



**City of Biddeford  
Policy Committee**

August 25, 2025 at 6:00 PM  
City Hall Council Chambers & Zoom

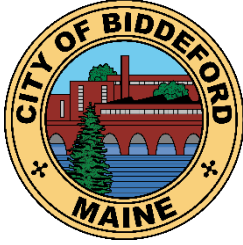
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Meeting ID: 912 4464 4852

Passcode: 963031

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Approval of Minutes
  - 4.a Approval - Minutes of Policy Committee July 28, 2025
5. Discussion/Review
  - 5.a Review / Ordinance Template for Board/Committee/Commission Ordinances
  - 5.b Amend Chapter 2, Article IV, Division 11 - Fire Advisory Committee
  - 5.c Amend Chapter 2, Article IV, Division 12 - Police Advisory Committee
  - 5.d Review / Merge Biddeford Police Advisory Committee & Biddeford Fire Advisory Committee into new Public Safety Committee
  - 5.e Review / Purchasing Policy, Ch 2, Article V, Division 2
6. Adjourn



City of Biddeford  
Policy Committee  
Meeting Minutes  
July 28, 2025 at 6:00 PM

City Hall Council Chambers & Zoom

1. Roll Call

Chairperson Norman Belanger	Excused
Councilor Roger Beaupre	Present
Councilor Liam LaFountain	Present
Member Jake Pierson	Present
Member Marie Potvin	Present

2. Pledge of Allegiance

Those in attendance observed the Pledge of Allegiance

3. Adjustment(s) to Agenda

None

4. Approval of Minutes

4.a Policy Committee minutes 6-23-25

**Motion to approve the minutes of June 23, 2025**

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion

5. Discussion/Review

5.a Review / Ordinance Template for Board/Committee/Commission Ordinances

Acting City Manager Brian Phinney (ACM Phinney) queued up the item. The template was prepared as a means of documenting prior discussions. The template serves as a basis for the Committee's further review of the board/committee/commission reviews.

Member Potvin questioned how and by whom the appointment of a nonvoting member as a voting member occurs. Subsection C – Membership, (2) states, “[a]ssociate members may be made voting members of the {BOARD / COMMITTEE / COMMISSION} upon the retirement or nonappointment of a voting member.” ACM Phinney indicated the template does not specify the appointing authority. The template will be amended to include this information.

Councilor Beaupre asked for clarification on removal of members. Subsection E(1) specifies the conditions that may trigger removal. There is no language to clarify what satisfactory”

means. Additionally, he requested clarification on what happens when the condition is triggered.

ACM Phinney indicated that subsection E(2) specifies the process. Language will be added to clarify that "satisfactory" shall "be at the discretion of the Chairperson".

Member Potvin asked that "Board" references be exchanged for "{BOARD/COMMITTEE/COMMISSION}" to be consistent throughout the document. Subsections F(1) and F(2) contains such references. Member Potvin also asked for clarification of italicized text not following the bracketed text format for board/committee/commission references.

ACM Phinney indicated that the italicized sections are notations and may or may not remain in the final version.

Member Pierson questioned the language found in subsection C(4) Membership. The language limits members from being from the same ward. Member Pierson believes the qualifications of the member(s) are more important than the ward in which they reside. After Committee discussion, there was consensus to remove the requirement with Member Pierson, Councilor Beaupre and Chairperson pro tem LaFountain were in support of removal of the requirement. Member Potvin was no for or against commenting that she can see both sides and the language would not be required if there was an assurance that everyone played by the rules.

Chairperson pro tem LaFountain requested reference a reference to the Code of Ethics be added to subsection E(1)(d).

Chairperson pro tem LaFountain requested a change to subsection F(2), changing the term of the officers from one (1) year to two (2) years.

Chairperson pro tem LaFountain requested that language be added explicitly authorizing the ability to form subcommittees. The subcommittee would be required to publicly notice meetings, act in an advisory capacity, and return recommendations to the respective board/committee/commission for action.

Chairperson pro tem LaFountain requested the addition of a student representative. The representative shall not be a voting member, shall reside in Biddeford, and shall be enrolled at Biddeford High School. The purpose of the student representative position is to obtain a youth perspective and provide civic engagement opportunities for Biddeford students.

The Committee requested review of the revised template at the next regular meeting.

5.b Review / Merge Biddeford Police Advisory Committee & Biddeford Fire Advisory Committee into new Public Safety Committee

Chairperson pro tem LaFountain asked for questions and comments on the revised Public Safety Committee ordinance noting that this can now be reformatted to fit the amended template.

Member Pierson asked for clarification on the recommendation in the item brief. The recommendation requested consideration of retaining the current code sections that reference the Fire Advisory Committee and Police Advisory Committee sections for enabling and membership sections and all other sections refer to the Public Safety Advisory Committee.

ACM Phinney confirmed the intent of the recommendation. By keeping the references to the Fire Advisory Committee and Police Advisory Committee readers will be able to confirm compliance with the City Charter. The newly created Public Safety Advisory Committee will define the work of the Committee.

Member Potvin requested clarification on the name of the committee noting that some references include “advisory” in the name and some do not. After discussion, the Committee consensus was to include the word “advisory” in the name.

Member Pierson commented that he feels three is a good number for each committee with the council member making seven members. He asked Chief Best for an opinion on the number of members for the Fire Advisory Committee. Chief Best indicated that he feels two is a reasonable number considering the ability to engage the public.

Chairperson pro tem LaFountain suggested two members from each committee plus one associate member from each committee plus the council representative equals a total of seven members.

Member Potvin asked about the position of rotating secretary in Sec.2-323(d) and the continuity of minutes being taken. ACM Phinney suggested striking the reference and defaulting to the assigned staff member as the person responsible for recording the minutes. Councilor Beaupre voiced concern with the historic practice of requiring a staff member to record minutes. He suggested there should be an administrative position responsible for all minutes to improve consistency, centralize tracking and maintaining the meeting records, and scheduling or coordinating meetings. ACM Phinney made the Committee aware that there have been discussions regarding a dedicated administrative position for the building assigned to be the first point of contact for the phone system and to transcribe committee minutes. This will be a discussion with incoming City Manager Dever as the FY27 budget is prepared.

**Motion to table the item until the next meeting.**

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion

5.c Review / Purchasing Policy, Ch 2, Article V, Division 2

Chairperson pro tem LaFountain asked for a motion to accept the updated version of the purchasing policy for discussion purposes.

**Motion to accept the latest version of the purchasing policy, Chapter 2, Article V, Division 2 – Procurement.**

Motion by: Councilor Beaupre

Seconded by: Member Pierson

Discussion:

Councilor Beaupre questioned the finance director being the purchasing agent. Commenting that the defined duties of the purchasing agent would seem to overextend the finance director's duties.

Councilor Beaupre requested Sec. 2-348(g), include language, "meet bid specifications" to ensure a qualified vendor is providing services rather than just the low bidder.

**Motion to accept the addition of "meets bid specifications" in Sec. 2-248(g) wherever "low bid" is referenced.**

Motion by: Councilor Beaupre

Seconded by: Member Pierson

Vote: Unanimous in favor of the motion.

Councilor Beaupre discussed a suggestion to modify the purchasing rules to allow a department head to provide a proposal to the Council for a project of significance when serving as the general contractor. The proposal contains sufficient detail to allow review of all aspects of the project. Once approved the department head may then solicit and negotiate prices for the work and move forward as long as the pricing is at or below the project prices identified in the original department proposal. The amended language is referenced to be inserted at Sec 2-356.

Chairperson pro tem LaFountain added to the proposal that this would still require Council approval on the front end with specific criteria being met to include a requirement that the City Manager approve the plan and designate a project manager and reporting requirements on the back end to verify that every step was followed to ensure accountability.

Member Pierson acknowledged general support for the proposal.

Chairperson pro tem LaFountain pointed out that the City has significant CSO work scheduled that also includes a time element.

Director Demers was asked to comment. He stated that the savings come from when a contractor is willing to enter into a partnership with the City to split work on various aspects of a project. He indicated that he currently works with three contractors that have been willing to explore this partnership on various completed jobs. He gave an example of recent pump station rehabilitation projects where deep excavation, use of trench boxes, etc., are performed

by a contractor and the City handles other aspects of the project. Director Demers also agrees with the accountability aspects of the proposal.

ACM Phinney was asked to comment. He stated that the difficulty is finding the balance between what is most advantageous to the City and what is required as a public entity to ensure open competition for the work that is required to ensure the public trust is maintained. ACM Phinney indicated that the reference appears to be incorrect. The reference is believed to be Sec. 2-352 – Sole Source Procurement. He further recommended the creation of a new subsection “1” or “A” for the existing language and create a number “2” or “B” for the proposed language from the Committee. The distinction created separated general application of sole source procurement from the specifics of sole source procurement in the context of major projects.

**Motion to amend the draft by accepting the recommendation from ACM Phinney moving the amended language to Sec. 2-352, allowing placement and formatting to be at the discretion of the ACM with the expectation that the revised draft be presented for review at the next meeting.**

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion.

ACM Phinney asked for an amendment to proposed section B, specifying a city manager certification. He proposed there be a review and report to the Council specifying that all listed criteria have been met rather than a “certification”.

**Motion to accept the recommendation of the ACM relative to section B.**

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Discussion:

There was further discussion on the requirement for bidding and clarification that some level of competitive bidding will be required but the bids can be for a specified period of time, for example a three-year bid.

**Motion to amend subsection 2-348(g), to change the language to read “variance” instead of “average” and add a period after “bid amount” starting a new sentence at “Such negotiations...”**

Motion by: Chairperson pro tem LaFountain

Seconded by: Member Pierson

Vote: Unanimous in favor of the motion.

**Motion to amend Sec. 2-350(a), remove the underscore formatting.**

**Motion to amend Sec. 2-351(a), by adding “non-renewing” before “contract not exceeding \$5,000...”**

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion

Member Potvin asked for clarification at Sec. 2-363 referencing “treasurer” in the title and in (b). ACM Phinney indicated the references were missed and will be corrected to “Finance Director” in the next version.

Councilor Beaupre asked for comment on his earlier question regarding the finance director being the purchasing agent at Sec. 2-347(2). After discussion it was noted that at any reference of this nature it is understood that the named position is ultimately responsible, however there is no prohibition on delegation.

Chairperson pro tem LaFountain noted the ACM’s response in the brief to the earlier question regarding the referenced \$35,000 amount being arbitrary at Sec. 2-355, that the amount should be changed to \$50,000 to be consistent with the other sections of this ordinance.

**Motion to amend the dollar amount referenced at Sec. 2-355 from \$35,000 to \$50,000.**

Motion by: Member Pierson

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion.

Member Pierson asked for further clarification on the references to trafficking of victims and child labor laws in Sec 2-344(b). ACM Phinney clarified that it is recommended that the language remains due to the requirement in state and federal grants that city ordinances reference such prohibitions. The plan is to build contractor certifications into our contracting process so that we have a certification from the contractor rather than the City needing to chase such certifications. This will also provide the city with recourse should it be discovered that a vendor provided a false statement.

**Motion to ask staff to include language that clarifies the trafficking of victims and child labor laws for review at the next meeting.**

**Motion by: Member Pierson**

**Seconded by: Member Potvin**

**Vote: Unanimous in favor of the motion.**

ACM Phinney noted that the request for access to Munis (for members of the Finance Committee) is still being actively reviewed and will be implemented. A training manual of some sort will be needed, and staff are working through access requirements. There was a commitment that there will be regular updates to the Finance Committee on the status to keep the Finance Committee better informed.

Chairperson pro tem LaFountain asked that as this progresses through the system toward approval and implementation, there be an educational component to ensure staff are aware of

the changes. Councilor Beaupre asked that this item progress expeditiously given the upcoming election and possible changes within the Council.

**Motion to table review of the purchasing policy until the next meeting**

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion.

**Motion to adjourn.**

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion.

6.0 Adjourn:



## Policy Committee

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**Meeting Date:** August 25, 2025

**Meeting Time:** 6:00 PM

**Agenda Item No:** 5.a

**Item Description:** Review / Ordinance Template for Board/Committee/Commission Ordinances

**Submitted By:** Brian S. Phinney, Acting City Manager

### Key Terms:

### Executive Summary:

A template has been created to serve as the basis for discussions as the Policy Committee conducts its comprehensive review of the various ordinances identifying the city's boards, committees, and commissions. This latest version reflects the changes suggested at the July 28 meeting.

### Detailed Review:

The Policy Committee expressed interest in standardizing the structure of the various board/committee/commission ordinances for consistency and ease of use by elected officials, board/committee/commission members, members of the public, and staff. At the July 28 meeting, a draft template was presented to the Committee to facilitate the discussion. A review of the July 28 meeting (video and agenda materials) can be reviewed using this [link](#).

The packet included a redlined version showing all amendments and a clean version showing the revised draft with all amendments accepted for ease of review. Once accepted, the template will serve as the basis for continued review of the various boards/committees/commissions. Each will be reviewed and, to the extent needed, reformatted to reflect the layout of the template. This will provide consistency within the Code of Ordinances.

### Funding Source:

N/A

### Staff Recommendation:

Neutral as to the nature of the review with support for standardizing the format.

**Next Steps:**

Once the template is finalized and accepted by the Committee, the template will serve as the basis for drafting ordinance language for new boards/committees/commissions that may be created or reviewed and revised.

**Attachments:**

20250825 Board Committee Template Amended - REDLINE, 20250825 Board Committee Template - CLEAN

**Board/Committee/Commission  
Ordinance Template**

**Section X-XX1. {COMMITTEE NAME}**

- A. Authority or Establishment. The City of Biddeford {COMMITTEE NAME} (hereafter the "{BOARD/COMMITTEE/COMMISSION}"), is hereby created.
- B. Duties and responsibilities. The {BOARD/COMMITTEE/COMMISSION} shall have the following duties and responsibilities:
1. {Prepare, and revise (specify)}.
  2. {Review and approve, (specify)}
  3. {Specify other duties and responsibilities as applicable}
- C. Membership.
1. The {BOARD/COMMITTEE/COMMISSION} shall consist of {NUMBER} members, {NUMBER} voting members, ~~and~~ {NUMBER} associate members, and one nonvoting student representative. The purpose of the student representative is to provide youth insight and civic engagement opportunities for students. The student member shall not be counted toward quorum. The student member shall not be eligible for appointment as a voting member. Each member shall be nominated by the Mayor, confirmed by the City Council. All current appointments shall have a term of office expiring no later than {DATE}. The Mayor shall have the discretion of appointing members and associate members to the {BOARD/COMMITTEE/COMMISSION} with terms expiring after two years but less than three years for the purpose of staggering Associate appointments throughout a calendar year.
  2. Associate members may be made voting members of the {BOARD/COMMITTEE/COMMISSION} upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
  3. All members of the {BOARD/COMMITTEE/COMMISSION} shall be registered voters and residents of the City of Biddeford except for the student representative who shall be a resident of Biddeford and currently enrolled at Biddeford High School. [Statutory optional language -No serving municipal officer or official of the City of Biddeford shall serve as a member of the {BOARD/COMMITTEE/COMMISSION}.]
  4. Members of the {BOARD/COMMITTEE/COMMISSION} shall reflect as much as possible several geographic areas of the City, and shall have diverse professional or employment backgrounds. This is to insure as much as possible that the interests of the City and applicants are fairly and reasonably represented. ~~In no case shall more than two members be from the same ward except in the case of a council member and citizen member.~~
  5. {Section designated for special requirements that may be specific to a particular BOARD/COMMITTEE/COMMISSION}, to include but not be limited to, limits on ward residency.
- D. Term of office.
1. No member shall serve more than three consecutive terms, including any term or part of

a term served under any predecessor in this section. Any member appointed to fill a vacancy for which more than half of the unexpired term remains, for purposes of this provision, shall be deemed to have served one full term.

2. When there is a permanent vacancy, the Mayor shall nominate with confirmation by the City Council a new member to serve for the remainder of the unexpired term.

E. Removal from office.

1. Members of the {BOARD/COMMITTEE/COMMISSION} may be removed from office by the municipal officers for the following reasons:
  - a. A member is no longer a resident of the City of Biddeford; or
  - b. A member is absent from three consecutive regular {BOARD/COMMITTEE/COMMISSION} meetings without prior satisfactory explanation [at the discretion of the Chairperson](#); or
  - c. A member is absent from six meetings or workshops of the {BOARD/COMMITTEE/COMMISSION} without prior satisfactory explanation [at the discretion of the Chairperson](#); or
  - d. A member conducts himself/herself in a manner that is inconsistent with the [Code of Ethics \(Chapter 2, Article I, Sec 2-3\)](#), official position of the {BOARD/COMMITTEE/COMMISSION}, i.e. consistent conflicts of interest or unprofessional behavior toward applicants, City employees or members of the public [at the discretion of the Chairperson](#).
2. Removal action may be initiated by the Mayor, [a member of the City Council](#) or ~~a member~~[the Chairperson](#) of the {BOARD/COMMITTEE/COMMISSION}. A letter shall be submitted to the municipal officers stating the reasons for the removal request.
3. The {BOARD/COMMITTEE/COMMISSION} member in question shall be provided a copy of the letter and shall be given the opportunity to reply to the municipal officers.

F. {BOARD/COMMITTEE/COMMISSION} officers.

1. A Chairperson shall be appointed by the Mayor and confirmed by the Council each January. The ~~Board~~[{BOARD/COMMITTEE/COMMISSION}](#) shall elect from its voting membership the following officers:

Vice Chairperson;  
*[Optional officers, Secretary, etc].*

2. The terms of these officers shall be ~~one~~[two](#) years. The Chairperson may not be reelected for more than three consecutive terms. The ~~{Board~~[{BOARD/COMMITTEE/COMMISSION}](#) shall hold elections during the January meeting, the results of which shall be submitted to the municipal officers.
3. Elected officers shall be responsible for the following:
  - a. Chairperson Conduct of meetings, scheduling and announcing

meetings, signing official correspondence for the {BOARD/COMMITTEE/COMMISSION}. *[Optional language specific to the board/committee/commission: The Chairperson shall vote only in case of a tie OR The Chairperson shall be a voting member.]*

- b. Vice Chairperson acts in place of the Chairperson when he/she is absent or required to leave the Chair because of conflict; acts as Chair for special subcommittees of the {BOARD/COMMITTEE/COMMISSION} as needed.
  - c. *[Optional for other officers: Secretary: ensures that the records of meetings are accurate and available for the Board's review and reference.]*
- G. Staff. The {BOARD/COMMITTEE/COMMISSION} *[Insert language that may define specific powers or responsibilities of staff relative to supporting the board/committee/commission].*
- H. Meetings.
- 1. The {BOARD/COMMITTEE/COMMISSION} shall conduct {FREQUENCY} meetings, or at least regular scheduled meetings during a calendar year subject to actionable items. Meetings shall convene on the {NUMBER} {DAY OF WEEK} of each month, unless prior arrangement and public (as described elsewhere in the Code) announcement has been made by the {BOARD/COMMITTEE/COMMISSION}
  - 2. Upon motion by the {BOARD/COMMITTEE/COMMISSION} the Chairperson may call for special meetings and workshops as needed.
  - 3. All meetings of the {BOARD/COMMITTEE/COMMISSION} shall be open to the public. Materials and records of the meetings shall be maintained and available for public inspection.
  - 4. *[Optional language specific to the respective board/committee/commission designating the requirement to publish rules for the conduct of meetings to insure orderly conduct and efficient processing of board/committee/commission matters or that the board/committee/commission shall adopt Roberts Rules of Order.]*
  - 5. {BOARD/COMMITTEE/COMMISSION} meetings shall be called to order when a quorum of the voting members are present. For this purpose a quorum shall be {NUMBER} voting members. When a regular member of the {BOARD/COMMITTEE/COMMISSION} is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to fill a permanent vacancy, an associate member shall be designated to vote by the Chairperson.
  - 6. *[Optional language specific to the respective board/committee/commission designating the need to issue written decisions on matters and where the written decisions are directed.]*

I. Authority to Establish Subcommittees.

- 1. The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire, comprising current members of the Commission, or other experts as needed, to provide advice and counsel on matters as defined by the {BOARD/COMMITTEE/COMMISSION}.

2. All subcommittees shall provide notice of meetings, conduct such meetings in public, and be bound by the same rules as the {BOARD/COMMITTEE?COMMISSION}.

6.3. All subcommittees shall be advisory. Any recommendations requiring action or adoption shall be presented to the full {BOARD/COMMITTEE/COMMISSION} for review and adoption.

I.J. Conflicts. Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except the member who is being challenged.

**Board/Committee/Commission  
Ordinance Template**

**Section X-XX1. {COMMITTEE NAME}**

A. Authority or Establishment. The City of Biddeford {COMMITTEE NAME} (hereafter the "{BOARD/COMMITTEE/COMMISSION}"), is hereby created.

B. Duties and responsibilities. The {BOARD/COMMITTEE/COMMISSION} shall have the following duties and responsibilities:

1. {Prepare, and revise (specify)}.
2. {Review and approve, (specify)}
3. {Specify other duties and responsibilities as applicable}

C. Membership.

1. The {BOARD/COMMITTEE/COMMISSION} shall consist of {NUMBER} members, {NUMBER} voting members, {NUMBER} associate members, and one nonvoting student representative. The purpose of the student representative is to provide youth insight and civic engagement opportunities for students. The student member shall not be counted toward quorum. The student member shall not be eligible for appointment as a voting member. Each member shall be nominated by the Mayor, confirmed by the City Council. All current appointments shall have a term of office expiring no later than {DATE}. The Mayor shall have the discretion of appointing members and associate members to the {BOARD/COMMITTEE/COMMISSION} with terms expiring after two years but less than three years for the purpose of staggering Associate appointments throughout a calendar year.
2. Associate members may be made voting members of the {BOARD/COMMITTEE/COMMISSION} upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
3. All members of the {BOARD/COMMITTEE/COMMISSION} shall be registered voters and residents of the City of Biddeford except for the student representative who shall be a resident of Biddeford and currently enrolled at Biddeford High School. [*Statutory optional language -No serving municipal officer or official of the City of Biddeford shall serve as a member of the {BOARD/COMMITTEE/COMMISSION}.*]
4. Members of the {BOARD/COMMITTEE/COMMISSION} shall reflect as much as possible several geographic areas of the City, and shall have diverse professional or employment backgrounds. This is to insure as much as possible that the interests of the City and applicants are fairly and reasonably represented.
5. {Section designated for special requirements that may be specific to a particular BOARD/COMMITTEE/COMMISSION}, to include but not be limited to, limits on ward residency.}

D. Term of office.

1. No member shall serve more than three consecutive terms, including any term or part of

a term served under any predecessor in this section. Any member appointed to fill a vacancy for which more than half of the unexpired term remains, for purposes of this provision, shall be deemed to have served one full term.

2. When there is a permanent vacancy, the Mayor shall nominate with confirmation by the City Council a new member to serve for the remainder of the unexpired term.

E. Removal from office.

1. Members of the {BOARD/COMMITTEE/COMMISSION} may be removed from office by the municipal officers for the following reasons:

- a. A member is no longer a resident of the City of Biddeford; or
- b. A member is absent from three consecutive regular {BOARD/COMMITTEE/COMMISSION} meetings without prior satisfactory explanation at the discretion of the Chairperson; or
- c. A member is absent from six meetings or workshops of the {BOARD/COMMITTEE/COMMISSION} without prior satisfactory explanation at the discretion of the Chairperson; or
- d. A member conducts himself/herself in a manner that is inconsistent with the Code of Ethics (Chapter 2, Article I, Sec 2-3), official position of the {BOARD/COMMITTEE/COMMISSION}, i.e. consistent conflicts of interest or unprofessional behavior toward applicants, City employees or members of the public at the discretion of the Chairperson.

2. Removal action may be initiated by the Mayor, a member of the City Council or the Chairperson of the {BOARD/COMMITTEE/COMMISSION}. A letter shall be submitted to the municipal officers stating the reasons for the removal request.

3. The {BOARD/COMMITTEE/COMMISSION} member in question shall be provided a copy of the letter and shall be given the opportunity to reply to the municipal officers.

F. {BOARD/COMMITTEE/COMMISSION} officers.

1. A Chairperson shall be appointed by the Mayor and confirmed by the Council each January. The {BOARD/COMMITTEE/COMMISSION} shall elect from its voting membership the following officers:

Vice Chairperson;  
*[Optional officers, Secretary, etc].*

2. The terms of these officers shall be two years. The Chairperson may not be reelected for more than three consecutive terms. The {BOARD/COMMITTEE/COMMISSION} shall hold elections during the January meeting, the results of which shall be submitted to the municipal officers.

3. Elected officers shall be responsible for the following:

- a. Chairperson Conduct of meetings, scheduling and announcing meetings, signing official correspondence for the {BOARD/COMMITTEE/COMMISSION}. *[Optional language specific to the board/committee/commission: The Chairperson shall vote only in case of a tie OR The Chairperson shall be a voting member.]*

- b. Vice Chairperson acts in place of the Chairperson when he/she is absent or required to leave the Chair because of conflict; acts as Chair for special subcommittees of the {BOARD/COMMITTEE/COMMISSION} as needed.
  - c. *[Optional for other officers: Secretary: ensures that the records of meetings are accurate and available for the Board's review and reference.]*
- G. Staff. The {BOARD/COMMITTEE/COMMISSION} *[Insert language that may define specific powers or responsibilities of staff relative to supporting the board/committee/commission].*
- H. Meetings.
  - 1. The {BOARD/COMMITTEE/COMMISSION} shall conduct {FREQUENCY} meetings, or at least regular scheduled meetings during a calendar year subject to actionable items. Meetings shall convene on the {NUMBER} {DAY OF WEEK} of each month, unless prior arrangement and public (as described elsewhere in the Code) announcement has been made by the {BOARD/COMMITTEE/COMMISSION}
  - 2. Upon motion by the {BOARD/COMMITTEE/COMMISSION} the Chairperson may call for special meetings and workshops as needed.
  - 3. All meetings of the {BOARD/COMMITTEE/COMMISSION} shall be open to the public. Materials and records of the meetings shall be maintained and available for public inspection.
  - 4. *[Optional language specific to the respective board/committee/commission designating the requirement to publish rules for the conduct of meetings to insure orderly conduct and efficient processing of board/committee/commission matters or that the board/committee/commission shall adopt Roberts Rules of Order.]*
  - 5. {BOARD/COMMITTEE/COMMISSION} meetings shall be called to order when a quorum of the voting members are present. For this purpose a quorum shall be {NUMBER} voting members. When a regular member of the {BOARD/COMMITTEE/COMMISSION} is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to fill a permanent vacancy, an associate member shall be designated to vote by the Chairperson.
  - 6. *[Optional language specific to the respective board/committee/commission designating the need to issue written decisions on matters and where the written decisions are directed.]*
- I. Authority to Establish Subcommittees.
  - 1. The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire, comprising current members of the Commission, or other experts as needed, to provide advice and counsel on matters as defined by the {BOARD/COMMITTEE/COMMISSION}.
  - 2. All subcommittees shall provide notice of meetings, conduct such meetings in public, and be bound by the same rules as the {BOARD/COMMITTEE/COMMISSION}.
  - 3. All subcommittees shall be advisory. Any recommendations requiring action or adoption shall be presented to the full {BOARD/COMMITTEE/COMMISSION} for review and adoption.

J. Conflicts. Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except the member who is being challenged.



## Policy Committee

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**Meeting Date:** August 25, 2025  
**Meeting Time:** 6:00 PM  
**Agenda Item No:** 5.b  
**Item Description:** Amend Chapter 2, Article IV, Division 11 - Fire Advisory Committee  
**Submitted By:** Brian S. Phinney, COO

### Key Terms:

### Executive Summary:

An affirmative vote to approve this latest version of the Fire Advisory Committee ordinance advances the latest draft to the City Council for review and adoption. The Policy Committee has been reviewing the various ordinances related to the various boards/committees/commissions in order to standardize the structure and content for the benefit of members, the public, staff, and elected officials. Review of the Fire Advisory Committee ordinance is directly related to review of the Police Advisory Committee ordinance and creation of the Public Safety Advisory Committee ordinance.

### Detailed Review:

The Policy Committee has been reviewing the various ordinance sections referencing the organization and structure of the various boards/committees/commissions (member make-up, ordinance structure, and responsibilities) in order to streamline the Code of Ordinances, provide consistency for readers, and evaluate and address potential conflicts, ambiguities, and inconsistencies.

The Policy Committee has specifically reviewed the Police Advisory Committee and Fire Advisory Committee ordinances as well as a proposal to combine the two committees into the Public Safety Advisory Committee. The City Charter requires the establishment of both the Police Advisory Committee and Fire Advisory Committee.

This draft of the Fire Advisory Committee ordinance is intended to reflect the latest changes to the ordinance as reviewed by the Policy Committee at the July 28th meeting. Here is a [link](#) to the agenda, meeting video and packet materials from that meeting.

The draft ordinance for the Fire Advisory Committee follows the latest ordinance template approved by the Policy Committee. This draft addresses the following sections: authority and establishment, duties and responsibilities, and membership. All other ordinance sections are covered under the Public Safety Advisory Committee section. Essentially, the Fire Advisory Committee and Police Advisory Committee serve as members of the Public Safety Advisory Committee. The Fire Advisory Committee ordinance establishes the Committee and defines the membership. What the Committee does and how it accomplishes its work is defined under the Public Safety Advisory Committee section.

**Funding Source:**

N/A

**Staff Recommendation:**

Staff is neutral as a policy matter, but supports the need to review and streamline the Code of Ordinances.

**Next Steps:**

Once the Policy Committee finishes reviewing the Fire Advisory Committee ordinance, the Committee's recommendations will be forwarded to the City Council for review and adoption.

**Attachments:**

20250825 Amend Chapter 2, Art IV, Div 11 Fire Advisory Committee - REDLINE, 20250825 Amend Chapter 2, Art IV, Div 11 Fire Advisory Committee - CLEAN

Part II Code of Ordinances  
Chapter 2 - Administration  
Article IV Boards, Committees, Commissions  
Division 11 - Fire Advisory Committee

**Sec. 2-315. Authority or Establishment.** The City of Biddeford Fire Advisory Committee (hereafter the "BFAC"), is hereby created.

~~There is hereby created and established the Biddeford Fire Advisory Committee, herein after BFAC, comprised of five members and a member of the Biddeford Fire Department to serve as an ex-officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members to the BFAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BFAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council.~~

**Sec. 2-316. Purpose; Duties and Responsibilities.** The BFAC shall have the following duties and responsibilities:

BFAC members shall serve as representatives of the fire service on the Public Safety Advisory Committee.

- ~~(a) The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Fire Department and the community.~~
- ~~(b) Responsibilities shall include:~~
- ~~(1) Where appropriate, make recommendations to the City Council and Fire Department on substantive issues, with the goal of improved fire services. For the purpose of this division, "substantive issues" are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the Fire Department or daily fire operations and implementation.~~
  - ~~(2) Assist in identifying potential Fire Department community partnerships to address public safety related issues within the community.~~
  - ~~(3) Identify community resources and support for public safety activities (such as parking and traffic); and give input to the City Council and the Fire Department regarding perceived effectiveness.~~
  - ~~(4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.~~
  - ~~(5) Make reports to the City Council at such times as may be requested by the City Council or as the BFAC determines is necessary.~~

**Sec. 2-317. Membership.**

1. Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BFAC Chair, or upon the vote of the City Council to remove a member. Members of the Committee shall serve

~~without pay and at the discretion of the City Council. The Biddeford Fire Chief, or his designee, shall serve as the administrator, advisor and ex officio member, and shall provide assistance to the BFAC. The BFAC shall consist of three (3) members, two (2) voting members and one (1) associate member. Each member shall be nominated by the Mayor and confirmed by the City Council. The Mayor shall have the discretion of appointing members and associate members to the BFAC with terms expiring after two years but less than three years for the purpose of staggering associate appointments throughout a calendar year.~~

2. Associate members may be made voting members of the BFAC upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
3. All members of the BFAC shall be registered voters and residents of the City of Biddeford.
4. Members of the BFAC shall reflect as much as possible several geographic areas of the City and shall have diverse professional or employment backgrounds. This is to ensure as much as possible that the interests of the City and applicants are fairly and reasonably represented.

**Sec. 2-318. ~~Organization of Committee~~ Terms of Office, Removal from Office, Committee Officers, Staff, Meetings, and Ability to form Subcommittees.** The rules and procedures governing these sections shall be in accordance with the corresponding section in Sec. 2-320 – Public Safety Advisory Committee.

- ~~(a) The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three members. The Chair shall be counted in determining a quorum~~
- ~~(b) and shall have one vote.~~
- ~~(c) The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one vote.~~
- ~~(d) The ex officio member of the BFAC is a nonvoting member and shall serve in an advisory capacity.~~
- ~~(e) The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.~~
- ~~(f) A quorum consisting of three members shall be necessary to take any BFAC action authorized or required by this division. An issue shall carry by a majority of those voting.~~
- ~~(g) Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.~~
- ~~(h) The BFAC may adopt and amend from time to time rules to govern the conduct of its~~

~~administrative business, consistent with the provisions of this division.~~

**Sec. 2-319. Meetings** (Reserved).

- ~~(a) Meetings of the Biddeford Fire Advisory Committee shall be established by the BFAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff 48 hours in advance of said meeting.~~
- ~~(b) All regularly scheduled and special meetings shall have an agenda approved by the Chair.~~

Part II Code of Ordinances  
Chapter 2 - Administration  
Article IV Boards, Committees, Commissions  
Division 11 - Fire Advisory Committee

**Sec. 2-315. Authority or Establishment.** The City of Biddeford Fire Advisory Committee (hereafter the "BFAC"), is hereby created.

**Sec. 2-316. Duties and Responsibilities.** The BFAC shall have the following duties and responsibilities:

BFAC members shall serve as representatives of the fire service on the Public Safety Advisory Committee.

**Sec. 2-317. Membership.**

1. The BFAC shall consist of three (3) members, two (2) voting members and one (1) associate member. Each member shall be nominated by the Mayor and confirmed by the City Council. The Mayor shall have the discretion of appointing members and associate members to the BFAC with terms expiring after two years but less than three years for the purpose of staggering associate appointments throughout a calendar year.
2. Associate members may be made voting members of the BFAC upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
3. All members of the BFAC shall be registered voters and residents of the City of Biddeford.
4. Members of the BFAC shall reflect as much as possible several geographic areas of the City and shall have diverse professional or employment backgrounds. This is to ensure as much as possible that the interests of the City and applicants are fairly and reasonably represented.

**Sec. 2-318. Terms of Office, Removal from Office, Committee Officers, Staff, Meetings, and Ability to form Subcommittees.** The rules and procedures governing these sections shall be in accordance with the corresponding section in Sec. 2-320 – Public Safety Advisory Committee.

**Sec. 2-319. (Reserved).**



## Policy Committee

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**Meeting Date:** August 25, 2025  
**Meeting Time:** 6:00 PM  
**Agenda Item No:** 5.c  
**Item Description:** Amend Chapter 2, Article IV, Division 12 - Police Advisory Committee  
**Submitted By:** Brian S. Phinney, COO

### Key Terms:

### Executive Summary:

An affirmative vote to approve this latest version of the Police Advisory Committee ordinance advances the latest draft to the City Council for review and adoption. The Policy Committee has been reviewing the various ordinances related to the various boards/committees/commissions in order to standardize the structure and content for the benefit of members, the public, staff, and elected officials. Review of the Police Advisory Committee ordinance is directly related to the review of the Fire Advisory Committee ordinance and creation of the Public Safety Advisory Committee ordinance.

### Detailed Review:

The Policy Committee has been reviewing the various ordinance sections referencing the organization and structure of the various boards/committees/commissions (member make-up, ordinance structure, and responsibilities) in order to streamline the Code of Ordinances, provide consistency for readers, and evaluate and address potential conflicts, ambiguities, and inconsistencies.

The Policy Committee has specifically reviewed the Police Advisory Committee and Fire Advisory Committee ordinances as well as a proposal to combine the two committees into the Public Safety Advisory Committee. The City Charter requires the establishment of both the Police Advisory Committee and the Fire Advisory Committee.

This draft of the Police Advisory Committee ordinance is intended to reflect the latest changes to the ordinance as reviewed by the Policy Committee at the July 28th meeting. Here is a [link](#) to the agenda, meeting video and packet materials from that meeting.

The draft ordinance for the Police Advisory Committee follows the latest ordinance template approved by the Policy Committee. This draft addresses the following sections: authority and establishment, duties and responsibilities, and membership. All other ordinance sections are covered under the Public Safety Advisory Committee section. Essentially, the Fire Advisory Committee and Police Advisory Committee serve as members of the Public Safety Advisory Committee. The Police Advisory Committee ordinance establishes the Committee and defines the membership. What the Committee does and how it accomplishes its work is defined under the Public Safety Advisory Committee section.

**Funding Source:**

N/A

**Staff Recommendation:**

Staff is neutral as a policy matter, but supports the need to review and streamline the Code of Ordinances.

**Next Steps:**

Once the Policy Committee finishes reviewing the Police Advisory Committee ordinance, the Committee's recommendations will be forwarded to the City Council for review and adoption.

**Attachments:**

20250728 Amend Biddeford Police Advisory Committee - REDLINE, 20250728 Amend Biddeford Police Advisory Committee - CLEAN

Part II Code of Ordinances  
Chapter 2 – Administration  
Article IV – Boards, Committees, Commissions  
Division 12 – Police Advisory Committee

**Sec. 2-320. Authority or Establishment.** ~~[Amended 12-15-2020 by Ord. No. 2020.84]~~ The City of Biddeford Police Advisory Committee hereafter the "BPAC", is hereby created.

~~There is hereby created and established the Biddeford Police Advisory Committee, hereinafter BPAC, comprised of five members and a member of the Biddeford Police Department to serve as an ex officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, except the ex officio member who may reside outside of the City. In appointing members to the BPAC, the Mayor and City Council shall seek to appoint members from a cross section of all citizens, taking into consideration the person's expertise, background and other relevant experiences. The BPAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council.~~

**Sec. 2-321. Purpose; Duties and Responsibilities.** The BPAC shall have the following duties and responsibilities:

BPAC members shall serve as representatives of the police service on the Public Safety Advisory Committee.

~~(a) — The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Police Department, and the community.~~

~~(b) — Responsibilities shall include:~~

~~(1) — When appropriate, make recommendations to the Police Department on matters, with a goal of enhancing police-community relations. These recommendations shall not include personnel matters involving individual members or officers of the Police Department, or matters that deal with daily police operational enforcement, and implementation strategies. [Amended 12-15-2020 by Ord. No. 2020.84]~~

~~(2) — Assist in identifying potential Police Department community partnerships that focus or address public safety matters within the community. [Amended 12-15-2020 by Ord. No. 2020.84]~~

~~(3) — Identify community resources and support for public safety activities. [Amended 12-15-2020 by Ord. No. 2020.84]~~

~~(4) — Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.~~

~~(5) — Make reports to the City Council and/or Police Chief at such times as may be requested by the City Council, Police Chief or as the BPAC determines is necessary. Make reports to the City Council at such times as may be requested by the City Council. [Amended 12-15-2020 by Ord. No. 2020.84]~~

**Sec. 2-322. Membership.**

1. Members shall be appointed by the Mayor and confirmed by a majority of the City

~~Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BPAC or upon the vote of the City Council to remove a member. Members of the Committee shall serve without pay and at the discretion of the City Council. The Biddeford Police Chief, or his designee, shall serve as the administrator, advisor and ex officio member, and shall provide assistance to the BPAC. The BPAC shall consist of three (3) members, two (2) voting members and one (1) associate member. Each member shall be nominated by the Mayor, confirmed by the City Council. The Mayor shall have the discretion of appointing members and associate members to the BPAC with terms expiring after two years but less than three years for the purpose of staggering Associate appointments throughout a calendar year.~~

2. Associate members may be made voting members of the BPAC upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
3. All members of the BPAC shall be registered voters and residents of the City of Biddeford.
4. Members of the BPAC shall reflect as much as possible several geographic areas of the City, and shall have diverse professional or employment backgrounds. This is to ensure as much as possible that the interests of the City and applicants are fairly and reasonably represented.

**Sec. 2-323. ~~Organization of Committee.~~ Terms of Office, Removal from Office, Committee Officers, Staff, Meetings, and Ability to form Subcommittees.** The rules and procedures governing these sections shall be in accordance with the corresponding section in Sec. 2-320 – Public Safety Advisory Committee.

~~(a) — The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three members. The Chair shall be counted in determining a quorum and shall have one vote.~~

~~(b) — The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one vote.~~

~~(c) — The ex officio members of the BPAC is a nonvoting member and shall serve in an advisory capacity.~~

~~(d) — The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.~~

~~(e) — A quorum consisting of three members shall be necessary to take any BPAC action authorized or required by this article. An issue shall carry by a majority of those voting.~~

~~(f) — Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.~~

~~(g) The BPAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this division.~~

**Sec. 2-324. Meetings.** [Reserved](#)

~~(a) — Meetings of the Biddeford Police Advisory Committee shall be at the call of the Chair, and established by the BPAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff 48 hours in advance of said meeting. [Amended 12-15-2020 by Ord. No. 2020.84]~~

~~(b) All regularly scheduled and special meetings shall have an agenda approved by the Chair.~~

Part II Code of Ordinances  
Chapter 2 – Administration  
Article IV – Boards, Committees, Commissions  
Division 12 – Police Advisory Committee

**Sec. 2-320. Authority or Establishment.** The City of Biddeford Police Advisory Committee hereafter the "BPAC", is hereby created.

**Sec. 2-321. Duties and Responsibilities.** The BPAC shall have the following duties and responsibilities:

BPAC members shall serve as representatives of the police service on the Public Safety Advisory Committee.

**Sec. 2-322. Membership.**

1. The BPAC shall consist of three (3) members, two (2) voting members and one (1) associate member. Each member shall be nominated by the Mayor, confirmed by the City Council. The Mayor shall have the discretion of appointing members and associate members to the BPAC with terms expiring after two years but less than three years for the purpose of staggering Associate appointments throughout a calendar year.
2. Associate members may be made voting members of the BPAC upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
3. All members of the BPAC shall be registered voters and residents of the City of Biddeford.
4. Members of the BPAC shall reflect as much as possible several geographic areas of the City, and shall have diverse professional or employment backgrounds. This is to ensure as much as possible that the interests of the City and applicants are fairly and reasonably represented.

**Sec. 2-323. Terms of Office, Removal from Office, Committee Officers, Staff, Meetings, and Ability to form Subcommittees.** The rules and procedures governing these sections shall be in accordance with the corresponding section in Sec. 2-320 – Public Safety Advisory Committee.

**Sec. 2-324. (Reserved)**



## Policy Committee

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**Meeting Date:** August 25, 2025  
**Meeting Time:** 6:00 PM  
**Agenda Item No:** 5.d  
**Item Description:** Review / Merge Biddeford Police Advisory Committee & Biddeford Fire Advisory Committee into new Public Safety Committee  
**Submitted By:** Brian S. Phinney, COO (on behalf of the Policy Committee)

### Key Terms:

### Executive Summary:

The Policy Committee has completed its preliminary review of the proposed ordinance establishing the Public Safety Advisory Committee. Discussions occurred during the Committee's June 23 and July 28 meetings. The ordinance is presented in both redline (showing amendments) and clean formats, consistent with the ordinance template adopted on July 28.

The proposed Public Safety Advisory Committee would consolidate the Police Advisory Committee and Fire Advisory Committee, while also including a City Council representative and a student member. Its purpose is to provide a structured forum for two-way communication between the Biddeford Police Department, the Biddeford Fire Department, and the community.

### Detailed Review:

The Policy Committee performed a preliminary review of the proposed ordinance, creating the Public Safety Advisory Committee at the [June 23rd](#) and [July 28th](#) regular meetings. The dates are hyperlinked to the respective meeting pages. The meeting videos and packet materials are available for review. Based on the general discussion at the July meeting, the latest version of the Public Safety Advisory Committee ordinance is provided as a redline version showing amendments in context and a clean version with all amendments accepted.

The draft ordinance is formatted to align with the ordinance template approved by the Policy

Committee at its July 28th meeting. Please note that the specific point of insertion within the Code of Ordinances will be defined once the ordinance is approved.

The Public Safety Advisory Committee is comprised of members of the Police Advisory Committee, Fire Advisory Committee, a council representative, and a student member. The Public Safety Advisory Committee, as proposed, serves to provide an organized forum for two-way communication between the Biddeford Police Department, the Biddeford Fire Department and the community.

**Funding Source:**

N/A

**Staff Recommendation:**

Neutral as to the nature of the review with support for standardizing the format and creation of a Public Safety Advisory Committee.

**Next Steps:**

Once the Policy Committee finishes reviewing the Public Safety Advisory Committee ordinance, the Committee's recommendations will be forwarded to the City Council for review and adoption.

**Attachments:**

20250825 Create Biddeford Public Safety Advisory Committee - REDLINE, 20250825 Create Biddeford Public Safety Advisory Committee - CLEAN

**Board/Committee/Commission  
Ordinance Template**

**Section X-XX. Biddeford Public Safety Advisory Committee**

A. **Authority or Establishment.** The City of Biddeford Public Safety Advisory Committee (hereafter the "PSAV", is hereby created.

B. **Duties and responsibilities.** The PSAV shall have the following duties and responsibilities:

1. The duty of the Committee is to provide an organized forum for two-way communication between the Biddeford Police Department, the Biddeford Fire Department and the community.
2. Responsibilities shall include:
  - a. When appropriate, make recommendations to the Police and Fire Department on matters, with a goal of enhancing police/fire-community relations. These recommendations shall not include personnel matters involving individual members or officers of either the Police or Fire Departments, or matters that deal with daily police operational enforcement, fire prevention, and their implementation strategies.
  - b. Assist in identifying potential Police/Fire Department community partnerships that focus or address public safety matters within the community.
  - c. Identify community resources and support for public safety activities.
  - d. Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.
  - e. Make reports to the City Council and/or Police Chief or Fire Chief at such times as may be requested by the City Council, Police Chief or as the PSAC determines is necessary. Make reports to the City Council at such times as may be requested by the City Council.

C. **Membership.**

1. The PSAV shall consist of eight members. Five (5) shall be voting members consisting of the two (2) Fire Advisory Committee voting members, the two (2) Police Advisory Committee voting members, and one (1) City Council representative. Three (3) shall be nonvoting members comprised of the associate members of the Police and Fire Advisory Committees and one (1) nonvoting student representative. The purpose of the student representative is to provide youth insight and civic engagement opportunities for students. The student member shall not be counted toward a quorum. The student member shall not be eligible for appointment as a voting member. Each member shall be nominated by the Mayor and confirmed by the City Council. The Mayor shall have the discretion of appointing members and associate members to the PSAC with terms expiring after two years but less than three years for the purpose of staggering appointments throughout a calendar year.
2. Associate members may be made voting members of the PSAC upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
3. All members of the PSAC shall be registered voters and residents of the City of

Biddeford except for the student representative who shall be a resident of Biddeford and currently enrolled at Biddeford High School.

4. Members of the PSAC shall reflect as much as possible several geographic areas of the City, and shall have diverse professional or employment backgrounds. This is to ensure as much as possible that the interests of the City and applicants are fairly and reasonably represented.

5. .

**D. Term of Office.**

1. No member shall serve more than three consecutive terms, including any term or part of a term served under any predecessor in this section. Any member appointed to fill a vacancy for which more than half of the unexpired term remains, for purposes of this provision, shall be deemed to have served one full term.

2. When there is a permanent vacancy, the Mayor shall nominate with confirmation by the City Council a new member to serve for the remainder of the unexpired term.

**E. Removal from Office.**

1. Members of the PSAC may be removed from office by the municipal officers for the following reasons:

a. A member is no longer a resident of the City of Biddeford; or

b. A member is absent from three consecutive regular PSAC meetings without prior satisfactory explanation at the discretion of the Chairperson; or

c. A member is absent from six meetings or workshops of the PSAC without prior satisfactory explanation at the discretion of the Chairperson; or

d. A member conducts himself/herself in a manner that is inconsistent with the Code of Ethics (Chapter 2, Article I, Sec 2-3), official position of the PSAC, i.e. consistent conflicts of interest or unprofessional behavior toward applicants, City employees or members of the public at the discretion of the Chairperson.

2. Removal action may be initiated by the Mayor, a member of the City Council or the Chairperson of the PSAC. A letter shall be submitted to the municipal officers stating the reasons for the removal request.

3. The PSAC member in question shall be provided a copy of the letter and shall be given the opportunity to reply to the municipal officers.

**F. Public Safety Advisory Committee Officers.**

1. A Chairperson shall be appointed by the Mayor and confirmed by the Council each January. The PSAC shall elect from its voting membership the following officer:

Vice Chairperson;

2. The terms of these officers shall be two years. The Chairperson may not be reelected for more than three consecutive terms. The PSAC shall hold elections during the January meeting, the results of which shall be submitted to the municipal officers.

3. Elected officers shall be responsible for the following:

a. Chairperson shall conduct meetings, schedule and announcing meetings, and sign official correspondence for the PSAC.

- b. Vice Chairperson acts in place of the Chairperson when he/she is absent or required to leave the Chair because of conflict; acts as Chair for special subcommittees of the PSAC as needed.

**G. Staff.** The Biddeford Police Chief and Fire Chief or designees, shall serve as the administrators, advisors and ex officio members, and shall provide assistance to the PSAC

**H. Meetings.**

1. The PSAC shall conduct monthly meetings, or at least regular scheduled meetings during a calendar year subject to actionable items. Meetings shall convene at a regular date and time as determined by a vote of the PSAC at its first scheduled meeting. Meetings may be rescheduled, cancelled or moved at the discretion of the Chairperson with due public notice.
2. Upon motion by a member of the PSAC the Chairperson may call for special meetings and workshops as needed.
3. All meetings of the PSAC shall be noticed and open to the public. Materials and records of the meetings shall be maintained and available for public inspection.
4. PSAC meetings shall be called to order when a quorum of the voting members is present. For this purpose, a quorum shall be three (3) voting members. When a regular member of the PSAC is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to fill a permanent vacancy, an associate member shall be designated to vote by the Chairperson.

**I. Authority to Establish Subcommittees.**

1. The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire, comprising current members of the Commission, or other experts as needed, to provide advice and counsel on matters as defined by the PSAC.
2. All subcommittees shall provide notice of meetings, conduct such meetings in public, and be bound by the same rules as the PSAC.
3. All subcommittees shall be advisory. Any recommendations requiring action or adoption shall be presented to the full PSAC for review and adoption.

**J. Conflicts.** Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except for the member who is being challenged.

**Board/Committee/Commission  
Ordinance Template**

**Section X-XX. Biddeford Public Safety Advisory Committee**

**A. Authority or Establishment.** The City of Biddeford Public Safety Advisory Committee (hereafter the "PSAV", is hereby created.

**B. Duties and responsibilities.** The PSAV shall have the following duties and responsibilities:

1. The duty of the Committee is to provide an organized forum for two-way communication between the Biddeford Police Department, the Biddeford Fire Department and the community.
2. Responsibilities shall include:
  - a. When appropriate, make recommendations to the Police and Fire Department on matters, with a goal of enhancing police/fire-community relations. These recommendations shall not include personnel matters involving individual members or officers of either the Police or Fire Departments, or matters that deal with daily police operational enforcement, fire prevention, and their implementation strategies.
  - b. Assist in identifying potential Police/Fire Department community partnerships that focus or address public safety matters within the community.
  - c. Identify community resources and support for public safety activities.
  - d. Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.
  - e. Make reports to the City Council and/or Police Chief or Fire Chief at such times as may be requested by the City Council, Police Chief or as the PSAC determines is necessary. Make reports to the City Council at such times as may be requested by the City Council.

**C. Membership.**

1. The PSAV shall consist of eight members. Five (5) shall be voting members consisting of the two (2) Fire Advisory Committee voting members, the two (2) Police Advisory Committee voting members, and one (1) City Council representative. Three (3) shall be nonvoting members comprised of the associate members of the Police and Fire Advisory Committees and one (1) nonvoting student representative. The purpose of the student representative is to provide youth insight and civic engagement opportunities for students. The student member shall not be counted toward a quorum. The student member shall not be eligible for appointment as a voting member. Each member shall be nominated by the Mayor and confirmed by the City Council. The Mayor shall have the discretion of appointing members and associate members to the PSAC with terms expiring after two years but less than three years for the purpose of staggering appointments throughout a calendar year.
2. Associate members may be made voting members of the PSAC upon the absence, vacancy, retirement or nonappointment of a voting member. The chairperson shall appoint a nonvoting member as a voting member for any absence. All other appointments shall be made in accordance with the City Charter, Article II, Sec 2(a) – Appointment of Citizens.
3. All members of the PSAC shall be registered voters and residents of the City of

Biddeford except for the student representative who shall be a resident of Biddeford and currently enrolled at Biddeford High School.

4. Members of the PSAC shall reflect as much as possible several geographic areas of the City, and shall have diverse professional or employment backgrounds. This is to ensure as much as possible that the interests of the City and applicants are fairly and reasonably represented.

5. .

#### **D. Term of Office.**

1. No member shall serve more than three consecutive terms, including any term or part of a term served under any predecessor in this section. Any member appointed to fill a vacancy for which more than half of the unexpired term remains, for purposes of this provision, shall be deemed to have served one full term.

2. When there is a permanent vacancy, the Mayor shall nominate with confirmation by the City Council a new member to serve for the remainder of the unexpired term.

#### **E. Removal from Office.**

1. Members of the PSAC may be removed from office by the municipal officers for the following reasons:

a. A member is no longer a resident of the City of Biddeford; or

b. A member is absent from three consecutive regular PSAC meetings without prior satisfactory explanation at the discretion of the Chairperson; or

c. A member is absent from six meetings or workshops of the PSAC without prior satisfactory explanation at the discretion of the Chairperson; or

d. A member conducts himself/herself in a manner that is inconsistent with the Code of Ethics (Chapter 2, Article I, Sec 2-3), official position of the PSAC, i.e. consistent conflicts of interest or unprofessional behavior toward applicants, City employees or members of the public at the discretion of the Chairperson.

2. Removal action may be initiated by the Mayor, a member of the City Council or the Chairperson of the PSAC. A letter shall be submitted to the municipal officers stating the reasons for the removal request.

3. The PSAC member in question shall be provided a copy of the letter and shall be given the opportunity to reply to the municipal officers.

#### **F. Public Safety Advisory Committee Officers.**

1. A Chairperson shall be appointed by the Mayor and confirmed by the Council each January. The PSAC shall elect from its voting membership the following officer:

Vice Chairperson;

2. The terms of these officers shall be two years. The Chairperson may not be reelected for more than three consecutive terms. The PSAC shall hold elections during the January meeting, the results of which shall be submitted to the municipal officers.

3. Elected officers shall be responsible for the following:

a. Chairperson shall conduct meetings, schedule and announcing meetings, and sign official correspondence for the PSAC.

- b. Vice Chairperson acts in place of the Chairperson when he/she is absent or required to leave the Chair because of conflict; acts as Chair for special subcommittees of the PSAC as needed.

**G. Staff.** The Biddeford Police Chief and Fire Chief or designees, shall serve as the administrators, advisors and ex officio members, and shall provide assistance to the PSAC

**H. Meetings.**

1. The PSAC shall conduct monthly meetings, or at least regular scheduled meetings during a calendar year subject to actionable items. Meetings shall convene at a regular date and time as determined by a vote of the PSAC at its first scheduled meeting. Meetings may be rescheduled, cancelled or moved at the discretion of the Chairperson with due public notice.
2. Upon motion by a member of the PSAC the Chairperson may call for special meetings and workshops as needed.
3. All meetings of the PSAC shall be noticed and open to the public. Materials and records of the meetings shall be maintained and available for public inspection.
4. PSAC meetings shall be called to order when a quorum of the voting members is present. For this purpose, a quorum shall be three (3) voting members. When a regular member of the PSAC is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to fill a permanent vacancy, an associate member shall be designated to vote by the Chairperson.

**I. Authority to Establish Subcommittees.**

1. The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire, comprising current members of the Commission, or other experts as needed, to provide advice and counsel on matters as defined by the PSAC.
2. All subcommittees shall provide notice of meetings, conduct such meetings in public, and be bound by the same rules as the PSAC.
3. All subcommittees shall be advisory. Any recommendations requiring action or adoption shall be presented to the full PSAC for review and adoption.

**J. Conflicts.** Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except for the member who is being challenged.



## Policy Committee

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**Meeting Date:** August 25, 2025  
**Meeting Time:** 6:00 PM  
**Agenda Item No:** 5.e  
**Item Description:** Review / Purchasing Policy, Ch 2, Article V, Division 2  
**Submitted By:** Brian S. Phinney, Acting City Manager

### Key Terms:

### Executive Summary:

The Policy Committee has conducted a multi-meeting review of the City’s purchasing rules, culminating in detailed discussion on June 23 and July 28, 2025. Updates were introduced to modernize terminology, clarify responsibilities, and align policy language with current procurement practices. The July 28 meeting produced additional refinements and consensus amendments, now reflected in a redlined version of the ordinance and a clean draft for consideration.

### Detailed Review:

The Policy Committee has conducted a multi-meeting review of the City’s purchasing rules. The process began at the [June 23, 2025 Policy Committee meeting](#), where members introduced proposed updates to the City’s procurement ordinance. Key areas identified for revision included clearer delegation of purchasing authority, enhanced oversight mechanisms, and adjustments to monetary thresholds for bidding requirements.

At the [July 28, 2025 Policy Committee meeting](#), the Committee undertook line-by-line review of the draft ordinance. Notable changes include:

Clarification of the Finance Director’s authority as Purchasing Agent, with allowance for delegation while retaining ultimate responsibility.

Addition of the requirement that bids must “meet bid specifications” rather than defaulting solely to lowest cost.

Amendment of Sec. 2-348(g) to allow negotiation of bid variances and better alignment with available funding.

Adjustment of monetary thresholds, including raising the contracting oversight threshold from \$35,000 to \$50,000 to remain consistent across sections.

Revisions to small purchase procedures, including specification that contracts under \$5,000 be non-renewing. This version includes a change to the language specifying that the \$5,000 threshold is an aggregate amount. The original language proposed at the July 28th meeting specified non-renewing contracts. The language was later determined to potentially confuse readers. Possibly suggesting the threshold does not apply to renewing contracts.

Insertion of a new subsection under Sole Source Procurement allowing for City-managed projects as general contractor under strict reporting and Council approval requirements. It should be noted that clarification has been added to identify the project plan for approval may include pricing from previously approved contracts. In other words, the respective department may solicit time and material (T&M) bids to pre-qualify contractors for various phases of work that may be required. The contract(s) may be for extended time periods, such as three years. Once the contract(s) is(are) approved, the department may use such pricing in the project plan bid estimate without further approval being required.

Corrections to outdated references (e.g., “Treasurer” changed to “Finance Director”) and technical edits to formatting.

Strengthened compliance with state and federal anti-trafficking and labor laws by requiring vendor certifications.

The Committee also discussed administrative improvements, including the potential establishment of a dedicated staff position for centralized record-keeping of minutes and procurement oversight to be discussed during the FY27 Budget review.

Other than as noted above, the Committee will determine if the item requires additional amendments and is otherwise ready to forward to City Council for consideration and adoption.

**Funding Source:**

N/A

**Staff Recommendation:**

Staff defers to the Policy Committee regarding the various amendments to the purchasing

procedures under Chapter 2, Article V, Division 2, as noted in the attached redline document.

**Next Steps:**

**Attachments:**

20250825 Review of Purchasing Rules - Ch 2-Article V-Div 2 - as Amended - REDLINE, 20250825  
Review of Purchasing Rules - Ch 2-Article V-Div 2 - as Amended - CLEAN

Updated Redline Copy of  
Policy Committee Changes  
from July 28  
(includes all edits from June)

**Part II Code of Ordinances**  
**Chapter 2 – Administration**  
**Article V – Finance**  
**Division 2 – Procurement**

**Sec. 2-343. Purpose. [Ord. of 4-21-1998(2)]**

The purpose of this article is to provide for the fair and equitable treatment of all persons involved in public purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

**Sec. 2-344. Application of article. [Ord. of 4-21-1998(2); Ord. No. 99.78, 9-21-1999]**

- (a) This article applies to contracts for the procurement of supplies, services and construction entered into by the City. It shall apply to every expenditure of public funds by any department of the City irrespective of the source of funding. When the procurement involves the expenditure of federal or state assistance or contract funds, the procurement shall be conducted in accordance with any applicable laws and regulations. Nothing in this article shall prevent any department of the City from complying with the terms and conditions of any grant, gift or request that is otherwise consistent with law.
- (b) Representatives of the City involved in the purchase of goods; especially items of apparel or textiles such as clothing, uniforms, footwear, linens or fabric; shall not knowingly contract with vendors offering goods or services produced under sweatshop conditions by manufacturers, launderers or distributors of such items who may be paying poverty wages, violating workplace regulations or suppressing worker rights. In order to promote contracts with vendors having responsible employment practices, preference should be given to goods or services produced in the United States and to vendors known for their responsible labor practices. ~~Responsible labor practices shall include wage and benefit levels sufficient to meet basic needs while providing some discretionary income for a family of four, respect for workers' rights including the right to be heard and to organize and a safe and healthy work environment.~~ All solicitations offered by the City, not otherwise required to include contractor certifications related to a prohibition on trafficking of victims and forced or indentured child labor shall include such a certification. Any complaints or information received by a representative of the City involved in the purchase of goods or services identifying vendors or their subcontractors as producing their products under sweatshop conditions shall report such allegations to the respective authorities. ~~investigate said allegations and~~ The City shall cease to do business with any vendor or subcontractor found to be other than maintaining responsible labor practices.

**Sec. 2-345. Definitions. [Ord. of 4-21-1998(2)]**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BRAND NAME OR EQUAL SPECIFICATION** — A specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet City requirements, and which provides for the

submission of equivalent products.

BRAND NAME SPECIFICATION — A specification limited to one or more items by manufacturers' names or catalogue numbers.

CONSTRUCTION — The process of building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

CONTRACT — All types of agreements, regardless of what they may be called, for the procurement of supplies, services or construction.

CONTRACTOR — Any person having a contract with the City or any of its departments.

COVERED BY BUDGETED AMOUNT – An item specifically listed by name in the approved current year ~~submitted~~ budget document with an associated defined cost.

LOCATION AND OPERATION — Is narrowly defined as owning, leasing or renting physical space within the city limits of Biddeford, and staffing the same a minimum of 20 hours per week during a period commencing no less than thirty days prior to the bid deadline and continuing through the end of the bid agreements. **[Added 11-1-2011 by Ord. No. 2011.71]**

SERVICES — The furnishing of labor, time or efforts by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

SPECIFICATION — Any description of the physical or functional characteristics or the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.

SUPPLIES — All consumables or property, including but not limited to equipment, materials, printing and leases for real property, excluding land or a permanent interest in land.

#### **Sec. 2-346. Scope of authority. [Ord. of 4-21-1998(2)]**

The current policy of the City is to maintain a decentralized purchasing process which shall be monitored by the City Manager, and the Finance Director ~~and Purchasing Agent~~. Each department head within this decentralized purchasing function shall be responsible for the function of procurement of suitable supplies, services or construction for their using departments, except as may be otherwise noted in these regulations. In all cases, purchase orders, ~~shall channel through the Purchasing Agent's office and~~, claims, invoices and any other such supporting documentation shall channel through the Finance Director's office in order that proper purchasing records may be maintained.

#### **Sec. 2-347. Responsibility of departments. [Ord. of 4-21-1998(2); Ord. No. 99.69, 8-17-1999]**

- (1) The responsibility of department heads regarding procurement shall be as follows:
  - (a) Development of specifications for supplies, services or construction shall be the responsibility of department heads. ~~Any specifications to be included in an invitation for competitive sealed bids or proposals shall be submitted to the Purchasing Agent.~~
  - (b) Procuring the highest quality item(s) for a specified use at the lowest possible expense is required by all department heads, or their delegates who have authority to purchase.

- (c) Department heads are required to control, supervise and maintain any necessary inventories in a storeroom. Such storerooms shall serve as the receiving and distribution points for materials purchased by a using department.

With the exception of public works parts and fuel ~~inventories and school lunch supply~~ inventories, departments will be charged for items at the time of purchase. Departments receiving parts and fuel from public works inventories will be charged as items are used. Public works ~~and school lunch~~ department heads will conduct a physical inventory count of all supplies at such time as there is a change in personnel directly responsible for those storerooms, at fiscal year end, and as required throughout the year.

- (d) Local purchasing is encouraged where competitive market prices exist except when Section ~~2-3522-235(f)~~ and Section ~~2-3532-336~~ apply. Local purchasing is required unless non-local purchasing is more cost effective. The following factors shall be considered to determine cost effectiveness:

- a. Price;
- b. Comparable quality;
- c. Cost/ability to secure prices;
- d. Shipping and handling cost;
- e. Convenience of follow-up service;
- f. Time to secure the supply, item or service.

- (e) Inspection of incoming materials or services shall be performed for compliance with specifications. These inspections are to be maintained under rigorous review by department heads and their authorized designees. The receiving report copy of the purchase order and any packing slips are to be completed and returned to the Finance Department upon acceptance of an order.

- (f) ~~Unless otherwise provided, the single purchase of a supply or construction item in an amount estimated at \$5,000 or above shall be made only by written contract award through the formal bidding procedure. No supply, service or construction generally purchased in the whole shall be purchased as a sum of the parts for the purpose of avoiding the requirement to solicit bids. A single purchase of services in an amount estimated at \$10,000 shall be made only by written contract award through the appropriate proposal procedure.~~ Sole source purchases and emergency purchases shall be exceptions to these rules. [Amended 11-1-2011 by Ord. No. 2011.71]

- (2) ~~Appointment, a~~ Authority and duties of Finance Director as Purchasing Agent:

- ~~(a) The City Manager shall appoint a candidate for Purchasing Agent, who will be confirmed by the City Council.~~

- ~~(b)~~(a) The authority and duties of the Purchasing Agent shall be as follows:

- 1. Except as may be otherwise provided, the Purchasing Agent shall serve as the principal purchasing official for the City, and shall be responsible for the procurement of supplies, services and construction in accordance with this article, as well as the management and disposal of supplies.

2. In accordance with this article, and subject to the supervision of the City Manager, the Purchasing Agent shall:
  - a. Procure or supervise the procurement of all supplies, services and construction needed by the City;
  - b. Exercise direct supervision ~~over~~of the City's central stores and general supervision over all other storeroom inventories belonging to the City;
  - c. Sell, trade or otherwise dispose of surplus supplies belonging to the City; assist the departments of the City with the establishment and maintenance of programs for specification development, contract administration and product inspection and acceptance and coordination of supplies and service purchases.
3. Consistent with this article, and with the approval of the City Manager, the Purchasing Agent may adopt operational procedures relating to the execution of his or her duties.

**Sec. 2-348. Competitive sealed bidding. [Ord. of 4-21-1998(2)]**

- (a) All contracts of the City for purchases of supplies or construction at or in excess of \$5,000 and for the purchase of services at or in excess of \$5,000 shall be awarded by competitive sealed bidding except as otherwise provided in this article. **[Amended 11-1-2011 by Ord. No. 2011.71]**
- (b) An invitation to bid shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.
- (c) Adequate public notice of the invitation to bid shall be given for a reasonable time, but not less than 10 calendar days prior to the date set forth therein for the opening of bids. Such notice shall include publication in a newspaper of general circulation a reasonable time prior to bid opening and shall be posted in a conspicuous place on the City's internet website, in a place designated for this purpose. This public notice shall minimally state the place, date and time of the bid opening. **[Amended 5-5-2009 by Ord. No. 2009.25]**
- (d) Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each bidder shall be publicly read for the benefit of any bidders and each bid shall be open to public inspection.
- (e) Bids shall be unconditionally accepted without alteration or correction, except as authorized in this article. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in a bid evaluation that are not set forth in the invitation for bids.
- (f) Correction or withdrawal of inadvertently erroneous bids before or after bid opening or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or ~~telegraphic~~electronic notice received in the office designated in the invitation for

bids prior to the time set for the bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

- (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
  - (2) The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent.
- (g) The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event the low responsive and responsible bid for a construction project exceeds available funds as certified by the Finance Director and the ~~average variancesuch bid~~ does not exceed ~~such funds by more than~~ 10% of the available funds, the ~~Purchasing Agent~~ department ~~head in conjunction with the Finance Director~~ authorized to ~~may~~ negotiate a reduction in the total bid amount.~~an adjustment of the bid price with the low responsive and responsible bidder in order to bring the bid within the amount of available funds. Any s~~Such negotiations negotiated adjustment shall be limited to be based only upon eliminating independent deductive items specified in the bid solicitation.~~invitation for bids. When~~ Once finalized by the Finance Director:
- (1) ~~by the Purchasing Agent, bid~~Bid results greater than \$5,000 and less than \$50,000 ~~that are both the lowest bid, meet all bid specifications and is within covered by~~ the budgeted amount can be approved by the City Manager ~~and awarding of the contract to the successful bidder.~~ These awards shall results will be reported monthly to the ~~City Council and/or the Finance Committee on a monthly basis.~~
  - (2) Any bid in the range \$5,001 Bids less than \$150,000 and Bidbid results less than to \$50,000 ~~and over the budgeted amount or that is~~ not the lowest bid or exceeds the budgeted amount and meets all bid specifications will~~shall~~ be submitted to the Finance Committee for review and approval prior to award.
  - (3) All bids over \$50,000 and up to \$150,000 regardless of budget status or bid ranking shall be submitted to the Finance Committee for review and approval prior to award.
  - ~~(3)~~(4) ~~of the City Council for acceptance and awarding of the contract to the successful bidder. Contracts or bids exceeding that exceed \$50,000\$150,000 require approval shall be approved by the City Council prior to award signing and executing said contract without the necessity of Finance Committee review.~~
  - ~~(4)~~(5) Contracts based on units of measure and unit pricing where the total number of units is not specified shall be calculated using a best estimate methodology or prior history to determine the estimated contract value. Approval of such contracts shall be managed under the approval criteria listed above based on the total estimated value. **[Amended 11-1-2011 by Ord. No. 2011.71; 4-16-2019 by Ord. No. 2019.30]**

- (h) When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

**Sec. 2-349. Competitive sealed proposals. [Ord. of 4-21-1998(2)]**

- (a) When the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposal method.
- (b) Proposals shall be solicited through a request for proposals.
- (c) Adequate public notice of the request for proposals shall be given in the same manner as provided in Section [2-348\(c\)](#)~~2-336(e)~~, provided the minimum time shall be 20 calendar days.
- (d) No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A ~~register~~[list](#) of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.
- (e) The request for proposals shall state the relative importance of price and other evaluation factors.
- (f) As provided in the request for proposals, discussions may be conducted with the responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.
- (g) Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. When finalized by the Purchasing Agent, proposal results will be ~~submitted to the Finance Committee of the City Council for acceptance and awarding of the contract to the successful bidder. Contracts that exceed \$30,000 shall be approved by the City Council prior to signing and executing said contract~~ processed [and awarded in the same manner and under the same dollar thresholds and identified in Sec. 2-348\(g\)](#). [Amended 11-1-2011 by Ord. No. 2011.71]

**Sec. 2-350. Contracting for professional services. [Ord. of 4-21-1998(2)]**

- (a) For the purpose of procuring professional services such as auditing, accounting, banking, computer or information processing, architect, engineering, land surveying, clergy, medical, veterinary or dental; the department of the City requiring such services may procure them [through a request for bid, request for proposal, or request for qualifications](#) ~~on its own behalf, following notification of the Purchasing Agent and~~ in accordance with the selection

procedures specified in this section.

- (b) Except as provided under the provisions for sole source procurement and emergency procurements, professional services as described in Subsection (a) of this section shall be procured as follows when soliciting via a request for qualifications:
  - (1) Persons engaged in providing the described professional services may submit statements of qualifications and expressions of interest in providing such professional services. The department of the City using such professional services may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.
  - (2) Adequate notice of the need for such services shall be given by the City department requiring the services through a request for services. The request for ~~proposals~~ qualifications shall describe the service required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications.
- (c) Sealed proposals shall be required with the exception of interest rate quotations for loans which may be received by telephone or facsimile.
- (d) Discussions may be conducted with any offeror who has submitted a proposal to determine such offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.
- (e) Award shall be ~~made to the offeror determined in writing~~ recommended by the head of the City department procuring the required professional services to be best qualified based on evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified offeror, then negotiations will be formally terminated with the selected offeror. If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offer or offerors, in the order of their respected qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable. Awarding of contracts shall be consistent with Section ~~2-337(g)~~ 2-348(g).

**Sec. 2-351. Small purchases. [Ord. of 4-21-1998(2); amended 11-1-2011 by Ord. No. 2011.71]**

- (a) Any ~~non-renewing~~ contract ~~not exceeding~~ less than \$5,000 in aggregate, may be ~~executed~~ made by the relevant department head in accordance with the small purchase procedures authorized in this section.
- (b) Insofar as it is practical for small purchases in excess of \$1,000, no less than three businesses shall be solicited to submit quotations. Quotations may be accepted by telephone. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded ~~with purchase orders~~ and maintained as a public record.

**Sec. 2-352. Sole source procurement and reporting exceptions. [Ord. of 4-21-1998(2); amended 12-15-2020 by Ord. No. 2020.110]**

- (a) A contract may be awarded without competition when the ~~City Manager~~ Finance Committee determines ~~in writing, after conducting a good faith review of available sources,~~ that there is

only one source for the required supply, service or construction item based upon review of the rationale and supporting documentation, if applicable. The City Manager with the appropriate department head or designee shall conduct negotiations, as appropriate, as to price, delivery and terms. ~~A record of sole source procurements shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the item(s) procured under each contract and the identification number of each contract file~~ Award of sole source contracts shall be in accordance with Sec. 2-348(g).

(b) When the City or one or more of its Departments, as approved by the City Council, acts as the General Contractor for a construction project with the stated purpose of reducing overall project costs through internal coordination and oversight, the following procedure must be followed. Projects under this section may not exceed \$1,500,000.00

(1) Prior to Council approval, a written project plan shall be submitted to the City Council. This plan shall include:

- i. Department Head or other city official designated to be the Project Manager.
- ii. A cost estimate for materials, subcontracted services, and equipment rentals;
- iii. An estimate of internal labor hours, including the Department's role or expected involvement in the project;
- iv. Identification of anticipated funding sources;
- v. A summary of procurement deviations requested, including any expected sole-source or negotiated purchases;
- vi. An explanation of how City-led management is expected to yield cost savings or operational benefits.

(2) The City Manager must review and approve the project plan prior to its submission to the City Council for consideration. The City Manager shall ~~certify~~ verify that the plan is complete, to include but not be limited to the requirements of (a)1-6 of this section and that the internal capacity and oversight mechanisms are sufficient to support the proposed project approach.

(3) For projects approved by the City Council under this section, negotiated procurement is authorized in the approved plan:

- i. The Project Manager is authorized to negotiate purchases for goods or services of the project costs based on preapproved time & material price schedules or other approvals obtained in accordance with this Division and does not require additional approval from the Finance Committee or City Council. These purchases are exempt from the tiered review thresholds set by Section 2-348(g).
- ii. 2. Purchases of goods that exceed the estimated project costs shall remain subject to the requirements of the tiered review thresholds established under Section 2-348(g) unless the City Council explicitly exempts such purchases through its project approval vote.

**Sec. 2-353. Emergency procurements. [Ord. of 4-21-1998(2)]**

Notwithstanding any other provision of this article, the City Manager may make or authorize others to make emergency procurements of supplies, services or construction items when there exists a

threat to public health, welfare or safety; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written explanation of the nature of the emergency, the goods or services procured, the procurement method used, and the total cost shall be submitted to the Finance Committee at the next scheduled meeting following the procurement. This report shall be entered into the public record and include certification by the Finance Director verifying the availability and source of funds.

**Sec. 2-354. Cancellation of invitation for bids or requests for proposals. [Ord. of 4-21-1998(2)]**

An invitation for bids, a request for proposals or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the City. The reasons therefor shall be made part of the contract file. Each solicitation issued by the City shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interest of the City. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

**Sec. 2-355. Responsibility for selection of methods of construction contract management. [Ord. of 4-21-1998(2)]**

The City Manager shall designate the official(s) to be responsible for any construction project in excess of ~~\$35,000~~\$50,000. ~~The designated official shall have discretion to select the appropriate method of construction contracting management for a particular project. In determining which method to use, the designated official shall consider the City's requirements, its resources and the potential contractor's capabilities. The designated official shall execute, and include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project.~~

**Sec. 2-356. Bid security. [Ord. of 4-21-1998(2)]**

- (a) Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the designated official for construction contracting management to exceed \$50,000. Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the Finance Director. Nothing herein shall prevent the requirement of such bonds on construction contracts under \$50,000 when the circumstances warrant.
- (b) Bid security shall be in an amount equal to at least 5% of the amount of the bid.
- (c) When the invitation for bids requires security, noncompliance requires that the bid be rejected unless it is determined that the bid fails to comply only in a nonsubstantial manner with the security requirements.
- (d) If a bidder is permitted to withdraw a bid before award as provided in Section ~~2-336(f)~~2-348(f), no action shall be taken against the bidder or the bid security.

**Sec. 2-357. Contract performance and payment bonds. [Ord. of 4-21-1998(2)]**

- (a) When a construction contract is awarded in excess of \$50,000, the following bonds or security shall be delivered to the City and shall become binding on the parties upon the execution of the contract:
- (1) A performance bond satisfactory to the Finance Director executed by a surety company authorized to do business in Maine or otherwise secured in a manner satisfactory to the City Manager and Finance Director in an amount equal to 100% of the price specified in the contract; and
  - (2) A payment bond satisfactory to the Finance Director executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the City Manager and Finance Director for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in the amount equal to 100% of the price specified in the contract.
- (b) After notice to ~~approval by the City Manager~~ awarding authority, defined under Sec. 2-348(g), at the time of approval by the respective department, ~~the Purchasing Agent may reduce~~ the amount of performance and payment bonds may be reduced by the awarding authority to 50% of the contract price for each bond when a written determination is provided in the approval documentation that demonstrates to the awarding authority that such a reduction ~~made that it~~ is in the best interests of the City to do so.
- (c) Nothing in this section shall be construed to limit the authority of the City to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in Subsection (a) of this section. Nor shall this section be construed to limit the authority of the City to require warranties or guarantees against defects where circumstances recommend them.

**Sec. 2-358. Maximum practicable competition. [Ord. of 4-21-1998(2)]**

All specifications shall be drafted to promote overall economy for the purposes intended and encourage competition in satisfying the City's needs, and shall not be unduly restrictive. The policy enunciated in this section applies to all specifications including but not limited to, those prepared for the City by architects, engineer, designers and draftsmen.

**Sec. 2-359. Brand name or equal specification. [Ord. of 4-21-1998(2)]**

- (a) Brand name or equal specification may be used when the Purchasing Agent determines in writing that:
- (1) No other design or performance specification or qualified products list is available;
  - (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
  - (3) The nature of the product or the nature of the City's requirements makes use of a brand name or equal specification suitable for procurement; or
  - (4) Use of a brand name or equal specification is in the City's best interest.

- (b) Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as or equal references and shall further state that substantially equivalent products to those designated will be considered for award.
- (c) Where brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition.

**Sec. 2-360. Brand name specification. [Ord. of 4-21-1998(2)]**

- (a) Since use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Agent makes a written determination that only the identified brand name item or items will satisfy the City's needs.
- (b) The department head shall provide sufficient information to the Purchasing Agent ~~shall seek~~ to identify sources from which the designated brand name item(s) can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section ~~2-3402-~~352.

**Sec. 2-361. Finance Committee may examine and order payments. [Ord. of 4-21-1998(2)]**

The Finance Committee may examine every bill, claim and demand presented for payment by any person or department official and may question its legality and validity. ~~The Finance Committee shall sign a warrant or order directed to the City Treasurer to pay such bill, claim or demand and designate the fund or appropriation to be charged therewith in accordance with the Charter. To support its oversight and review responsibilities, the Finance Committee shall be provided read-only access to the city's financial software system (for instance Munis or any current equivalent). This access shall include all expenses, revenues, encumbrances, and financial activity as well as line-item budgeted amounts. Information shall be provided in a format that enables the Committee to evaluate all financial activity whether or not previously budgeted relative to the appropriations approved by the City Council in the adopted budget. The Finance Committee shall also have oversight responsibility to ensure that all expenditures budgeted or unbudgeted are properly recorded, tracked, and documented in the city's financial system. Discrepancies, omissions, and material concerns related to financial data integrity or unauthorized spending shall be documented and reported to the City Council and City Manager for corrective action.~~

**Sec. 2-362. Signed statement required. [Ord. of 4-21-1998(2)]**

The ~~City Auditor~~Finance Director is expressly enjoined and forbidden from approving any bill contracted by any official, agent or employee of the City unless the goods, articles or materials charged in the bill have been delivered and that they are of the quality and quantity ordered.

**Sec. 2-363. ~~Treasurer~~Finance Director forbidden to pay or honor certain bills, warrants. [Ord. of 4-21-1998(2)]**

- (a) The ~~Treasurer~~Finance Director is expressly enjoined and forbidden to pay any bill contracted by any official, agent or employee of the City unless an approved invoice~~purchase order form~~

is attached to each bill presented for payment.

- (b) The ~~Treasurer~~Finance Director is expressly forbidden to honor or pay any warrant drawn for the payment of moneys from the City treasury when the appropriation of the department to which such payment would properly be charged has been fully expended, or when such payment would overdraw such department's appropriation.

Updated Redline Copy of  
Policy Committee Changes  
from July 28  
(includes all edits from June)

**Part II Code of Ordinances**  
**Chapter 2 – Administration**  
**Article V – Finance**  
**Division 2 – Procurement**

**Sec. 2-343. Purpose. [Ord. of 4-21-1998(2)]**

The purpose of this article is to provide for the fair and equitable treatment of all persons involved in public purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

**Sec. 2-344. Application of article. [Ord. of 4-21-1998(2); Ord. No. 99.78, 9-21-1999]**

- (a) This article applies to contracts for the procurement of supplies, services and construction entered into by the City. It shall apply to every expenditure of public funds by any department of the City irrespective of the source of funding. When the procurement involves the expenditure of federal or state assistance or contract funds, the procurement shall be conducted in accordance with any applicable laws and regulations. Nothing in this article shall prevent any department of the City from complying with the terms and conditions of any grant, gift or request that is otherwise consistent with law.
- (b) Representatives of the City involved in the purchase of goods; especially items of apparel or textiles such as clothing, uniforms, footwear, linens or fabric; shall not knowingly contract with vendors offering goods or services produced under sweatshop conditions by manufacturers, launderers or distributors of such items who may be paying poverty wages, violating workplace regulations or suppressing worker rights. In order to promote contracts with vendors having responsible employment practices, preference should be given to goods or services produced in the United States and to vendors known for their responsible labor practices. All solicitations offered by the City, not otherwise required to include contractor certifications related to a prohibition on trafficking of victims and forced or indentured child labor shall include such a certification. Any complaints or information received by a representative of the City involved in the purchase of goods or services identifying vendors or their subcontractors as producing their products under sweatshop conditions shall report such allegations to the respective authorities. The City shall cease to do business with any vendor or subcontractor found to be other than maintaining responsible labor practices.

**Sec. 2-345. Definitions. [Ord. of 4-21-1998(2)]**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BRAND NAME OR EQUAL SPECIFICATION** — A specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet City requirements, and which provides for the submission of equivalent products.

**BRAND NAME SPECIFICATION** — A specification limited to one or more items by manufacturers' names or catalogue numbers.

**CONSTRUCTION** — The process of building, altering, repairing, improving or demolishing any

public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

**CONTRACT** — All types of agreements, regardless of what they may be called, for the procurement of supplies, services or construction.

**CONTRACTOR** — Any person having a contract with the City or any of its departments.

**COVERED BY BUDGETED AMOUNT** – An item specifically listed by name in the approved current year budget document with an associated defined cost.

**LOCATION AND OPERATION** — Is narrowly defined as owning, leasing or renting physical space within the city limits of Biddeford, and staffing the same a minimum of 20 hours per week during a period commencing no less than thirty days prior to the bid deadline and continuing through the end of the bid agreements. **[Added 11-1-2011 by Ord. No. 2011.71]**

**SERVICES** — The furnishing of labor, time or efforts by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

**SPECIFICATION** — Any description of the physical or functional characteristics or the nature of a supply, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.

**SUPPLIES** — All consumables or property, including but not limited to equipment, materials, printing and leases for real property, excluding land or a permanent interest in land.

**Sec. 2-346. Scope of authority. [Ord. of 4-21-1998(2)]**

The current policy of the City is to maintain a decentralized purchasing process which shall be monitored by the City Manager and the Finance Director. Each department head within this decentralized purchasing function shall be responsible for the function of procurement of suitable supplies, services or construction for their using departments, except as may be otherwise noted in these regulations. In all cases, purchase orders claims, invoices and any other such supporting documentation shall channel through the Finance Director's office in order that proper purchasing records may be maintained.

**Sec. 2-347. Responsibility of departments. [Ord. of 4-21-1998(2); Ord. No. 99.69, 8-17-1999]**

- (1) The responsibility of department heads regarding procurement shall be as follows:
  - (a) Development of specifications for supplies, services or construction shall be the responsibility of department heads
  - (b) Procuring the highest quality item(s) for a specified use at the lowest possible expense is required by all department heads, or their delegates who have authority to purchase.
  - (c) Department heads are required to control, supervise and maintain any necessary inventories in a storeroom. Such storerooms shall serve as the receiving and distribution points for materials purchased by a using department.

With the exception of public works parts and fuel inventories, departments will be charged for items at the time of purchase. Departments receiving parts and fuel from

public works inventories will be charged as items are used. Public works department heads will conduct a physical inventory count of all supplies at such time as there is a change in personnel directly responsible for those storerooms, at fiscal year end, and as required throughout the year.

- (d) Local purchasing is encouraged where competitive market prices exist except when Section 2-352 and Section 2-353 apply. Local purchasing is required unless non-local purchasing is more cost effective. The following factors shall be considered to determine cost effectiveness:
    - a. Price;
    - b. Comparable quality;
    - c. Cost/ability to secure prices;
    - d. Shipping and handling cost;
    - e. Convenience of follow-up service;
    - f. Time to secure the supply, item or service.
  - (e) Inspection of incoming materials or services shall be performed for compliance with specifications. These inspections are to be maintained under rigorous review by department heads and their authorized designees. The receiving report copy of the purchase order and any packing slips are to be completed and returned to the Finance Department upon acceptance of an order.
  - (f) Sole source purchases and emergency purchases shall be exceptions to these rules. **[Amended 11-1-2011 by Ord. No. 2011.71]**
- (2) Authority and duties of Finance Director as Purchasing Agent:
- (a) The authority and duties of the Purchasing Agent shall be as follows:
    - 1. Except as may be otherwise provided, the Purchasing Agent shall serve as the principal purchasing official for the City, and shall be responsible for the procurement of supplies, services and construction in accordance with this article, as well as the management and disposal of supplies.
    - 2. In accordance with this article, and subject to the supervision of the City Manager, the Purchasing Agent shall:
      - a. Procure or supervise the procurement of all supplies, services and construction needed by the City;
      - b. Exercise direct supervision of the City's central stores and general supervision over all other storeroom inventories belonging to the City;
      - c. Sell, trade or otherwise dispose of surplus supplies belonging to the City; assist the departments of the City with the establishment and maintenance of programs for specification development, contract administration and product inspection and acceptance and coordination of supplies and service purchases.
    - 3. Consistent with this article, and with the approval of the City Manager, the

Purchasing Agent may adopt operational procedures relating to the execution of his or her duties.

**Sec. 2-348. Competitive sealed bidding. [Ord. of 4-21-1998(2)]**

- (a) All contracts of the City for purchases of supplies or construction at or in excess of \$5,000 and for the purchase of services at or in excess of \$5,000 shall be awarded by competitive sealed bidding except as otherwise provided in this article. **[Amended 11-1-2011 by Ord. No. 2011.71]**
- (b) An invitation to bid shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.
- (c) Adequate public notice of the invitation to bid shall be given for a reasonable time, but not less than 10 calendar days prior to the date set forth therein for the opening of bids. Such notice shall include publication in a newspaper of general circulation a reasonable time prior to bid opening and shall be posted in a conspicuous place on the City's internet website, in a place designated for this purpose. This public notice shall minimally state the place, date and time of the bid opening. **[Amended 5-5-2009 by Ord. No. 2009.25]**
- (d) Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each bidder shall be publicly read for the benefit of any bidders and each bid shall be open to public inspection.
- (e) Bids shall be unconditionally accepted without alteration or correction, except as authorized in this article. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in a bid evaluation that are not set forth in the invitation for bids.
- (f) Correction or withdrawal of inadvertently erroneous bids before or after bid opening or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or electronic notice received in the office designated in the invitation for bids prior to the time set for the bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
  - (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
  - (2) The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent.

- (g) The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event the low responsive and responsible bid for a construction project exceeds available funds as certified by the Finance Director and the variance does not exceed 10% of the available funds, the department head in conjunction with the Finance Director may negotiate a reduction in the total bid amount. Such negotiations shall be limited to eliminating independent deductive items specified in the bid solicitation. Once finalized by the Finance Director:
- (1) Bid results greater than \$5,000 and less than \$50,000 that are the lowest bid, meet all bid specifications and is within the budgeted amount can be approved by the City Manager. These awards shall be reported monthly to the Finance Committee.
  - (2) Any bid in the range \$5,001 to \$50,000 that is not the lowest bid or exceeds the budgeted amount and meets all bid specifications shall be submitted to the Finance Committee for review and approval prior to award.
  - (3) All bids over \$50,000 and up to \$150,000 regardless of budget status or bid ranking shall be submitted to the Finance Committee for review and approval prior to award.
  - (4) Contracts or bids exceeding \$150,000 require approval by the City Council prior to award without the necessity of Finance Committee review.
  - (5) Contracts based on units of measure and unit pricing where the total number of units is not specified shall be calculated using a best estimate methodology or prior history to determine the estimated contract value. Approval of such contracts shall be managed under the approval criteria listed above based on the total estimated value. **[Amended 11-1-2011 by Ord. No. 2011.71; 4-16-2019 by Ord. No. 2019.30]**
- (h) When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

**Sec. 2-349. Competitive sealed proposals. [Ord. of 4-21-1998(2)]**

- (a) When the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by use of the competitive sealed proposal method.
- (b) Proposals shall be solicited through a request for proposals.
- (c) Adequate public notice of the request for proposals shall be given in the same manner as provided in Section 2-348(c), provided the minimum time shall be 20 calendar days.
- (d) No proposals shall be handled so as to permit disclosure of the identity of any offeror or the contents of any proposal to competing offerors during the process of negotiation. A list of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after contract award.
- (e) The request for proposals shall state the relative importance of price and other evaluation

factors.

- (f) As provided in the request for proposals, discussions may be conducted with the responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors.
- (g) Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. When finalized by the Purchasing Agent, proposal results will be processed and awarded in the same manner and under the same dollar thresholds and identified in Sec. 2-348(g). **[Amended 11-1-2011 by Ord. No. 2011.71]**

**Sec. 2-350. Contracting for professional services. [Ord. of 4-21-1998(2)]**

- (a) For the purpose of procuring professional services such as auditing, accounting, banking, computer or information processing, architect, engineering, land surveying, clergy, medical, veterinary or dental; the department of the City requiring such services may procure them through a request for bid, request for proposal, or request for qualifications in accordance with the selection procedures specified in this section.
- (b) Except as provided under the provisions for sole source procurement and emergency procurements, professional services as described in Subsection (a) of this section shall be procured as follows when soliciting via a request for qualifications:
  - (1) Persons engaged in providing the described professional services may submit statements of qualifications and expressions of interest in providing such professional services. The department of the City using such professional services may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.
  - (2) Adequate notice of the need for such services shall be given by the City department requiring the services through a request for services. The request for qualifications shall describe the service required, list the types of information and data required of each offeror, and state the relative importance of particular qualifications.
- (c) Sealed proposals shall be required with the exception of interest rate quotations for loans which may be received by telephone or facsimile.
- (d) Discussions may be conducted with any offeror who has submitted a proposal to determine such offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.
- (e) Award shall be recommended by the head of the City department procuring the required professional services to be best qualified based on evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified offeror, then negotiations will be

formally terminated with the selected offeror. If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offer or offerors, in the order of their respected qualification ranking, and the contract may be awarded to the offeror then ranked best qualified if the amount of compensation is determined to be fair and reasonable. Awarding of contracts shall be consistent with Section 2-348(g).

**Sec. 2-351. Small purchases. [Ord. of 4-21-1998(2); amended 11-1-2011 by Ord. No. 2011.71]**

- (a) Any contract less than \$5,000 in aggregate, may be executed by the relevant department head in accordance with the small purchase procedures authorized in this section.
- (b) Insofar as it is practical for small purchases in excess of \$1,000, no less than three businesses shall be solicited to submit quotations. Quotations may be accepted by telephone. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded and maintained as a public record.

**Sec. 2-352. Sole source procurement and reporting exceptions. [Ord. of 4-21-1998(2); amended 12-15-2020 by Ord. No. 2020.110]**

- (a) A contract may be awarded without competition when the Finance Committee determines that there is only one source for the required supply, service or construction item based upon review of the rationale and supporting documentation, if applicable. The City Manager with the appropriate department head or designee shall conduct negotiations, as appropriate, as to price, delivery and terms. Award of sole source contracts shall be in accordance with Sec. 2-348(g).
- (b) When the City or one or more of its Departments, as approved by the City Council, acts as the General Contractor for a construction project with the stated purpose of reducing overall project costs through internal coordination and oversight, the following procedure must be followed. Projects under this section may not exceed \$1,500,000.00
  - (1) Prior to Council approval, a written project plan shall be submitted to the City Council. This plan shall include:
    - i. Department Head or other city official designated to be the Project Manager.
    - ii. A cost estimate for materials, subcontracted services, and equipment rentals;
    - iii. An estimate of internal labor hours, including the Department's role or expected involvement in the project;
    - iv. Identification of anticipated funding sources;
    - v. A summary of procurement deviations requested, including any expected sole-source or negotiated purchases;
    - vi. An explanation of how City-led management is expected to yield cost savings or operational benefits.
  - (2) The City Manager must review and approve the project plan prior to its submission to the City Council for consideration. The City Manager shall verify that the plan is complete, to include but not be limited to the requirements of (a)1-6 of this section and that the internal capacity and oversight mechanisms are sufficient to support the proposed project approach.

(3) For projects approved by the City Council under this section, negotiated procurement is authorized in the approved plan:

- i. The Project Manager is authorized to negotiate purchases for goods or services of the project costs based on preapproved time & material price schedules or other approvals obtained in accordance with this Division and does not require additional approval from the Finance Committee or City Council. These purchases are exempt from the tiered review thresholds set by Section 2-348(g).
- ii. 2. Purchases of goods that exceed the estimated project costs shall remain subject to the requirements of the tiered review thresholds established under Section 2-348(g) **unless** the City Council explicitly exempts such purchases through its project approval vote.

**Sec. 2-353. Emergency procurements. [Ord. of 4-21-1998(2)]**

Notwithstanding any other provision of this article, the City Manager may make or authorize others to make emergency procurements of supplies, services or construction items when there exists a threat to public health, welfare or safety; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written explanation of the nature of the emergency, the goods or services procured, the procurement method used, and the total cost shall be submitted to the Finance Committee at the next scheduled meeting following the procurement. This report shall be entered into the public record and include certification by the Finance Director verifying the availability and source of funds.

**Sec. 2-354. Cancellation of invitation for bids or requests for proposals. [Ord. of 4-21-1998(2)]**

An invitation for bids, a request for proposals or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the City. The reasons therefor shall be made part of the contract file. Each solicitation issued by the City shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interest of the City. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

**Sec. 2-355. Responsibility for selection of methods of construction contract management. [Ord. of 4-21-1998(2)]**

The City Manager shall designate the official(s) to be responsible for any construction project in excess of \$50,000.

**Sec. 2-356. Bid security. [Ord. of 4-21-1998(2)]**

- (a) Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the designated official for construction contracting

management to exceed \$50,000. Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the Finance Director. Nothing herein shall prevent the requirement of such bonds on construction contracts under \$50,000 when the circumstances warrant.

- (b) Bid security shall be in an amount equal to at least 5% of the amount of the bid.
- (c) When the invitation for bids requires security, noncompliance requires that the bid be rejected unless it is determined that the bid fails to comply only in a nonsubstantial manner with the security requirements.
- (d) If a bidder is permitted to withdraw a bid before award as provided in Section 2-348(f), no action shall be taken against the bidder or the bid security.

**Sec. 2-357. Contract performance and payment bonds. [Ord. of 4-21-1998(2)]**

- (a) When a construction contract is awarded in excess of \$50,000, the following bonds or security shall be delivered to the City and shall become binding on the parties upon the execution of the contract:
  - (1) A performance bond satisfactory to the Finance Director executed by a surety company authorized to do business in Maine or otherwise secured in a manner satisfactory to the City Manager and Finance Director in an amount equal to 100% of the price specified in the contract; and
  - (2) A payment bond satisfactory to the Finance Director executed by a surety company authorized to do business in the state or otherwise secured in a manner satisfactory to the City Manager and Finance Director for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in the amount equal to 100% of the price specified in the contract.
- (b) After notice to the awarding authority, defined under Sec. 2-348(g), at the time of approval by the respective department, the amount of performance and payment bonds may be reduced by the awarding authority to 50% of the contract price for each bond when a written determination is provided in the approval documentation that demonstrates to the awarding authority that such a reduction is in the best interests of the City to do so.
- (c) Nothing in this section shall be construed to limit the authority of the City to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in Subsection (a) of this section. Nor shall this section be construed to limit the authority of the City to require warranties or guarantees against defects where circumstances recommend them.

**Sec. 2-358. Maximum practicable competition. [Ord. of 4-21-1998(2)]**

All specifications shall be drafted to promote overall economy for the purposes intended and encourage competition in satisfying the City's needs, and shall not be unduly restrictive. The policy enunciated in this section applies to all specifications including but not limited to, those prepared for the City by architects, engineer, designers and draftsmen.

**Sec. 2-359. Brand name or equal specification. [Ord. of 4-21-1998(2)]**

- (a) Brand name or equal specification may be used when the Purchasing Agent determines in writing that:
  - (1) No other design or performance specification or qualified products list is available;
  - (2) Time does not permit the preparation of another form of purchase description, not including a brand name specification;
  - (3) The nature of the product or the nature of the City's requirements makes use of a brand name or equal specification suitable for procurement; or
  - (4) Use of a brand name or equal specification is in the City's best interest.
- (b) Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as or equal references and shall further state that substantially equivalent products to those designated will be considered for award.
- (c) Where brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition.

**Sec. 2-360. Brand name specification. [Ord. of 4-21-1998(2)]**

- (a) Since use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Agent makes a written determination that only the identified brand name item or items will satisfy the City's needs.
- (b) The department head shall provide sufficient information to the Purchasing Agent to identify sources from which the designated brand name item(s) can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 2-352.

**Sec. 2-361. Finance Committee may examine and order payments. [Ord. of 4-21-1998(2)]**

The Finance Committee may examine every bill, claim and demand presented for payment by any person or department official and may question its legality and validity. To support its oversight and review responsibilities, the Finance Committee shall be provided read-only access to the city's financial software system (for instance Munis or any current equivalent). This access shall include all expenses, revenues, encumbrances, and financial activity as well as line-item budgeted amounts. Information shall be provided in a format that enables the Committee to evaluate all financial activity whether or not previously budgeted relative to the appropriations approved by the City Council in the adopted budget. The Finance Committee shall also have oversight responsibility to ensure that all expenditures budgeted or unbudgeted are properly recorded, tracked, and documented in the city's financial system. Discrepancies, omissions, and material concerns related to financial data integrity or unauthorized spending shall be documented and reported to the City Council and City Manager for corrective action.

**Sec. 2-362. Signed statement required. [Ord. of 4-21-1998(2)]**

The Finance Director is expressly enjoined and forbidden from approving any bill contracted by

any official, agent or employee of the City unless the goods, articles or materials charged in the bill have been delivered and that they are of the quality and quantity ordered.

**Sec. 2-363. Finance Director forbidden to pay or honor certain bills, warrants.  
[Ord. of 4-21-1998(2)]**

- (a) The Finance Director is expressly enjoined and forbidden to pay any bill contracted by any official, agent or employee of the City unless an approved invoice is attached to each bill presented for payment.
- (b) The Finance Director is expressly forbidden to honor or pay any warrant drawn for the payment of moneys from the City treasury when the appropriation of the department to which such payment would properly be charged has been fully expended, or when such payment would overdraw such department's appropriation.