

ARTICLE 122

Municipal Purchasing

CROSS REFERENCES

Motor Vehicle Procurement Act of 1984, P.L. 193, No. 40

- 122.01 Purpose
- 122.02 Buy American
- 122.03 Cooperative Purchasing
- 122.04 Bidding and Contracting
- 122.05 Severability

122.01 PURPOSE.

To establish certain policies and procedures with respect to purchasing.

122.02 BUY AMERICAN.

A. Purpose.

It is the policy of the City of Bethlehem to aid and support the development and expansion of domestic industry through the purchase of American-made products. The purchase of American-made products by the City of Bethlehem contributes to the economic well-being and general welfare of the United States and the Commonwealth of Pennsylvania, and to the citizens of the Lehigh Valley and the City of Bethlehem in particular.

B. Procurement Criteria.

The City of Bethlehem shall not purchase or obligate funds for the procurement of equipment or material by way of any purchase order or contract for equipment or material, the total value of which is in excess of \$5,000.00, unless such equipment or material is manufactured, assembled or otherwise produced in the United States.

C. Purchase of Motor Vehicles.

For the purchase of Motor Vehicles, the provisions of this Article are extended to include North American made products (United States and Canada) in compliance with the Motor Vehicle Procurement Act (Act No. 1984-40) of the Commonwealth of Pennsylvania, effective May 16, 1985.

'Motor Vehicle' is defined as self-propelled vehicles such as automobiles, trucks, motorcycles and vehicles designed primarily for use in construction, agriculture or road maintenance, such as tractors and earth moving equipment.

D. Exceptions.

The provisions of Subsection 122.02B above shall not apply where the City of Bethlehem, through the Director of Purchasing or any other employee of the City finds:

- (a) That such equipment or material is not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality;
or
- (b) That the purchase of equipment or material produced in the United States would increase the overall cost of the contract by more than twenty-five (25%) percent.

Where such a finding is made, a public record shall be made of the reasons for the exception.

E. Contract Materials.

Every contract for public work shall contain a provision that in the performance of the work the contractor and all subcontractors shall use only material produced in the United States. If the City finds that with respect to any material one of the factors in Subsection 122.02D above exists, an exception shall be noted in the specifications as to that material, and a public record shall be made of the reasons for the exception.

F. Power to Void Contract.

If the City finds that in the performance of any contract there has been a willful failure to comply with the requirements of this Section, as set forth in the contract, that contract shall be void (and the contractor shall be prohibited from submitting bids for contracts with the City of Bethlehem for a period of one (1) year).

G. Applicability.

This Section shall not apply to any contract awarded pursuant to an invitation for bids issued on or before the date of passage of this Section.

122.03 COOPERATIVE PURCHASING

- A. The City may enter into joint purchasing or cooperative purchasing agreements in accordance with the Intergovernmental Cooperation Law, 53 Pa.C.S. § 2301, et seq., the Political Subdivisions Joint Purchases Law, 53 P.S. § 5432, and Chapter 19 of the Commonwealth Procurement Code relating to Intergovernmental Relations, 62 Pa.C.S. § 1901 et seq.
- B. The Purchasing Director, with the advice of the Business Administrator, is delegated and authorized with authority to draft regulations to implement cooperative purchasing.
- C. The foregoing shall be interpreted to grant to the City the maximum options and authority available under the Intergovernmental Cooperation Law, 53 Pa.C.S. § 2301, et seq., the Political Subdivisions Joint Purchases Law, 53 P.S. § 5432, and Chapter 19 of the Commonwealth Procurement Code relating to Intergovernmental Relations, 62 Pa.C.S. § 1901 et seq, in order to accomplish the purposes of cooperative purchasing, in particular cost savings to the City.

122.04 BIDDING AND CONTRACTING

The Purchasing Director, with the advice of the Business Administrator, is delegated and authorized with authority to draft regulations to implement bidding and contracting procedures.

122.05 SEVERABILITY

If any sentence, clause, or sectional part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Article. It is hereby declared the intent of the City Council of the City of Bethlehem that this Article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

(Ord. 3021. Passed 10/1/85; Ord. 2016-010. Passed 4/19/2016)