection against overflow; street or sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers. These purchases are controlled directly by the related Public Contract Code sections and fall outside the operational purchasing cycle addressed in this policy.

The responsibility for specifying, bidding and managing public projects rests with the Public Works Department and that Department head responsible for the management of the project.

[Should the City Council decide to adopt The California Uniform Public Construction Cost Accounting Act \(CUCCA\). The City would follow the cost accounting procedures set forth in the Cost Accounting Policies and Procedures Manual of California Uniform Public Construction Cost Accounting Commission](#)

Engineering shall always be consulted in the development of Public Works Bids to ensure compliance in this highly complex area.

GLOSSARY

Bid: A proposal to provide goods and services submitted in accordance with the request for bid documents.

Bidder: A person or entity who submits a bid.

Blanket Purchase Order (BPO): A method by which departments may purchase materials from a specific vendor continuously throughout a specified time period. Orders for materials not available from BPO vendors can be purchased by petty cash, credit card, purchase contract, or through the purchase requisition/purchase order process as described within this document.

Change Order: An amendment to an original purchase order authorizing a change in the scope of

work; adjustment in the contract sum or contract time; or cancellation of parts or all of a purchase order.

Check Request: The form used to request that Finance process payment to a vendor or contractor. The form accommodates several uses, including Direct Payments, Blanket Purchase Order payments as well as partial payments against existing purchase orders and contracts.

Contract: An agreement between two or more parties to do something which is set forth in writing and is enforceable by law.

Contract Purchase Order (CPO): The document used by departments to document the request professional services and supported by a formal executed city compliant contract approved by the Risk Manager. A CPO, on its own, does not support authorization to purchase. A CPO shall always be accompanied by an executed formal contract and is authorized by the Assistant City Manager.

Cooperative Purchasing: The purchase of goods, materials, or services which is entered into by one or more local government entities. The expected impact is to increase volume and/or competition which will result in greater savings.

Informal Bid: A proposal to provide materials, supplies and/or maintenance services in amounts under \$75,000 in estimated value. Responses are generated from City requests and bids should be obtained by written quotes although phone quotes may be acceptable for certain items.

Formal Bid: A proposal to provide materials, supplies and/or maintenance services equal to or exceeding \$75,000 in estimated value. A sealed formal bid is submitted in response to the City's Request via a Request for Proposal and may require advertised publication based upon defined dollar limits.

Packing List: A list of supplies requested which includes stock number, item description, quantity requested, and number of items delivered.

Petty Cash: Small dollar reimbursements (\$100 or less) made out of cash boxes held within departments.

Professional Service: A specialized type of service typically provided by those requiring extensive educational, certification, and experience standards. Examples of professional services contracts include, but are not limited to, those of accountants, actuaries, appraisers, architects, attorneys, brokerage firms, business consultants, business development managers, copywriters, dentists, distributors, engineers, law firms, physicians, public relations professionals, recruiters, researchers, real estate brokers, translators, software engineers, value-added resellers and web designers. While not limited to those holding professional licenses, the services are considered "professional" and the contract may run to partnerships, firms, or corporations as well as to individuals.

Purchase Contracts: Contracts for routine and repetitive maintenance services typically for the maintenance of landscaping, office machines, office supplies, janitorial services, building maintenance, and street sweeping.

Purchase Order (PO): The document that obligates the purchase of goods or maintenance services that are not available from a BPO; an existing purchase contract; and is above the limit for procurement as a direct vendor payment.

Purchase Requisition: The document used by departments to request goods or maintenance services that are: not available through a BPO; not available on an existing purchase contract; and is above the limit for procurement as a direct vendor payment.

Quality: The extent to which the actual minimum needs of the end users are satisfied.

Request for Proposal (RFP): Used to request information and pricing from contractors or suppliers. Typically, RFPs are utilized for non-commodity type items where the expertise of the contractor is vital criteria in the selection process. While price/cost is an important component of the selection process, it is not the only factor in the selection process.

Service Contract: A service contract means a contract that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to solely furnish an end item of supply. A service contract may cover services performed by either professional or non-professional personnel whether on an individual or organizational basis.

Specifications: A complete and accurate statement or set of statements covering the physical, functional, or technical characteristics of goods or services needed, description of any requirements for inspecting or testing and performance standards for items sought. It may also include provisions which govern various aspects of parties to the contract and any special conditions or pre-conditions that exist relative to any goods or services being solicited.

Maintenance Services: Services typically dealing with operational maintenance, supplies, and equipment support, rather than specialized professional services described above.

Vendor: A person or company who provides goods or services. A vendor can also be referred to as a supplier.

EXHIBIT 1A

PURCHASING BID AND AUTHORIZATION CHART

MATERIALS - GOODS - MAINTENANCE SERVICES

ORDER TYPE

COST POINT

FEATURES

**Materials, Goods,
Maintenance
Service**

Less Than \$5,000
(No Bids Required)

Prudent judgment should be used along with obtaining comparative pricing whenever practical. Orders require department head or designee approval.

These include supplies, equipment, operating or maintenance services and projects. Excludes "Public Works Projects" and "Professional Services"

\$5,000 to \$50,000
(Informal Bid)

At least 2 quotes required but 3 recommended. Written bids/quotes are preferred but may be verbal with documentation. City Manager and Department head-approved Purchase Order (PO) required. City Attorney approval, Risk Manager approval, and CPO required for contracts

Over \$50,000 (Sealed
Formal Bid)

Obtain at least 2 formal quotes - 3 recommended with bid publication for purchases of \$~~1075~~,000 or over. City Manager and Department Head approved Purchase Order (PO) required. City Attorney approval, Risk Manager approval, and CPO required for contracts.
City Council approval is required before award.

\$~~10075~~,000 or more
(Published Advertised
Sealed Bid)

Materials, Goods and Maintenance Service contract costs of any dollar value must adhere to pre-defined signature approval limits. All Information Technology (IT) purchases require approval of the IT Manager for network compliance. Any IT Purchase for a service department must be authorized via an IT Work Order authorized by a department head or designee.

EXHIBIT 1B

PURCHASING BID AND AUTHORIZATION CHART

PROFESSIONAL SERVICES

ORDER TYPE

COST POINT

FEATURES

Professional Services

These services include those of a highly technical nature requiring extended training and certification.

Include legal, accountancy, technology and specialty consulting services.

These are general guidelines. The evaluation and selection of consultant services may vary on a case-by-case basis.

\$0 to \$25,000
(RFP Highly Recommended)

Prudent judgment should be exercised and obtaining comparative pricing if practical. Orders require department head or designee approval.

Price proposals not required but three are recommended and must include a City Manager, City Attorney, Department Head and ~~Finance~~Administrative Services Director approved CPO and service contract.

Over \$25,000
(RFP Required)

RFP required with three bids are encouraged and must include a City Manager, City Attorney, Department Head, ~~Administrative Services~~Finance Director and City Council-approved (Over \$100,000), or City Council authorized, CPO and service contract.

~~Legal Professional Services of any dollar value must be approved by the City Council, City Manager, City Attorney, Department Head and Administrative Services Director.~~

EXHIBIT 2

PREPARING A REQUEST FOR PROPOSAL

Requesting departments are responsible for preparing Requests for Proposal (RFP) to satisfy a need for specialized services. Since each RFP is different, with distinct requirements, it is necessary to carefully analyze the information needed to successfully issue an RFP and select the proper contractor.

This guide is furnished to assist you in preparing a Request for Proposal (RFP). It covers the basic elements of an RFP and suggests topics that you may want to address when preparing one. The items listed are simply a guide. Feel free to include others that may suit your specific need.

A Request for Proposal is used to acquire goods or services including:

Tasks requiring specially-trained personnel

Items that are non-standard

Complex services

The following is a list of elements to consider and/or include when assembling an RFP.

Statement of Work

This is also known as "Scope of Work." This is the section in which the services you are requesting and the conditions upon which they will be delivered are identified and defined. It often includes the following items:

- **Tasks:** It may be appropriate to list the tasks you expect the contractor to perform, and the time-line in which you need the items performed.
- **Submission Requirements:** If you have specific data requirements list them. Checklist form may be the most appropriate so the bidder can check off the items as they are completed. It may be necessary to limit the proposals to a certain length for efficiency and practicality.
- **Inclusions/Exclusions:** List those items that are to be included or excluded in the proposals. Example: Any costs associated with the preparation of the proposal are to be borne by the contractor.

Due Dates and Timelines

Set a deadline for receipt of proposals. Unlike formal bids, which are opened and read aloud at a given time, proposals can be opened as they are received. However, to be fair, proposals are not to be received after the deadline stated. Deadlines can be extended prior to the stated closing if necessary. A deadline of 5:00 PM (close of business) is the easiest to deal with since it coincides with the closing of City Hall. Date and time stamps should be used to document such key events.

Location for submitting RFPs: As with the date and time, make it clear where the proposals are to be submitted. They can be submitted to the responsible Department or to the City Clerk's office (coordinate with the City Clerk if the proposals are going to be submitted to the City Clerk's office). Include the address and the Department name, as well as the person who will be receiving the proposals.

Request For Proposal Schedule

A tentative schedule should be printed in the RFP. This will give the proposing vendors an idea of how long the process is expected to take. An example follows:

RFP issued - Mo/Day/Year

Pre-proposal Conference - Time - Mo/Day/Year

Deadline for questions - Mo/Day/Year

Responses to questions Issued - Mo/Day/Year

Proposals due date - time - Mo/Day/Year

City Review of proposals completed - Mo/Day/Year

City Council review/approval - Mo/Day/Year

Contract signing - Mo/Day/Year

Pre-Proposal Conference

Depending on the complexity of the service requested, you may want to schedule a meeting with the potential vendors to discuss and clarify the City's needs. If you will be conducting such a meeting, attendance should be strongly encouraged for the proposing vendors. If appropriate you may make the Pre-proposal conference mandatory. Make it clear that they will be responsible for the items discussed. If important issues arise, take notes and issue an addendum to the RFP clarifying those issues. Have a sign-in sheet listing the names of the people attending, company names, signatures, telephone and fax numbers

Questions/Responses

Set a deadline for the submission of questions by proposing vendors. It is important that all involved are working from the same information. Ask that the questions be submitted in writing by a certain date and time. Then respond to the questions in writing. State the questions asked and the City's response and fax/email it to all in attendance at the pre-proposal conference.

Insurance

Consult with Risk Management to determine what types and levels of insurance are necessary. Include a section on the City's insurance requirements. Stress to the proposing vendors that they should review the City's requirements with their insurance carriers prior to submitting a proposal. Include a discussion on insurance at the pre-proposal conference as well.

Contractor/Vendor Qualifications

Ask the proposing vendors to provide resumes and qualifications of the people that will be working on the contract if awarded. Ask for the hourly rate of the individual and the expected numbers of hours that person will be contributing to the project.

Evaluation Criteria

You will be reviewing and evaluating each proposal based on certain established standards. It is

necessary to list those standards in the RFP. However, you may not want to identify the weight you are giving each of the criteria, otherwise, the proposing vendor may "stack the deck" in those areas.

Typical criteria can include:

Contractor experience with similar projects (size and scope)

Contractor references

Approach to completing project

Experience of staff

Customer service orientation

Responsiveness to RFP

Understanding of the project

Proximity of base of operations (if important)

Availability during project

Cost of the service

This is not a complete list and not all of the items listed are appropriate for all RFPs. Basically, you need to list all of the items of importance on which you will be judging the proposals. You cannot rate a proposal on criteria not listed in the RFP.

Evaluation Panel

Once the proposals have been received, an evaluation will take place. It is best to have a team independently read and score the proposals for maximum objectivity. To be as completely objective as possible, a score sheet should be used to tabulate the individual suppliers. Anyone included as a selection panel member should be completely briefed on the importance of maintaining information confidentiality, objectivity, and requirements of the RFP.

Notification of Rejection

Usually, there is only one contractor selected to fulfill the requirement. The other contractors submitting proposals need to be notified of the outcome. When advising the rejected contractors, be prepared to discuss why the City selected the contractor it did, as well as areas in the contractor's proposal that did not adequately address the issues, or other shortcomings it may have had. Always be courteous and considerate when explaining the rejection.

Contract Approval Limits

Contract limits are as defined in the City Purchasing Policy.

**EXHIBIT 3
EMERGENCY PURCHASE FORM**

Emergency Date	_____
Cost	_____
Department/Division	_____
Vendor	_____
Address	_____
Telephone	_____
Emergency Description	_____

JUSTIFICATION

EMERGENCY DEFINITION

- To preserve or protect life, health or property; or
- To provide assistance during a natural disaster; or
- To prevent the cessation of essential public services.

Describe emergency:

Since emergency purchases do not normally provide the City an opportunity to obtain competitive quotes, it is important to keep these types of purchases to those absolutely necessary.

The following procedures shall be followed after the emergency:

- Complete a requisition and obtain a purchase order within three days of the emergency.
- Notify City Manager and Finance of emergency costs greater than \$5,000.
- Notify City Council at next regularly scheduled meeting of emergency costs greater than \$75,000,
- If Emergency purchases causing line item budget shortfalls, the responsible department shall:
- Obtain City Council approval for additional appropriation; or request that the City Manager transfer appropriations from other programs, within the same Fund, to cover the purchase.

REQUESTING STAFF

DEPARTMENT HEAD

Date

Date

**~~ADMINISTRATIVE SERVICES~~ FINANCE
DIRECTOR**

CITY MANAGER

Date

Date

**EXHIBIT 4
INFORMATION TECHNOLOGY WORK ORDER**

DATE _____

IT Initiated*

Yes _____

No _____

Requesting Department/Division _____

Requesting employee: _____

Description of need _____

Description of equipment needed _____

Identified vendor _____

Required delivery date _____

REQUESTING EMPLOYEE

DEPARTMENT HEAD

Date

Date

IT MANAGER
~~**DIRECTOR**~~ **FINANCE DIRECTOR**

~~**ADMINISTRATIVE SERVICES**~~

Date

Date

* All IT-initiated purchase request must be authorized by the benefitting Department head or designee

EXHIBIT 5 MINIMUM INSURANCE REQUIREMENTS

Minimum Scope of Insurance as related to the provision of service to the City

CONSULTANT shall provide his insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements to: Project Manager, City of Los Altos, 1 N. San Antonio Rd., Los Altos, CA 94022

Minimum Scope of Insurance Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office Form CG 0001 covering CGL on an "occurrence" basis, including products-completed operations, personal & advertising injury, with limits no less than \$1,000,000 (or \$2,000,000) per occurrence. If a

general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
4. Professional Liability (Errors and Omissions) Insurance appropriate to the Consultant's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status. The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy, with endorsements under CG 20 26, with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts or equipment furnished in connection with such work or operations.

Primary Coverage. For any claims related to this contract, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation. Each insurance policy required above shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice (10 days for non-payment) has been given to the City.

Waiver of Subrogation. Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Claims Made Policies. If any of the required policies provide claims-made coverage:

5. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
6. Insurance must be maintained, and evidence of insurance must be provided for at least three (3) (or five (5)) years after completion of the contract work.
7. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase “extended reporting” coverage for a minimum of three (3) years after completion of contract work.

Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant’s obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

PLEASE NOTE: See the City Template General Service and Contract Agreements posted in the Templates Folder online. Check for periodic updates and other provision requirements. Assistance is available from the Risk Manager.

Requesting departments are responsible for verifying insurance coverage requirements with Risk Management as these parameters may be modified periodically. It is equally important to reference the TEMPLATE General Service and Contract Agreements posted on the Templates folder online and supplied by Risk management in the course of preparing RFPs and finalizing agreements. Departments must attain insurance documents from the vendor prior to execution of the agreements/contracts.

EXHIBIT 6 SAMPLE PAYMENT CALENDAR

2012 ACCOUNTS PAYABLE CALENDAR

INVOICE CUTOFF DATE*	CHECK PRINT DATE	DATE CHECK IS MAILED
01/13/12	01/19/12	01/23/12
01/27/12	02/02/12	02/06/12
02/10/12	02/16/12	02/17/12
02/24/12	03/01/12	03/05/12
03/09/12	03/15/12	03/19/12
03/23/12	03/29/12	04/02/12
04/06/12	04/12/12	04/16/12
04/20/12	04/26/12	04/30/12
05/04/12	05/10/12	05/14/12
05/18/12	05/24/12	05/25/12
06/01/12	06/07/12	06/11/12
06/15/12	06/21/12	06/25/12
06/29/12	07/05/12	07/09/12
07/13/12	07/19/12	07/23/12
07/27/12	08/02/12	08/06/12
08/10/12	08/16/12	08/20/12
08/24/12-Fiscal Year 11-12 Cut Off		
08/24/12	08/30/12	08/31/12
09/07/12	09/13/12	09/17/12
09/21/12	09/27/12	10/01/12
10/05/12	10/11/12	10/15/12
10/19/12	10/25/12	10/29/12
11/02/12	11/08/12	11/09/12
11/16/12	11/20/12	11/21/12
11/30/12	12/06/12	12/10/12
12/14/12	12/20/12	12/24/12
12/28/12	01/03/13	01/07/13

* Invoices are due by noon on the cut-off date. Please allow sufficient time for required departmental authorizations and proper coding when submitting invoices and avoid bulk delivery on the final invoice cut-off day

Please inform vendors that payment terms are generally on a standard 30 day basis

Customer Refunds /Recreation Instructor Payments /Travel Advances /Employee Reimbursements/ Petty Cash/Dental payments will be processed on a 10 business day priority basis

Please inform Finance of any need for unavoidable must-have or emergency payments

Requests for direct hand delivery of vendor checks will be handled on an exception basis only

2021 Accounts Payable Calendar & Information

Invoice Cutoff - By Noon	Check Print Date	Invoice Cutoff - By Noon	Check Print Date
Thursday, December 31, 2020	Thursday, January 7, 2021	Friday, July 2, 2021	Thursday, July 8, 2021
Thursday, January 7, 2021	Thursday, January 14, 2021	Thursday, July 8, 2021	Thursday, July 15, 2021
Friday, January 15, 2021	Thursday, January 21, 2021	Friday, July 16, 2021	Thursday, July 22, 2021
Thursday, January 21, 2021	Thursday, January 28, 2021	Thursday, July 22, 2021	Thursday, July 29, 2021
Friday, January 29, 2021	Thursday, February 4, 2021	Friday, July 30, 2021	Thursday, August 5, 2021
Thursday, February 4, 2021	Thursday, February 11, 2021	Thursday, August 5, 2021	Thursday, August 12, 2021
Friday, February 12, 2021	Thursday, February 18, 2021	Friday, August 13, 2021	Thursday, August 19, 2021
Thursday, February 18, 2021	Thursday, February 25, 2021	Thursday, August 19, 2021	Thursday, August 26, 2021
Friday, February 26, 2021	Thursday, March 4, 2021	Friday, August 27, 2021	Thursday, September 2, 2021
Thursday, March 4, 2021	Thursday, March 11, 2021	Thursday, September 2, 2021	Thursday, September 9, 2021
Friday, March 12, 2021	Thursday, March 18, 2021	Friday, September 10, 2021	Thursday, September 16, 2021
Thursday, March 18, 2021	Thursday, March 25, 2021	Thursday, September 16, 2021	Thursday, September 23, 2021
Friday, March 26, 2021	Thursday, April 1, 2021	Friday, September 24, 2021	Thursday, September 30, 2021
Thursday, April 1, 2021	Thursday, April 8, 2021	Thursday, September 30, 2021	Thursday, October 7, 2021
Friday, April 9, 2021	Thursday, April 15, 2021	Friday, October 8, 2021	Thursday, October 14, 2021
Thursday, April 15, 2021	Thursday, April 22, 2021	Thursday, October 14, 2021	Thursday, October 21, 2021
Friday, April 23, 2021	Thursday, April 29, 2021	Friday, October 22, 2021	Thursday, October 28, 2021
Thursday, April 29, 2021	Thursday, May 6, 2021	Thursday, October 28, 2021	Thursday, November 4, 2021
Friday, May 7, 2021	Thursday, May 13, 2021	Thursday, November 4, 2021	Wednesday, November 10, 2021
Thursday, May 13, 2021	Thursday, May 20, 2021	Friday, November 12, 2021	Thursday, November 18, 2021
Friday, May 21, 2021	Thursday, May 27, 2021	Thursday, November 18, 2021	Tuesday, November 23, 2021
Thursday, May 27, 2021	Thursday, June 3, 2021	Thursday, November 25, 2021	Thursday, December 2, 2021
Friday, June 4, 2021	Thursday, June 10, 2021	Friday, December 3, 2021	Thursday, December 9, 2021
Thursday, June 10, 2021	Thursday, June 17, 2021	Thursday, December 9, 2021	Thursday, December 16, 2021
Friday, June 18, 2021	Thursday, June 24, 2021	Thursday, December 16, 2021	Wednesday, December 22, 2021
Thursday, June 24, 2021	Thursday, July 1, 2021	Thursday, December 23, 2021	Thursday, December 30, 2021
NOTES:		FY20/21 Invoice Payment Cutoff	
Checks are mailed the same day they are printed		Short AP Week - only priority checks	
Please allow sufficient time for required departmental authorizations and proper coding when submitting invoices and avoid bulk delivery on the final invoice cut-off day.		REMINDERS: Adobe sign - drawn signatures and internal use only DocuSign - font signature and external use OK Check vendor and purchase order information in Finance Enterprise before submitting to Finance for payment.	
Please inform vendors that payment terms are generally on a standard 30 day basis.			
Customer Refunds, Recreation Instructor Payments, Travel Advances, Employee Reimbursements, and Petty Cash payments will be processed on a 10 business day priority basis.			
Please inform Finance of any need for unavoidable must-have or emergency payments.			
Requests for direct hand delivery of vendor checks will be handled on an exception basis only.			
Please encourage vendors to utilize electronic invoicing with your departmental AP accounts.			

EXHIBIT 7 AUTHORITATIVE DOCUMENTS

http://library.municode.com/index.aspx?clientID=16460&stz City of Los Altos : Municipal C... M Municode - Search

File Edit View Favorites Tools Help

Convert Select

Municode.com BUY PUBLICATION MUNICODE LIBRARY HELP

Search in: All GO SEARCH TIPS

Back to California Municode

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Los Altos, California - Code of Ordinances

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EXHIBIT 8

PURCHASE CARD POLICY



City of Los Altos

Purchase Card Policy

OVERVIEW

The City has implemented Purchase Cards (Calcards) based on the State-wide “Calcard” program. The program is designed to establish a more efficient and cost-effective method of purchasing and paying for small dollar City purchases. This program should minimize the need for voluminous blanket/open purchase orders and petty cash requests.

This document puts forth the practices and procedures required of those using Calcards and those who manage their use. The topics addressed in this policy follow:

Responsibility

Requesting Calcards

Calcard Basics

Cardholder Responsibilities

Unauthorized Purchases

Purchase Documentation

Emergency Purchases

Reconciling Statements

Disputed Charges

Returning Items

Lost or Stolen Calcards

Declined Purchase

Review & Audits

Invoices & Receipts

Compliance with Policies and Procedures

Important Telephone Numbers

Purchase Card Process Chart (Exhibit 1)

Purchase Card Employee Agreement (Exhibit 2)

Purchase Card Log (Exhibit 3)

RESPONSIBILITY

Department heads: Responsible for authorizing individuals within the Department to receive Calcards and designated approvers. Department heads must approve individual requests for Calcards and any changes to them. Department heads are ultimately responsible for ensuring the cards proper use in conformance with City practices and procedures.

Designated approvers: Designated approvers are selected and authorized by Department heads, responsible for reviewing monthly statements and submitting them to Finance in complete form. These approvers are responsible for ensuring that cardholders track and report any disputed/unauthorized charges to "Calcard" and to Finance. Individual Department Head Calcard statements and transaction logs will be reviewed by the ~~Administrative Services Director~~[Finance Director](#) and City Manager.

Cardholder: Responsible for ensuring that the use of Calcards conforms to the instructions herein, that they are used exclusively for City business, that monthly reconciled statements (including a complete Purchase Card Log (Exhibit 3) and supporting invoices/receipts) are approved and submitted to Finance on a timely basis, and that Calcards are used securely.

Finance: Responsible for administering the program, activating and terminating Calcards, and maintaining a record of individuals authorized to conduct purchase card transactions. Finance is also responsible for processing monthly payments.

REQUESTING CALCARDS

To apply for a Calcard, the Department head should send an email request to Finance and ultimately submit an approved Purchase Card Employee Agreement (**Exhibit 2**) specifying an individual purchase limit as well as a total monthly limit.

CALCARD BASICS

Calcards are to be used exclusively for City business. They are Visa credit cards that work just like a personal credit card except that monthly charges are paid directly by the City.

Calcard purchases are held to individual transactional limits set by Department heads and to the small dollar purchase limit of less than \$5,000 established by City purchasing policy. Department heads also set a total monthly dollar limit for each individual cardholder. Each time the card is used, an electronic process verifies that the purchase is within these limits. If the purchase violates these limits, the supplier will not accept the order.

Calcards will be issued in an employee's name, bear a "City of Los Altos" imprint and display a unique color scheme to distinguish them from personal credit cards. Cardholders are directly responsible for the proper use of their cards and department heads for the management and review of those they have authorized.

Monthly statements will be sent to cardholders for verification of charges against invoices/receipts, coding of appropriate budget accounts, and approval by an immediate supervisor and department

head or designee. Finance will also receive a full set of statements.

Monthly statements for cards held by Department heads are to be reviewed and approved by the City Manager and/or his/her designee.

The effectiveness of the Calcard program is dependent on the timely review, processing and submission of approved monthly transactions. Providing timely, accurate and complete purchase documentation is critical. Use of such cards is a privilege that provides a valuable alternative purchasing mechanism and requires strict adherence to established practices. Non-compliance with the City Purchasing Policy will result in card revocation and/or disciplinary action.

CARDHOLDER RESPONSIBILITIES

- To read and be fully aware of the requirements of this document and the City's Purchasing Policy
- To read and execute an approved Purchase Card Employee Agreement. (**Exhibit 2**)
- To maintain secure possession of the Calcard and keep the account number confidential.
- To ensure that all purchases strictly comply with City instructions.
- To obtain the best possible value for the City with Calcard purchases.
- To never give a Calcard to anyone for use.
- To always retain and maintain original records of receipts.
- To promptly reconcile monthly statements and provide a complete Purchase Card Log (**Exhibit 3**) including supervisor/department head review and approval. This documentation must be submitted to Finance, along with all supporting original invoices/receipts and packing slips (if shipped), within ten business days after the statement is received. See Purchase Card Process Chart (**Exhibit 1**).
- Purchases made on behalf of another department, although uncommon, must be authorized by an authorized signer from the department being charged prior to submission to Finance.
- To promptly resolve disputed items since only authorized charges will be paid. Disputed items may be suspended pending resolution by the responsible department. Failure to pay charges on a timely basis will result in card suspension. Any late fees that result from such delays will be charged to the department budget.
- To immediately call "Calcard" if a card is lost or stolen and notify Department supervisors and Finance.
- To resolve all incorrect charges and product returns as quickly as possible.

- To return Calcards to Finance upon the request of a supervisor, suspension of rights, or termination of employment.

UNAUTHORIZED PURCHASES

Purchases made shall be strictly for City of Los Altos business. Calcards shall not be used for:

- Personal use
- Cash advances or refunds
- Per diem and mileage advances
- Any transaction above the Department head set limit and no more than \$5,000 - the level at which a purchase requisition and purchase order is required.
- Professional services, except for industry-wide training services (such as seminars).
- Purchases prohibited by the City's Purchasing Policy
- Computer hardware and software not pre-approved by the IT Manager (Only the IT manager or designee can authorize hardware and software purchases).

PURCHASE DOCUMENTATION

- Always get an original invoice/receipt from the supplier.
- If paying for a conference or seminar, the original registration form and/or certification of completion must be provided.
- For non-conference business meals, the itemized restaurant receipt indicating purchased items should be provided.
- For subscriptions, keep a copy of the renewal notice or initial subscription request.
- In the case of internet purchases, provide a copy of the E-commerce receipt.
- In all cases, items being shipped or picked up at point-of-sale must be supported by a delivery packing slip with dual department approval.

If placing an order by phone, mail, or fax, or on the internet:

- Instruct the supplier to include your name, department, and address on the shipping label
- Instruct the supplier to include a receipt and delivery packing slip (charge slip, invoice, or cash register receipt) with the package.

- Verify the order is correct upon delivery, sign the packing slip and have another member of the receiving Department inspect and sign the packing slip as well.
- Retain the original invoice/receipt/packing slips for reconciliation and substantiation.

The splitting of purchases to avoid purchase card and authorizing limits will result in the revocation of card privileges and may include disciplinary actions, up to and including termination.

EMERGENCY PURCHASES

Finance management can approve a temporary increase in Calcard transaction and monthly limits in event of an emergency as defined in the City's purchasing instructions. Such increase requests can be directed to Finance by Department heads and/or the City Manager. Emergency purchases will still require the retention of supporting invoices/receipts/packing slips as a basis for payment and grant assistance recovery.

RECONCILING STATEMENTS

Calcard statements are mailed directly to Departments. Immediately upon receipt, the cardholder is to verify the accuracy of the statement by comparing charges to supporting invoices/receipts and complete the Purchase Card Log. Things to check for include:

- Statement charge amounts that exceed or differ from receipt amounts.
- Items on the statement that were not purchased, received or supported by a packing slip.

The cardholder is to provide a completed Purchase Card Log, reconciled Calcard statement, and original invoice/receipts (in the order they appear on your statement) to the designated approver for review and signature. Cardholders should sign the card log along with the approver's signature and include budget/expense account codes.

Department heads are responsible for ensuring that reconciled and approved statements for all card-holding employees, including invoices/receipts, are submitted to Finance *within ten business* days of mail delivery. [Finance will send out email reminders.](#)

DISPUTED CHARGES

If an item on the monthly statement is incorrect, the cardholder should call the supplier immediately to resolve the problem and inform his/her designated approver. Calcard should also be contacted to file the proper file dispute form if necessary. Additionally, Finance should be notified of these disputes as statements are submitted.

RETURNING ITEMS

For an over-the-counter purchase, return the item directly to the supplier and obtain a credit receipt. Requesting a cash refund is not allowed.

If the purchase was made by internet, phone, mail, or fax:

- Contact the supplier for return instructions.
- Get a return reference number from the supplier or credit number.

Be sure to check subsequent statements to verify credit received for the returned items.

LOST OR STOLEN CALCARDS

If a Calcard is lost or stolen, call “Calcard” immediately and inform your designated approver and Finance. Calcard representatives are available 24 hours a day seven days per week.

DECLINED PURCHASE

If a supplier purchase is declined, contact Calcard, your designated approver, ~~or and~~ Finance to inquire of the reason for the declination. This may be an indication of an exceeded transaction limit, monthly limit, an unauthorized purchase category, or simply a processing error.

REVIEW & AUDITS

All accounts are to be reviewed regularly at the Department level and audited regularly as part of the annual interim and year-end audit process. Finance will conduct unscheduled audits of credit card transactions and request specific identification of tangible goods purchased.

INVOICES & RECEIPTS

Supporting original invoices/receipts/packing slips are required without exception before payment can be made. If the supplier does not provide an invoice/receipt/packing slip at the time of transaction or delivery you must contact the supplier and request replacement documentation. Absence of such documentation will result in non-payment and incurred late fees and penalties charged to the benefitting Department.

COMPLIANCE WITH POLICIES AND PROCEDURES

Failure to follow established City purchasing instructions or the improper use of a Calcard will result in one or more of the following consequences:

- Suspension of card privileges
- Disciplinary actions up to and including termination of employment

There are also criminal and civil consequences related to misuse of public funds and potential action by the bonding company who provides the City's blanket employee bond.

Your account can be canceled for:

- Failure to exercise care in safeguarding the Calcard from loss or use by another person.
- Failure to obtain supporting invoices/receipts/packing slips
- Missing statement reconciliation deadlines
- Not obtaining proper departmental approvals
- Purchasing unauthorized items
- Failure to report a lost or stolen Calcard
- Determination by the Department head that there is no longer a business purpose

Your account will be cancelled immediately upon separation from the City, if the card is intentionally used for personal purposes or shared with other users

IMPORTANT TELEPHONE NUMBERS

Reporting Lost or Stolen Calcards (24 hours/7 days a week) (See reverse side of your card):

1-800-344-5696

Questions regarding the card account:

Finance Department: Accounts Payable

650-947-2616

PURCHASING CARD POLICY - EXHIBIT 1

PURCHASE CARD PROCESS CHART

MATERIALS, GOODS & MAINTENANCE SERVICES

ORDER TYPE

Small Dollar,
Materials, Goods,
Non-Professional
services

Includes materials,
supplies,
equipment,
operating or non-
professional
services excluding
"Public Works
Projects" and
"Professional
Services"

COST POINT

Less than
department head set
single purchase
limits - must be
under \$5,000
(No Bids Required)

Also within the
monthly total dollar
volume limit
established by the
department head

Cannot be used
for:
Personal Use
Cash Advances
Cash Refunds
Professional
Services

PROCESS

Calcards can only be issued to City employees
authorized by Department heads.

Calcards can only be used for City business
and never personal use

Calcards must be used directly by the
employee named on the card and never by
other individual

The employee must execute a formal approved
"Purchase Card Employee Agreement" and
comply with its requirements

Monthly statements are received directly by
the employee and must be reconciled and sent
to Finance within 10 days mail delivery

Monthly statement packets sent to Finance
must include a required "Purchase Card Log,"
or Allocations made on the banks Calcard
site. original invoices/receipts, and

Department head monthly purchase logs are to
be approved by the City Manager and
~~Administrative Services~~ Finance Director prior

Finance will process payments within the
required due date. Late fees caused by
untimely or incomplete submission will be
charged to the subject department

Hardware and software IT purchases must be
approved by the IT manager before an order is
placed

PURCHASING CARD POLICY - EXHIBIT 2

PURCHASE CARD EMPLOYEE AGREEMENT

You are being entrusted with a City of Los Altos purchasing card. The card is provided to you based on your need to purchase supplies, equipment and materials for the City of Los Altos. The City may revoke this card at any time without your consent, and the issuance of this card to you does not grant you any entitlement based on your title or position with the City or otherwise. Your signature below indicates that you have read this Agreement and will comply with its terms.

I understand that I will be making financial commitments on behalf of the City of Los Altos and will obtain the best value for The City.

I have read, understood and agree to follow the policies and procedures described in the Card Holder User Manual and the City's Purchasing Instructions. I agree that under no circumstances will I use the purchasing card to make personal purchases, either for myself or for others.

I understand that the purchasing card will be issued in my name and the "City of Los Altos." I agree that if I use the purchasing card for personal use or gain, or allow any other person to use the card, I will reimburse the City of Los Altos for all incurred charges and any fees related to the collection of those charges.

The purchasing card is City property. As such, I understand that I may be periodically required to comply with internal control procedures designed to protect the assets of the City of Los Altos. This may include being asked to produce the card to validate its existence and account number. If the card is lost or stolen, I will immediately notify Calcard and the Department of Finance.

I will receive a monthly statement, which will report all purchasing activity during the statement period. I am responsible for all charges on the card, will reconcile the statement and resolve any discrepancies within ten days of receipt, and provide the approved statement to Finance with a complete set of original invoices/receipts.

I agree to surrender the purchasing card immediately upon request by the Program Administrator or upon termination of employment with the City of Los Altos, regardless of the reason.

I understand that failure to comply with the requirements of the Purchase Card Instructions may result in the revocation of card privileges and other disciplinary actions including employment termination.

Employee Signature

Card Account Number

Date

Print Employee Name

Single Purchase Limit \$ _____ Total Monthly Limit \$ _____

Dept. Head Signature

Print Name

Date

