

CHAPTER 2 - ADMINISTRATION

Sec. 2-304. Procurement Code; application.

(1) General Application.

This Code applies only to contracts solicited or entered into after the effective date of this Code unless the parties agree to its application to a contract solicited or entered into prior to the effective date.

(2) Application to City Procurement.

This Code shall apply to agreements, revenue generating contracts and every expenditure of public funds irrespective of their source, including federal assistance monies except as otherwise specified in compliance with Federal Requirements, by this City, acting through a governmental body as defined herein, under any contract, except that this Code shall not apply to either grants, or contracts between the City or other governments, except as provided herein. It shall also apply to inventory and the disposal of City supplies, materials and equipment. Nothing in this Code or in the procurement guidelines promulgated hereunder shall prevent the City from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

(3) Requisitions.

A department shall file with materials management, requisitions stating the requirements for supplies and services. Requisitions for capital outlay shall be in accordance with the City's adopted budget guidelines and codes. The approval shall certify that there is to the credit of the using agency a sufficient unencumbered appropriation balance to defray the amount of such order. Materials Management may not issue an order for delivery until the department has filed the requisition for the requirement.

The City Manager or his designee may promulgate policies or guidelines requiring justification of expenditures prior to the processing of requisitions for capital outlay and any other services not approved within a departmental budget.

(4) Unauthorized purchases, violation, enforcement

Except as provided in this code, it shall be improper for any city employee to order the purchase of supplies or services or to attempt to enter into contracts within the purview of this code other than through materials management and purchase orders or contracts made contrary to the provisions hereof shall not be approved by Materials Management and the city shall not be bound thereby. Further, the City Manager or his designee may impose discipline on employees who violate this code in accordance with the City's codes and personnel administrative regulations.

A person who contracts for or purchases any materials, services or construction in a manner contrary to the requirements of this code or violates the ethical standards contained in this code shall be personally liable for the recovery of all public monies paid, together with legal interest and all

CHAPTER 2 - ADMINISTRATION

costs, attorney's fees and damages arising out of the violation. Further, the City Manager or his designee may impose discipline on employees who contracted for or purchased any materials, services of construction in a manner contrary to the requirements of this code or engages in violations of the ethical standards contained in this code in accordance with the City's codes and personnel administrative regulations. The City Attorney shall assist Materials Management in enforcing the provisions of this code.

ABA Model Procurement Code Reference 01-104

State Law Reference A.R.S. §9-500.05. Development Agreements

(Ord. No. 91-09, 2/12/91)

(Ord. No. 99-13, 4/6/99, Amended (a), (b), (d) and added (g)) SUPP 1999-2

(Ord. No. 01-165, 10/16/01, Amended) SUPP 2001-3

(Ord. No. 08-01, 01/15/08, Enacted) SUPP 2008-1